

Historic Yorktown Design Committee

Minutes

September 20, 2023
East Room
York Hall
301 Main Street
Yorktown, Virginia

Members Attending: Tom Tragle
Margaret Mack-Yaroch
Carol Tyrer – Alternate Member - Voting

Staff Attending: Earl W. Anderson, AICP

Mr. Tom Tragle called the meeting to order at 7:00 PM, stating that since the change-up of the membership and the absence of Ms. Weekley, he was asked to step up and chair the meeting tonight, as he had experience when he was a member of the Planning Commission. He asked for everyone to bear with him and he is looking forward to hearing all the comments. He has built three homes in the County and an office building, so he has had the opportunity to deal with York County and this committee. As a reminder, this committee deals with the architectural elements, so please keep comments in that realm. He wants to give everybody an opportunity to share their point of view.

New Business

None

Approval of Minutes

The minutes of the June 21, 2023 meeting were approved unanimously.

Old Business

Application No. HYDC-241-23; G-Square, Inc., 524 & 528 Water Street

Mr. Anderson stated that he felt it might be helpful to give a short overview of items that came out of the Water Street Study and what the County is currently working on. The County has hired a traffic engineer to study traffic throughout the village area and we should have a report in the next few months. Additionally, the County has been looking at extending the waterline down Read Street to the beach area and making improvements to the street for drainage and sidewalks. Furthermore, improvements to the beachside of

Water Street will soon be studied and the County has worked up a plan to clean up the Church Street stairs and put some plantings along it to improve the view in that corridor.

The application before you tonight was submitted by G-Square, Inc., requesting approval of the design and architectural features of a new outdoor dining area (boardwalk) proposed to be placed between the two existing restaurants (the Pub and Larry's Lemonade) located on Water Street. The proposed boardwalk would enhance the existing 400-square-foot outdoor area approved for Larry's Lemonade in 2018 and replace the existing nonconforming tent at the Pub. The submitted plan and narrative show the boardwalk would have two outdoor under-roof bars (on each end), a dining area between, an ADA-accessible bathroom, and a trash enclosure (next to Larry's). The proposed boardwalk would relocate the dumpsters to the Read Street side of the property with an enclosure and push the parking out to defined parking spaces within the right-of-way. The outdoor dining area is shown with three sails over the top to provide shade. The proposed boardwalk would be stone, precast concrete, brick, board-formed concrete, and stamped concrete for the raised platform. The bar roofing materials would be low slope roofing with single-ply EPDM membrane, black in color. No signage has been proposed for the boardwalk. If the applicant wanted to add signage later it would be reviewed by the HYDC.

The boardwalk structure will need to be reviewed under the YVA – Yorktown Village Activity district permit requirements for the expansion of the restaurant use and is scheduled for the October 11, 2023, Planning Commission meeting. The Board of Supervisors will make the final determination on the YVA permit. The subject property is located in the Waterfront sub-district, as defined by the Yorktown Historic District and Design Guidelines, and should be evaluated for conformance with the Waterfront standards (see standards on page 29 of the Design Guidelines).

Mr. Anderson noted that there are several points that the committee should consider in their process. These include landscaping along the hillside, parking, the proposed string lighting on the boardwalk, the low-slope roof over the bar areas, the shade sails, and the balusters on the railings.

In the staff's opinion, the proposed construction is consistent, subject to certain conditions, with the Design Guidelines and with the character of surrounding structures and the Waterfront sub-district. Staff believes that the proposal is well conceived, improves pedestrian safety, consolidates and organizes the existing parking, and will represent a significant improvement to this segment of Water Street. Accordingly, staff recommends that the Committee find it consistent with the Yorktown Design Guidelines, subject to the following conditions:

1. The architectural design and features shall be consistent with the conceptual renderings entitled "Boardwalk On Water Street" and provided documentation and materials prepared by GuernseyTingle, and dated August 28, 2023.

2. Two alternating rows of evergreen trees with branching to the ground, but not having a height of more than 15 feet at maturity shall be planted along the hillside behind the boardwalk and Larry's Lemonade to provide screening.
3. Sidewalk materials and design shall match the existing sidewalk on the beach side of Water Street.
4. Parking areas shall be surfaced with the same materials as Water Street.
5. Lighting shall be installed and maintained to prevent unreasonable or objectionable glare onto adjacent rights-of-way and properties and shall incorporate the use of "full cut-off" luminaries/fixtures at levels that shall not exceed 0.1 footcandles at the perimeter property lines of the abutting residential property on the bluffs. Lighting placement shall be under a roof or shade sail.

Mr. Tragle asked if there were any questions for staff and hearing none he asked the applicant to speak.

Mr. Tom Tingle stated that he is the President of GuernseyTingle Architects. He combined the two applications in his presentation, so he will be discussing both. He then introduced the other team members at the meeting, Mr. Rick Tanner, who's the owner and operates the Pub, from Henderson, Inc. who is the general contractor, Leslie Henderson-Murphy and Al Davis, and Ryan Stevenson from AES Consulting Engineers. They are all working for Mr. Granger who had a family commitment and could not be at the meeting tonight. This team worked with Mr. Granger on the revitalization of the Prince George Street corridor, in Williamsburg which consisted of a mixed-use building with a restaurant on the first floor. The revitalization helped to allow street activities, with folks out there walking and milling about, and includes some outdoor dining. He discussed the clean-up of this area of Water Street over the past decade and the removal of the old hotel and residential structure, along with eliminating the kudzu that had infiltrated the hillside. He then walked through the project highlighting a variety of elements. The boardwalk is utilized to try to tie the two buildings together, with the low-sloped roof used so as not to project above the two restaurants. The project would clean up the current area and move the existing dumpster off Water Street to behind the new building, in addition, to paving the parking and creating a sidewalk along this side of Water Street. He said they were fine with the landscaping requirement as it made sense.

Mr. Tingle continued discussing the materials and colors proposed that represented the nautical theme for the overall project. He said they could be flexible in what materials and colors the committee felt would be best for the site. He stated the gables are fairly small and the new restaurant was kept at a residential scale to help it blend in with the setting. The entrance for the public is on Read Street because of the six feet of elevation from Water Street. The transition from Water Street up to the restaurant entrance starts with planter walls, so you don't see a high foundation. They went with a stone look, which is intended

to be a play on the marl stone bluffs. They wanted to raise the deck, so patrons sitting there can get a great view of the beach not necessarily the cars, but not up so high that it starts to impact the elevation. The planter walls are there to create a softening and edge while providing some greenery. They support the staff condition for the string lighting that would be under the sails or under the roof. The idea of the horizontal rails is to allow the bar space to be separated from the sidewalk. As to why they chose not to enclose the whole thing, they wanted people to feel that it was part of the beach spot. Patrons can step off the beach and get a sandwich at lunchtime or even stick around for an hour or two to have an early dinner or break for a beer. Also, the restrooms are tucked back along the back side of the boardwalk. They are open to hearing the conversations and discussions about the design, materials, and other details from those present and the HYDC. This is going to be a great addition to the Yorktown Village and be recognized as a fun space.

Ms. Mack-Yaroch asked how the trees would go on the bluff.

Mr. Tingle stated that the idea would be to put them down closer to the outdoor deck.

Mr. Anderson stated that it may require some grading.

Ms. Mack-Yaroch queried if there were any current measurements of the bluff to show how a 15-foot evergreen might impact the view.

Mr. Anderson stated that staff suggested 15 feet, but there are plants like an emerald green Arbor Vitae and Hollywood Juniper, which don't get above 10 feet.

Margaret Mack-Yaroch there were some evergreen trees planted near Chischiak Watch that were supposed to be small but grew very large. She thinks it would be important for those residents to know how high the plantings would get.

Mr. Anderson stated that the trees were suggested by the County's Yorktown resident plant expert.

Ms. Mack-Yaroch stated that she has concerns with the vertical deck railings because of safety issues and children. She prefers horizontal railings.

Mr. Tingle stated that the area between is about four inches, so he thinks it would be safe. As to the height of the trees, for perspective, the elevation of the sidewalk is about five to six feet, then three feet up to the deck and the elevation to the top of the bluff is about 34 or 35 feet. Trees that are 10 to 15 feet would not block views from the bluff of the beach.

Ms. Mack-Yaroch asked where exactly the new dumpster would be located and if it would be enclosed. Lastly, what is the height of the retaining wall in that area along Read Street?

Mr. Tingle stated that the retaining wall starts at about three feet high and goes up to ten feet. Then on the other end, there is a stair that has probably been there for 50 or 60 years, which will be removed. From this area, you will be at the top of the new retaining wall that is sixteen feet in height; however, there will be a guardrail and landscaping with evergreen shrubs for safety and screening. Additionally, the dumpster will be enclosed.

Ms. Mack-Yaroch asked if they had an estimated amount of parking spaces from the current to what you're proposing here along the front.

Mr. Tingle stated they are adding one to two spaces.

Mr. Anderson clarified that Mr. Rick Tanner has said in the past they can park 32 cars across the Water Street frontage but can get more if they double park cars. The proposal cleans the parking up and creates designated parking spaces and they are creating two new ADA-compliant spaces off Read Street.

Ms. Mack-Yaroch asked if either of the existing restaurants is currently ADA-compatible.

Mr. Tingle stated that neither of the existing restaurants would change. The new boardwalk would have a ramp and compliant bathrooms. The new restaurant would have to be ADA-compliant because it is a new structure regardless that's why the entrance is on Read Street.

Mrs. Terri Hodson asked if Larry's will remain open.

Mr. Rick Tanner said that was the game plan. Mr. Arlis Reynolds has the lease, and he'd probably be better suited to answer that question.

Mrs. Hodson asked if the County was going to require them to be open at certain times.

Mr. Anderson clarified that the County cannot control how a private business operates.

Ms. Hodson noted that Riverwalk has to be open on certain days.

Mr. Anderson stated that was probably because the Economic Development Authority owns the property.

Mrs. Hodson asked if the existing Pub was going to remain open as a restaurant.

Mr. Tanner stated that it would and was not going to change.

Ms. Hodson opined that the new restaurant would be a kind of extension to the Pub or is it going to be a totally different restaurant.

Mr. Tanner said it was going to be both. It would be an extension with a different menu or a more upgraded menu. The Pub interior and menu are going to remain the same and are not changing, because it is working and people like it.

Mrs. Hodson noted that she loves the boardwalk. She acknowledged that it is not historical, but is beachy. She thought it would be an upgrade and is glad that there is a proposal to do landscaping along the bluff.

Mr. Jose Longoria stated that he thinks the proposal is amazing and it looks great compared to what is there today. He thinks the vertical slats in the deck should be considered as they are more consistent with the Guidelines. He would also like to see how the lighting on the exterior and specifically along the sidewalk is going to look. He appreciates the two extra parking spots on Read Street, as any additional parking is helpful. The materials proposed seem very appropriate and he agrees with Mrs. Hodson that it has a very beachy feel. He looks forward to seeing it.

Mr. Tragle asked if anyone had any thoughts on the blue roof and shade sail colors.

Mr. Longoria noted that he was okay with the color.

Mrs. Hodson said that yes, she was okay, but if the building was down by Riverwalk, it would be a different story. She also stated that she loves all the windows. The proposal is such a vast improvement.

Mr. Arlis Reynolds opined that he wanted to clear up the economics part of Larry's Lemonade. This proposal would virtually ensure their ability to be open more frequently. He has invested a lot of time and money into the restaurant and he wants to stay and make it work and improve and become more efficient. This proposal guarantees the ability to thrive; however, right now, it is a struggle.

Mrs. Hodson asked if Larry's building would be improved because when you walk down those steps, it's horrible.

Mr. Reynolds agreed, but he did not know what else he could do to improve the structure.

Mr. Tingle noted that the County is going to be planting along the Church Street stairwell, so that should help with the view from the stairs.

Mr. Larry Raithel stated that he lives on Church Street. He agreed with the others that this was a fabulous proposal. He would want to take folks down there and enjoy an evening. He is concerned with the light pollution and noise pollution that are going to come right up the bluff. He also noted that this is increasing the seating capacity significantly and not really adding any more parking. He does not want the Village to become a parking lot. Many people who come to the area drive around looking for places to park and then end

up parking illegally. He doesn't have an answer for parking, so even though he likes the idea he cannot support it without figuring out the parking. The numbers added up to 291 seats for dining. If you divide that by an average of three people per car that is 91 cars and you have 30 parking spots. Maybe the answer would be to approve the boardwalk and see how it all plays out, then come back with the new restaurant.

Mr. Seldon Walker stated that he is the Rector at Grace Episcopal Church and he seconded the other comments made tonight. This is a fabulous design. The biggest concern for him is the elevation of the new restaurant from the Riverview deck and how it will impact the view of the river. He would like to see an elevation that shows that view. The other big concern was the staircase, but it sounds like that is going away. The last concern is that when they were reconstructing Riverview, they wanted to put a picket fence on that eastern property line to protect people from falling off the cliff and were denied by the Historic Yorktown Design Committee because it would impact the view shed to surrounding areas. So if a fence line protecting people from falling over the cliff is impacting the viewshed, then a new building that is much higher than the existing Pub is going to impact the viewshed. Otherwise, I think this is going to be great for the Village.

Mr. David O'Brien noted that he is the liaison of the building and grounds committee at Grace Episcopal Church and followed the construction of Riverview from start to finish. His concern is with the viewshed from the home. He thinks the elevated gable roof that runs north-south, is perhaps unnecessarily high. They would need to see some renderings looking down to the beach and river to be able to give their full opinion. He also thought the planting plan is really important because he definitely has concerns about noise and light trespass coming up from that outdoor seating area. People at Riverview will not want to look down on an outdoor restaurant, just as patrons of the restaurant will not want to look up and see their neighbors peering down at them. The church would like to be involved as things move forward and provide whatever input is needed.

Mrs. Mack-Yaroch asked if Mr. Tingle could note the height and elevation pitch difference between the proposed and Larry's and the Yorktown Pub.

Mr. Tingle stated that the elevation at the sidewalk is roughly five or six feet and at the top of the bluffs is about 35 feet and as that relates to the Riverview home it would probably be a little bit higher. The height is measured from the average grade around the building to the midpoint. The midpoint is between the eave and the ridge. The elevation of the restaurant is 24 feet and nine inches. The reason for the gables being so narrow was that they did not want to have a very large gable that was 30 to 40 feet wide. If you add the height of the restaurant and ground elevation of six feet, the elevation would be about 30 feet nine inches, relative to 35 feet at the top of the hill. The Riverview home will not have a straight-line view down to Water Street, but the view will not be blocked to the river. He can use the 3D model and can provide elevations looking down from Riverview.

Mr. Tragle asked if anything would prevent the gable from being a lower height.

Mr. Tingle stated that he thought they could drop from 12:12 to 10:12 or even 9:12.

Mr. Tragle said that could also address some of the concerns for height.

Mr. Anderson clarified that when the Riverview home was reviewed, it was the opposite that the County staff and the HYDC wanted to put up the picket fence. It was Grace Episcopal Church that did not want to build the picket fence, which is why the weird deck railing was proposed and approved. If the Church wanted to put the picket fence up he was sure the HYDC would respond positively.

Ms. Christine Williams opined that she was the attorney representing Mrs. Beverly Krams. She stated that she sent a letter to the HYDC prior to the meeting covering many of her points. She read the Design Guidelines and she does not feel the project fits within the scope or the essence and is not compatible with the Design Guidelines. The word compatible is used in the Guidelines repeatedly. In fact, the overview states that "compatibility with the historic character is the most important consideration in evaluating appropriateness". The raised boardwalk is not compatible with the historic character of the village nor the existing adjacent buildings, Larry's Lemonade or the Pub. The proposals will negatively impact Mrs. Krams, whose two homes sit prominently on the bluffs directly above it, as can be seen in every single photo that was shown tonight. The Design Guidelines state, "Buildings and facades should be compatible with the size and character of the area's buildings" and this proposal does not provide for that accountability. The proposal is not cohesive with the existing buildings, nor similar in nature. The proposal is character-altering for the waterfront, in front of a river and a street that has been in existence since the 1600s.

The scale of this project is massive. It will cause the location to be completely overrun. The combined proposal calls for an addition of 7,100 square feet. It has additional seating for 291 people not including the current amounts at the Pub or Larry's Lemonade, so altogether roughly seating 400 people. These numbers do not include either bar area where there is additional seating on railings or people standing around. So the amount of people far outweighs the thirty proposed parking spots and three ADA parking spots. There is not enough room and space to accommodate the scope of this project, which could be potentially disastrous for the area. The raised open boardwalk with two outdoor bars and restrooms is practically in Mrs. Krams' front yard and provides inadequate screening for her from the activities below which will undoubtedly generate excessive noise and sights at all hours of the day and the night. The Design Guidelines say, "scenic and pleasant views to and from the York River and vantage points such as the bluffs", which is where Mrs. Krams homes are, "should be protected and maintained and views objectionable in the historic district from such a vantage point should be screened whenever possible." "Preservation of historic scenic views should take precedence over any allowances concerning size, scale, form, and massing". It is quite possible to decrease the scope of this project and to screen the objectionable views, but no such appropriate screening has been

included in this application. The use of a few sails which as Mr. Anderson himself acknowledged are not even in your Design Guidelines and pergolas is highly insufficient.

Mr. Anderson also noted that there was no signage submitted, no landscaping, and no lighting plan, which makes it difficult to opine about the impact but is likely to impede upon Mrs. Krams' property and that of her neighbors. The Design Guidelines state, "Lighting wattage must not create inappropriate light trespass onto adjacent properties, or glare onto adjacent properties, public streets or public areas". The information is insufficient to fully assess the impact of the lighting, but given the lack of almost any screening whatsoever, the raised boardwalk is highly likely to be problematic. The County proposed screening on the bluffs, but they are historic and the Design Guidelines talk about them being protected. Additionally, the bluffs are rock, how can it be landscaped? She thought it was going to be problematic to put landscaping that is sufficient to decrease sound, lighting, and activities.

Ms. Williams continued that the parking situation is in complete violation of the Design Guidelines and a recipe for disaster. She understands the issues in this area and that it is difficult to attain new parking, but the Guidelines say parking is supposed to be adjacent to buildings. While this is not a design issue per se, it is worth noting, as Mr. Anderson also noted that the parking plan is outside the current boundary line and will require an adjustment. This is troublesome for the historic village and waterfront areas as the parking is going to impede on the beach and be pushed out toward the water. I noted in Mr. Anderson's proposal that several parts of this application do not meet the Guidelines. He said the shade sails are not in there and neither is the proposed color of the shade sails. The roofing will slope outside of your standards. No lighting is shown in the pictures and the railings are not in compliance. Therefore, the Design Guidelines are what governs this plan and this plan is not in compliance with them. In closing, she thinks this application will negatively affect the character of the historic district and the quiet enjoyment of the adjacent, overlooking houses owned and occupied by Mrs. Krams and the church. The massive proposed deck terrace will be raised above the vehicles on Water Street and be open to Mrs. Krams' property with no sound abatement and barely any screening. The proposed development will be extremely disruptive to Mrs. Krams and not in line with the historic nature of the village, the waterfront, or the Design Guidelines.

Mr. Tragle thanked everyone for the comments and brought it back to the HYDC.

Ms. Mack-Yaroch thanked everyone for the input tonight. It is nice to see people come together and recognize the positives and things that can be looked at to address them in a different way to have a favorable outcome. A couple of things that she thinks are outstanding, but not deal breakers, are the color of the shade sails and the roof, the height, lighting, landscaping, and, how the parking comes into play. She is judging based on whether these items pertain to the Guidelines or are perhaps preferences. She likes to look at what is currently in Yorktown. There are lanterns used at tables that are more Colonial but maybe do not have as much of a beach feel. Overall, she thought the proposal was very

thorough. The committee looks at many things and she has an understanding that not everything proposed is going to fall inside all of the guidelines and that there is some flexibility to approve development that will provide improvements. Her biggest concern is that the railings won't have a child putting their head through it and getting stuck.

Ms. Carol Tyrer added that she agreed with Ms. Mack-Yaroch. The proposal is a great design and she feels the committee can work with the applicant to figure out any changes.

Mr. Tragle opined that he had spent a little bit of time looking at photos from the 1900s and he has talked to people who have lived here for generations. There has been a variety of business uses down at the waterfront. Uses like businesses that sold oil, commercial fishing operations, and bait and tackle shops. There was also Nick's, which was a Modern Greek-style building, and Yorktown was known for Nick's internationally. The historical aspect of the waterfront area has looked a little rugged, but the beach has always been a beach. He saw a postcard where the cars were parked three deep right on the beach and there were more people on that beach back in the 30s or 40s, than there are now. This area has always been commercial and oriented to tourists. The proposal tonight is such an upgrade for what is a bit of an eyesore. The raised platform and outdoor dining are appropriate, as that is also available in Riverwalk. To be able to visit the historical areas and then sit, eat, and talk with others, particularly on the river is just so appropriate for this area. This is a fantastic opportunity to provide a real upgrade to the waterfront. He is fine with the flat roof over the bars, as they match well with both Larry's and the Pub. He had few concerns about the color, as he thought a black roof would be more appropriate and would anchor well with the motel color scheme. He hears that the blue color is very beachy and seems to be okay and not a concern with the community. He is fine to approve the blue or ask them to comply with the palette. He thought the biggest item now would be to bring in elevations looking from the Riverview home at the new restaurant, which should include the current roof pitch and the lower pitch discussed earlier. Once that is done we can take a look and see if it blocks the views or not.

Mr. Anderson said that he had not presented the new restaurant information yet, but thought now might be a good time. Mr. Anderson stated that this application, submitted by G-Square, Inc., requests approval of the design and architectural features of a new 4,100-square-foot restaurant proposed to be located at the intersection of Water Street and Read Street on the hillside to the left of the Pub. The restaurant would be placed to take advantage of views of the river and beach with a wraparound porch that will offer three-season dining. The entrance to the restaurant is proposed to be on Read Street with a small porch and stoop. The applicant describes the restaurant building as being residential in scale, with traditional fiber-cement siding, a wrap-around porch, and a standing seam metal roof. Though the rendering shows a ship and sign on the Water Street side of the building, no details for signage have been proposed. If the applicant wanted to add signage later it would be reviewed by the HYDC.

The proposed restaurant use will need to be reviewed under the YVA – Yorktown Village Activity district permit requirements for the expansion of the restaurant use and is scheduled for the October 11, 2023, Planning Commission meeting. The Board of Supervisors will make the final determination on the YVA permit. The subject property is located in the Waterfront sub-district, as defined by the Yorktown Historic District and Design Guidelines, and should be evaluated for conformance with the Waterfront standards (see standards on page 29 of the Design Guidelines).

Items for the HYDC to consider include the following: the parking, landscaping and building lighting, landscaping along the top of the retaining wall, the scale and height of the new restaurant, the entrance being on Read Street rather than Water Street, and the color of the roof.

In the staff's opinion, the proposed construction is consistent, subject to certain conditions, with the Design Guidelines and with the character of surrounding structures and the Waterfront sub-district. Staff believes that the proposal is well conceived, improves pedestrian safety, consolidates and organizes the existing parking, and will represent a significant improvement to this segment of Water Street. Accordingly, staff recommends that the Committee find it consistent with the Yorktown Design Guidelines, subject to the following conditions:

1. The architectural design and features shall be consistent with the conceptual renderings entitled "Boardwalk On Water Street" and provided documentation and materials prepared by GuernseyTingle, and dated August 28, 2023.
2. Evergreen shrubs with branching to the ground, but not having a height of more than five feet at maturity shall be planted along the top of the retaining wall to provide screening.
3. Sidewalk materials and design shall match the existing sidewalk on the beach side of Water Street.
4. Parking areas shall be surfaced with and match that of Water Street.
5. Lighting shall be installed and maintained to prevent unreasonable or objectionable glare onto adjacent rights-of-way and properties and shall incorporate the use of "full cut-off" luminaries/fixtures at levels that shall not exceed 0.1 footcandles at the perimeter property lines of the abutting residential property on the bluffs.
6. Parking and pedestrian lighting shall be shielded and down-directed toward pedestrian and parking areas and avoid light trespass toward the rear of the property.
7. Wood siding should be horizontal clapboard (beaded edge or beveled) with approximately six inches (6") exposure. Trim should be made of trim-grade lumber,

not to exceed two inches (2") in actual thickness, six inches (6") in width at corners and four inches (4") around openings, except for trim around the main entrance(s) which can be of different sizes and configurations compatible with the building style and features.

8. New retaining walls should be finished in brick or granite. Existing retaining walls that remain shall have an architectural treatment to blend in with the building and/or hillside and not be seen from the beach or river.
9. Any roof vents, chimney caps, and plumbing vents shall match the color of the roof or shall be black, dark gray, or copper/bronze.
10. Any commercial kitchen exhaust vents shall be concealed from view from public streets, walkways and the river.

Mr. Anderson suggested that they may want to move the boardwalk for approval and table the new restaurant to the next meeting to give Mr. Tingle time to do an elevation from the Riverview home.

Mr. Tingle agreed that they could provide the elevation from the Riverview home.

Mr. Tragle stated that he forgot to mention the curfew in place, which regulates who can be in Yorktown Village after midnight. This action by the Sheriff's Department seems to be appropriate and addresses many of the concerns about late-night activity. As a side note, he would like to see the Planning Commission and the Board require a 9:30 p.m. closing time for the proposals.

Mr. Tanner said he would be agreeable to that.

Mr. Anderson said that the time limit will be part of the Yorktown Village Activity permits that go to the Planning Commission and Board of Supervisors.

Mr. Tanner stated that even during the peak season he is closing at 10 o'clock, as everything winds down at the Pub. In addition, if you are outside you have to see to eat and to serve. He does not have a problem with the last seating being 9:30 p.m.

Tom Tragle

One last question on the outdoor lights is that something that the committee could require to be turned off by a certain time?

Mr. Anderson stated that a condition to have the lights off is relevant to the Historic Guidelines. He noted that the Zoning Ordinance requires full cut-off down-directed lights that are no more than .10 one-footcandles at the property lines for the abutting residential property.

Ms. Mack-Yaroch moved approval of Application No. HYDC-241-23 involving the design and architectural features of a new outdoor dining area (boardwalk) proposed to be placed between the two existing restaurants (the Pub and Larry's Lemonade) located on 524 and 528 Water Street, subject to the following conditions:

1. The architectural design and features shall be consistent with the conceptual renderings entitled "Boardwalk On Water Street" and provided documentation and materials prepared by GuernseyTingle, and dated August 28, 2023.
2. Two alternating rows of evergreen trees with branching to the ground, but not having a height of more than 15 feet at maturity shall be planted along the hillside behind the boardwalk and Larry's Lemonade to provide screening.
3. Sidewalk materials and design shall match the existing sidewalk on the beach side of Water Street.
4. Parking areas shall be surfaced with the same materials as Water Street.
5. Lighting shall be installed and maintained to prevent unreasonable or objectionable glare onto adjacent rights-of-way and properties and shall incorporate the use of "full cut-off" luminaries/fixtures at levels that shall not exceed 0.1 footcandles at the perimeter property lines of the abutting residential property on the bluffs. Lighting placement shall be under a roof or shade sail.

By voice vote, the motion was approved unanimously.

Ms. Tyrer moved to table Application No. HYDC-242-23 for the new restaurant at 540 Water Street to the October 18, 2023 meeting of the HYDC to allow the applicant to provide renderings from the bluff, specifically from the Riverview home, with the proposed roof pitch and with a reduced pitch for the new restaurant.

By voice vote, the motion was approved unanimously.

Applications for Certificates of Appropriateness

None

Reports and Committee Requests

Mr. Anderson reported that there had been three administrative approvals since the last meeting. Paula Guerrero changed part of her picket fence to a privacy fence, the County installed a new generator behind the Economic and Tourism Development office, and the Van Cleaves, who own Yorktown Cottages replaced the siding and roof on their shed.

There being no further business to come before the Committee, the meeting was adjourned at 8:48 pm.

Respectfully Submitted,

Earl W. Anderson, Secretary

Approved by HYDC: EW. Anderson