



Town of Sunset Beach
Planning Board Meeting

Meeting Minutes of August 6, 2015
9:00 am

Members Present: Carol Santavicca, Chairperson; Greg Jensen, Noelle Kehrberg, Len Steiner, Bob Tone, Tom Vincenz

Members Absent: None

Staff Present: Rawls Howard, Planning Director and Acting Secretary

Chairperson Carol Santavicca called the meeting to order, established that a quorum was present. The Pledge of Allegiance was recited by all in attendance.

Postponement or Withdrawal Requests

Request by Rawls Howard to postpone Old Business Agenda item TA-15-11; Text Amendment; Town Initiated, proposal to amend Article 9, Part III, Outdoor Lighting until the August 20, 2015 meeting. The Representative from BEMC, Clayton Rivenbark was not able to be present as planned.

CHAIRPERSON CAROL SANTAVICCA CALLED FOR A MOTION TO POSTPONE.
MOTION CARRIED BY TOM VINCENZ. SECOND WAS MADE BY LEN STEINER.
MOTION CARRIED UNANIMOUSLY.

Public Comments

Richard Hilderman; 407 32nd Street: Stated concern with high tide reaching the dunes on the West end of Sunset Beach. Does not believe that 21 tracts of land can be created without disturbing the dunes.

Ken Sekley (sp); 416 40th Street-Sunset Beach should protect homeowners and fragile areas of the Town. Supports Richard Haldeman's research. This proposal is in direct violation of important regulations in regard to moving or removing the sand dunes in that area. Believes there will be increased flooding to other properties. Also, installing 21 septic systems on a coastal area like this will lead to higher contamination of the marsh areas.

David Eastburn; 424 32nd Street: Reports submitted by the developer are most likely written by people who support the developer. Study the facts of the reports and ask the developer to submit a second opinion/report. Some of the information cited in these reports is outdated. David submitted materials for the record, which are included as Attachment 1 of the minutes.

Jan Harris; 206 North Shore Drive: Has concerns that Sunset Beach could lose the FEMA subsidized flood insurance program. The flood study presented today contains nothing from a certified coastal expert and there is no assurance that there are not increased risks.

Charlie Nern; 647 Oyster Bay Drive: Owns a home on the beach. Does not believe that the flood insurance program would be in jeopardy.

Consideration of Approval of Minutes- None

New Business- None

Old Business

a. TA-15-11; Text Amendment; Town-initiated, proposal to amend Article 9, Part III, Outdoor Lighting. Agenda item postponed as specified above.

b. Preliminary Plat Review and Approval; Sammy Varnam, Agent; Sunset Beach West Subdivision; located past the terminus of West Main Street in Sunset Beach

The Planning Board requested that a flood study and water quality study be submitted by the developer. Staff is satisfied with the soil scientist study. His analysis shows there is potable water in Sunset West.

Rawls informed the Board that he initiated a third party review of the flood study by contacting John Gerber with NFIP in North Carolina. Mr. Gerber stated the analysis is sound and satisfactory in that it exceeds NFIP requirements. A NFIP Coastal Specialist in John Gerber's office found four items very technical in nature that should be reviewed further. Rawls offered the recommendation to table the vote on this proposal to the next meeting in order for the four items to be reviewed and commented on by the State given the sensitive nature of this project with citizen questions and concerns.

Rawls further stated that one item of concern outside of the four items that the Coastal Specialist mentioned was fill, which can be used in VE Zones, but not for structural support. Rawls stated he will require a full topographical survey of the Sunset West area before dirt is moved and building commences.

Engineer for the Sunset West project, Elizabeth Nelson, addressed the Planning Board and said she is working with the NFIP and the Coastal Specialist with the state to address those issues.

After deliberation, the Board agreed that as long as the four items were addressed to staff's satisfaction and met regulatory requirements, that there was no reason for the preliminary plat to not be approved.

LEN STEINER MADE A MOTION TO GRANT APPROVAL TO THE PRELIMINARY PLAT AS SUBMITTED WITH THE CONTINGENCY THAT THE 4 POINTS IN MR. GERBERS EMAIL BE SATISFIED WITH STAFF PRIOR TO ANY MOVEMENT GOING FORWARD WITH THE DEVELOPMENT.

Rawls interjected; include submitting a Topo survey before building permits are issued. Not necessarily needed for the Preliminary Plat approval, but, before any development starts. Development could start tomorrow or 5 years from now and I am going to request a Topo survey for the whole site to keep in file, it is protection for the Town and the project as a whole. This is standard procedure for this type of development. Rawls further stated that this does not need to be a condition; he would like to state for the record that a Topo survey will be requested and should be provided.

LEN RESTATED THE MOTION-A SECOND WAS MADE BY BOB TONE WITH THE CONTINGENCY THAT THE 4 ITEMS ARE MET PRIOR TO DEVELOPMENT.

MOTION WAS CARRIED UNANIMOUSLY BY VOTE:

Bob Tone-Yes
Greg Jensen-Yes
Len Steiner-Yes
Carol Santavicca-Yes
Tom Vincenz-Abstain
Noelle Kehrberg-Yes

Administrative Items:

A. Director and Staff Comment-CAMA Land Use update kickoff will be on September 30, 2015 at Sea Trail in The Blue Heron room.

Rawls shared with the Board that he attended the North Carolina Zoning Officials Conference last week and gained information in some changes in state legislation. He will let the Board know when other conferences are taking place close to home and so that Board members would have an option to attend.

He further stated that Randy Walters Flood Plain Administrator/ Building Inspector has given his resignation. Rawls will be acting Flood Plain Administrator until there is another person to take that place; also an ad is out to fill the vacant building inspector position.

B. Board Member Comments and Request for Future Agenda Items-None

Public Comments

Richard Hilderman-He made a direct quote from the NFIP in his document.

Stern; 424 32nd Street: Remove contingencies from vote, you need the ability to undo the vote if you do not agree with the results that come back from the state. He encouraged staff to take a look at the actual FEMA requirements. Look at the Technical Bulletin #5 included in the information submitted for the record.

Ken Sekley; 416 40th Street-Take a look at the technical aspects and the physical risks and impacts involved with this development as they are very real and substantial.

Charlie Nern; 647 Oyster Bay Drive-Reminisced on past Planning Board meetings and how pleasant they were.

Chairperson Carol Santavicca commented-"Our job is to oversee development and zoning to make sure that everyone works within the law or to recommend a change in the law if the law is bad. We are constricted by federal and local laws that exist and we are taking the measures to go to the state to review the documents that we have requested as a part of this preliminary plat process. The Town can be liable if we go beyond our scope of responsibility, we also take away the rights of the property owner, unless we can purchase the property. We are working to the best of abilities whether we want the development or not, we are here to enforce the law to the best we can and ask for as much documentation as legally permissible in this case and in all that we do."

Adjournment- 10:10 am. CHAIRWOMAN CAROL SANTAVICCA CALLED FOR A MOTION TO ADJOURN. MOTION CARRIED BY NOELLE KEHRBERG. SECOND WAS MADE BY TOM VINCENZ. MOTION CARRIED UNANIMOUSLY.

Town of Sunset Beach
Planning Board

Carol Santavicca, Chairperson

Submitted by:

Rawls Howard, Acting Secretary

Minutes Transcribed by Cindy Nelson, Planning Board Secretary

***There were no minutes approved at the August 6, 2015 Meeting.