

## TOWN OF BLACK MOUNTAIN PLANNING BOARD

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The Black Mountain Planning Board held its regular meeting on Monday, August 27, 2018 at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

### I. CALL TO ORDER

The meeting was called to order with the following members present:

Peter Vazquez, Chair  
Pam Norton, Vice Chair  
Jennifer Willet  
Lisa Milton  
Jesse Gardner  
Scott Reed

Absent:

Michael Raines

Staff:

Jennifer Tipton, Zoning Administrator  
Jessica Trotman, Planning Director

The meeting was called to order at 5:59 p.m. and duly constituted and opened for business with a quorum of six (6) regular members.

### II. ADOPTION OF AGENDA

Lisa Milton made a motion to adopt the agenda as presented. The motion was approved by consensus by a vote of 6-0.

### III. ADOPTION OF MINUTES

Lisa Milton made a motion to adopt the minutes of July 23, 2018 as written. The motion was approved by consensus by a vote of 6-0.

### IV. OLD BUSINESS

#### **1. Right-of-Way Closure Request for First Street (off of Blue Ridge Road)**

Ms. Tipton gave a brief overview of the closure and added that Town Attorney Ron Sneed is looking into the alleyway as there is a registered plat that shows the alleyway extending further than Buncombe County GIS shows. Ms. Tipton also handed out an additional petition form with the Penley's signatures in support of the closure and noted to the board that Andrew Bobilya had spoken to both Max Hutchins and Michael Sobol.

**Andrew Bobilya, 32 Blue Ridge Assembly Drive,** said that he would like to amend his request to include all of the right-of-way and that he will put in a fifteen foot driveway easement to allow for access and utilities and the driveway would go in the middle of the right-of-way and he would maintain the driveway but there could be the potential for a maintenance agreement if other neighbors chose to use the driveway easement.

**Max Hutchins, 1227 Highland Avenue,** asked who would be responsible for the maintenance of the driveway and would taxes be increased. It was explained to Mr. Hutchins that the intent is for a driveway to be installed and not a road so the Town would not maintain the driveway and taxes would not be raised but that a maintenance agreement could be drawn up amongst all the property owners who might use the driveway.

Planning Board Regular Meeting  
August 27, 2018

**Andrew Bobilya, 32 Blue Ridge Assembly Drive**, said that it is his intention to pay for the installation and maintenance himself and then may look into a maintenance agreement if other neighbors begin to use the driveway. Mr. Bobilya said that if the closure does not happen then he will apply for a variance in order to get some additional land on his back parcel. The board discussed waiting until Attorney Sneed had the information about the alleyway so that those owners could be notified. Mr. Bobilya said he would be fine waiting if it would help the board make a decision. Peter Vazquez made a motion to table the closure request until further information was available from Attorney Sneed. The motion was seconded by Jesse Gardner and approved by a vote of 6-0.

**V. NEW BUSINESS**

**1. Right-of-Way Closure Request for Wolf Creek Drive**

Ms. Tipton presented a request from Daniel Peninger to close a portion of Wolf Creek Drive. The portion being requested to be closed is approximately one hundred and twenty feet in length and is not part of any adopted plans, stormwater or drainage system and does not have any utilities located in the section to be closed. Ms. Tipton noted that the Fire Department had reservations about closing the section of right-of-way in case a road were to ever be built on the adjoining property, that is located in the county, then they would want to keep that section open to have better fire access to Wolf Creek Drive. Ms. Tipton noted that all property owners on Wolf Creek Drive had been notified of the meeting.

**Daniel Peninger, 30 Wolf Creek Drive**, said that he has been maintaining that section since 2006 and it is green space. Mr. Peninger said he owns 30 Wolf Creek Drive, his mother owns 27 Wolf Creek Drive and his wife owns 29 Wolf Creek Drive which is a vacant lot that Mr. Peninger would like to build his retirement home on. Mr. Peninger would like to place a trampoline and play area for the kids in the neighborhood but that won't prevent any utilities or accessibility (pedestrian and fire) from using that section if necessary. The Town maintenance for Wolf Creek Drive ends at the driveway for 30 Wolf Creek Drive.

**Dana Bobilya, 75 Maney Lane**, said that it is not the intention of Black Mountain Research and Technology to use the adjoining land for anything or to build a road on that property. Jesse Gardner asked if the Fire Department mentioned anything about a turn around and Ms. Tipton said that no they did not mention anything but a fire truck could use Mr. Peninger's driveway to turn around if need be.

Jesse Gardner made a motion to recommend the closure. The motion was seconded by Scott Reed and approved by a vote of 6-0.

**VI. COMMUNICATION FROM PARTNERING AGENCY**

None.

**VII. COMMUNICATION FROM PLANNING BOARD**

Lisa Milton asked about Cherry Street and why the issue did not have to come to the Planning Board and that people were not aware of the meeting that was held downtown.

Ms. Trotman explained that the issue went for a public hearing before the Aldermen and that all public input was attached. The meeting was open to anyone but specific to the business owners downtown as the town was trying to determine delivery truck schedules to find placement for delivery spaces.

Planning Board Regular Meeting  
August 27, 2018

Ms. Trotman said that the draft RFP for the Blue Ridge Road Small Area Plan is being prepared and will be sent out to the board for comment when it is finished. Town staff has not heard anything from DOT about the public meetings.

Pam Norton asked if Black Mountain Avenue could be included in the parking study. Ms. Trotman said that it could be but at the moment the MPO is still working on their contracts and until they release them, the Town cannot begin the process for the parking study.

Lisa Milton asked if DOT was paving State Street as there are constructions placed but covered up. Ms. Trotman said she did not know but would contact DOT and see if she could find out.

**VIII. COMMUNICATION FROM STAFF**

None.

**IX. ADJOURNMENT**

Jesse Gardner made a motion to adjourn the meeting at 7:13 p.m. The motion was approved by consensus by a vote of 6-0.

Prepared by:

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Peter Vazquez, Chair

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Jennifer Tipton, Zoning Administrator