

**TOWN OF ELKTON
PLANNING COMMISSION
JULY 6, 2020
VIRTUAL MEETING MINUTES**

Present: G. Edward Ginder; Keith Thompson; William Muller; Art Blount; Lisa Blackson, Esquire; Jeanne Minner, Director of Planning

Absent: Dave Wiseman; Rick Keane

Mr. Ginder called the meeting to order at 6:00 p.m. He stated the first item on the agenda was approval of minutes from the June 8, 2020 meeting and asked if there were any corrections. There being no corrections noted, he called for the motion.

MOTION: Motion was made by Mr. Muller to approve the minutes of the June 8, 2020 Planning Commission meeting as written. The motion was seconded by Mr. Blount and unanimously approved.

CASE # 1565 – REQUEST OF WILLIAM F. RIDDLE, ESQUIRE REPRESENTING FAIRWAY CAPITAL INVESTMENT, LLC, 204 E. MAIN STREET, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION FOR PLACEMENT OF A STORAGE TRAILER FOR A PERIOD OF THREE (3) YEARS. THIS ACTION CONCERNS PROPERTY LOCATED AT 213 W. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 314, PARCEL 310 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. William Riddle, Esquire was in attendance to present this request on behalf of Fairway Capital Investment, LLC. Mr. Riddle stated they are requesting the trailer for placement at a used and new tire sales & service business. He noted they will be using the trailer as storage to prevent the scrap tires from accumulating on the property and to keep the property clear. He noted two photographs showing the proposed location of the storage trailer on the property and stated they are requesting to allow the trailer for a period of three (3) years. He mentioned that this would be similar to other properties which currently have storage trailers on site. He stated it would not affect other properties or travel on Route 40.

Mr. Ginder entertained questions from the Commission members. Mr. Ginder asked Mr. Muller if any fire regulations would be in effect for this use and the distance from the storage trailer to the building. Mr. Muller stated that when the trailer was placed at Tractor Supply that was looked into and was deemed ok because of where it was located and the fact that they had straw and hay. Mr. Muller felt it would be a good idea to look into any particular fire regulations for this particular use.

Mr. Ginder stated he had reservations about this type of use due to the same uses in the County and the way the properties look with tires all over the property. He would be in favor of approving the use if the tires were only allowed in front of the building and removed at the end of the day. He stated he did not feel tires should be displayed along the highway as a way of advertising the business. He felt that approving this for one year and at the end of that year they would need to come back before the Board for any additional length of time, such as three years. Mr. Muller stated he believed that is how the Board handled the trailers for the Walmart. Mr. Thompson stated he agreed with the one year timeframe as well.

Mr. Blount felt the one year timeframe was a good idea. He also questioned whether this will be a storage trailer or a tractor trailer trailer. Mr. Riddle stated it will be a tractor trailer trailer in order for it to be used to transport the scrap tires off site.

Ms. Minner asked Mr. Riddle if he had spoken with Mr. Bromwell about the display of tires outside the building. Mr. Riddle stated he had not spoken about the display of tires outside the building but that he understands the Commissions concerns seeing how similar uses in the County are handling this particular use. Ms. Minner noted she wasn't sure Mr. Bromwell would allow display of tires outside of the building. She asked Ms. Blackson to comment. She stated she had not spoken to Mr. Bromwell about this particular location but she believed, at other properties with the same use, outside displays were not permitted and fines could be given. Mr. Thompson pointed out that if the trailer is intended to be mobile then it should be currently tagged.

Mr. Ginder asked if anyone in the audience had any comments for or against this project. There were no comments presented.

MOTION: Motion was made by Mr. Thompson to recommend approval to the Board of Zoning Appeals contingent upon the following recommendations: 1) approval for a one year period; 2) no tires shall be displayed outside of the building or along the highway (for use as advertising or for storage); 3) trailer must be placed on either a blacktop or concrete hard surface; 4) trailer must be operable and 5) the trailer must remain tagged. The motion was seconded by Art Blount and unanimously approved by the remaining Commission members.

CASE # 1566 – REQUEST OF SHIELDS & SHIELDS, PC, 840 WALNUT STREET, PHILADELPHIA, PENNSYLVANIA FOR A SPECIAL EXCEPTION FOR A MEDICAL USE. THIS ACTION CONCERNS PROPERTY LOCATED AT 101 CHESAPEAKE BOULEVARD, SUITE C, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2439 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. David Lashinsky, Practice Manager for Shields & Shields, PC, was in attendance to present this request on their behalf. He stated they would like to open a medical practice in Elkton. They are currently in Philadelphia and Blue Bell, Pennsylvania. He stated they have a large patient population in the Maryland, D.C., and Virginia area and would like to set up a temporary site at this time. They would be doing remote imaging and then meeting with them by way of Telemedicine.

Mr. Ginder stated this is a pretty straightforward presentation and asked if the Commission members had any questions. There were no questions. Mr. Ginder asked if they are licensed through the State Medical Board to which Mr. Lashinsky responded that they are licensed through the State Medical Board and they would have required annual inspections. Mr. Ginder asked that if they are approved if a copy of the annual inspections could be forwarded to Mr. Chip Bromwell for the Town Building Department.

Ms. Minner questioned whether Mr. Lashinsky was a doctor. He stated that he is not. There was discussion regarding how the medical exams are being done if they are using Telemedicine. He explained that patients are seen at the site for the testing. Before the machines are delivered there will be a photographer who takes images, they are uploaded to the computer and then the doctor provides their patient with the diagnosis by way of a Telemedicine appointment. Their machinery is similar to those in other specialized ophthalmologic offices. He stated that any treatment which needs to be done will be done at their Philadelphia office. Mr. Lashinsky noted that this will be a temporary location and should the owner of the property find a suitable tenant who wished to use the entire surgery center then they would need to vacate the premises. They are currently on a month to month basis.

Ms. Minner asked Mr. Lashinsky if they are looking for a permanent site in Elkton. Mr. Lashinsky stated they do wish to move here permanently. Ms. Minner suggested that he contact her when they are ready to move forward in finding a permanent location.

Mr. Ginder entertained questions from anyone online or on the telephone. There were no questions.

MOTION: Motion was made by Mr. Muller to recommend approval to the Board of Zoning Appeals for the special exception for Shields & Shields, PC. The motion was seconded by Mr. Thompson and unanimously approved by the other Commission members.

REQUEST OF EN ENGINEERING REPRESENTING FREESTATE BUSINESS PARK, LP, PRELIMINARY MAJOR SITE PLAN. THIS ACTION CONCERNS PROPERTY LOCATED AT THE INTERSECTION OF MUDDY LANE AND BELLE HILL ROAD, ELKTON, MARYLAND, TAX MAP 304, PARCEL 2102, ZONED C-3 (HIGHWAY INTERCHANGE COMMERCIAL)

Mr. Bob Capalongo of EN Engineering was in attendance to present this request on behalf of Freestate Business Park, LP. He stated that this property had been submitted with a proposed project with mixed use in 2006 to 2008. This site was an old truck stop which has been there until the 60's or 70's. It has been vacant for some time now.

Mr. Ginder asked whether Mr. Capalongo had received comments from the Town and KCI. He replied that comments had been received from both. They are proposing 115,400 sf of floor area within two flex buildings which will be considered light industrial/warehouse. There will be parking in the front, some offices depending upon who will be leasing the space. It could also be five or six tenants or only one depending upon the lease.

Mr. Capalongo explained that Amtrak had asked that they move the stormwater facility outfall away from the tracks and they have modified the previous plans to address that request. They are currently waiting for Amtrak to approve this new outfall location.

He stated they will be receiving water and sewer from the Town, and they will be extending a public road (Belle Hill Road) with a cul-de-sac. They will be dedicating 30 feet of Belle Hill Road to Cecil County. They will provide a walk way that will extend from their property over to the hotel on Belle Hill Road. They anticipate placing signage for directional use for trucks coming to their property.

Mr. Capalongo stated they are in conversations with AT & T regarding their fiber optic line easement which runs along the entire length of the northern edge of the Freestate property. It would be too expensive to move so therefore they will be working around it to develop the property. This is causing some issues with a small section of required buffer yard (50-60 feet) along that property line. They are requesting a waiver in order to allow the mature stand of trees to remain as part of their proposed buffer at that location.

Mr. Capalongo stated they are also requesting a waiver for more parking spaces between landscape islands at a couple of locations. Ms. Minner noted that this is a waiver that the Planning Commission has granted on numerous occasions due to the layout of the parking lots on different projects. He noted that they are well over the required amount of green space for this project with the additional landscaping they are proposing at other locations on the site.

Mr. Capalongo stated that both Mr. Glenn Ercole and Mr. Steven Shaw, the owner, were at the meeting and are available should the Commission members or other audience members have any questions for them. Ms. Minner mentioned a comment from KCI regarding the truck turning exhibit in the area of the Cracker Barrel. He stated that they will have the radius surveyed to be sure it will work. Mr. DeLorimier suggested that they might want to consider a change in the radius at that curve since it would greatly

affect the safety for vehicles and pedestrians at that location. He stated he did not know, when reviewing the plans, the size of the trucks that are anticipated to be used as part of this development.

Discussion regarding the number of trucks which will be accessing this parcel ensued. Mr. Glenn Ercole stated to him that there will be far fewer trucks accessing this parcel than when it was used as the Bingo Truck Stop years ago. Ms. Minner interjected that the concern is that the road was configured differently at that time than it is today. Mr. Bob Mink, who lives on Muddy Lane stated that the trucks from the Bingo Truck Stop would egress back onto Route 279 from that area and did not have to make that turn that is now creating such a bottle neck at times. Mr. Ercole stated he is unable to tell at this time how many tractor trailers, straight trucks, cars or pickup trucks will be there. In his experience this type of use, as opposed to warehouse traffic, results in less heavy truck traffic and more service truck traffic. The majority of these units will likely be some components of office and some service warehousing rather than bulk warehousing.

Mr. Ginder noted that the Cracker Barrel and some of the other businesses on Belle Hill Road were not there when the Truck Stop was in use. He stated he has reservations about safety with this use. He also questioned whether all of the comments from KCI and the Town had been addressed. Ms. Minner stated that ordinarily they would address the outstanding comments between the Preliminary and Final submittals. Mr. Capalongo added that they have received the comments and are well into addressing them already. He stated the comments were not significant and that they shouldn't have any trouble addressing them. Mr. DeLorimier added that he felt this is the time to address the issue of the roadway and truck use concerns.

Mr. Mink stated that as a resident on this road there have been serious issues with the railroad bridge even with straight trucks that have come from both ends of Muddy Lane. He stated that drivers either miss the signs or are unable to read the signs and turn onto Muddy Lane which causes the traffic issues. The police have a difficult time trying to direct traffic to get the trucks backed out of the area. He said he and others on the road have had their fences damaged and mail boxes broken off when trucks try to turn around in their residential driveways. He said that something really needs to be done. Discussion ensued regarding what tactics can be used in order to keep large trucks from turning onto Muddy Lane which will be unable to access the tunnel. Different suggestions were made about how to improve the situation. It was determined that the Town, County and State need to be involved in making the decisions which might alleviate this situation.

Ms. Minner questioned whether the two entrances going into the cul-de-sac are one way. Mr. Capalongo stated they are not. She asked how they will avoid conflicts there. He stated there will be signage stated 'trucks only' and he noted that they are 35 feet wide which will easily accommodate two trucks passing each other. He stated they may place a height restrictor in order to keep trucks from entering at the front of the building.

Mr. Ginder asked for any other questions from the Commission members. There were none at this time. He opened the floor to comments from the audience. Mr. Joseph Grego of Radkie Lane was questioning whether Radkie Lane will remain 50 feet wide. Mr. Capalongo stated his private lane will not be affected and the site plan shows Radkie Lane being 50 feet wide. It was noted that this area was to be a subdivision but after the first few houses were built and was never completed but the right of way remained. Discussion regarding the stormwater management facility near Radkie Lane ensued. Mr. Capalongo explained that this will alleviate any water flowing onto his property. It will hold a closed pipe system which will redirect the water away from the residential properties. He stated this is one of a number of stormwater facilities which will redirect and treat the stormwater runoff.

Mr. Daniel Lantz and Ms. Laura Seiss both voiced their concern about the possibility of flooding under the railroad bridge at the bottom of the hill on Muddy Lane. Mr. Capalongo assured them the new development is required not to exceed the amount of stormwater discharge than what was allowed previously. Questions regarding the stormwater pond and elevations ensued. Mr. Ercole explained how the pond is constructed in order to accommodate storm water and redirect it. Mr. Ercole explained they had initially planned to place the buildings on that side of the site but opted to put the stormwater management facility there because they felt it would be the least problematic use next to residential properties.

Mr. Lantz asked if this development would have any effect on their wells. Mr. Capalongo stated that it would not because they are required to treat any captured water prior to being re-infiltrated back into the ground. Mr. Capalongo explained that the ponds will hold special soils and planting which will be a frontline defense to absorb any chemicals, etc. from the site runoff.

Mr. Capalongo also noted they will be planting shrubs and trees in order to buffer the area between the site and the residential properties. There was discussion regarding the 6 foot high berm with a 25 foot bufferyard of trees and plantings on the top which will be placed near the end of Radkie Lane for a visual and sound buffer between the site and the residential properties. Mr. Ercole stated they would be happy to work with Mr. Grego regarding the plantings in this area. Ms. Minner provided a copy of the plan to the residents showing the proposed bufferyard.

Mr. Capalongo noted there will be a 10 foot strip of landscaping along the Radkie Lane side of the stormwater pond adjacent to Muddy Lane. Ms. Minner noted that due to the depth of the pond there will need to be 6 foot chain link fence around the stormwater ponds for safety.

Mr. Lantz asked whether there would be any businesses other than warehousing at this location. Mr. Ercole explained it is to be set up for light industrial. At this point there is no way of knowing who the tenants will be. Mr. Lantz voiced his concern that his taxes will go up again. Ms. Minner noted that the residential properties in this area are not in Town limits.

Mr. Ginder called for any other comments. There were no other comments from the audience. There being no further comments Mr. Ginder moved on to the next agenda item.

MOTION: Motion was made by Mr. Muller to approve the Preliminary Major Site Plan for Freestate Business Park contingent upon the following: 1) Address all outstanding comments including comments by KCI's traffic engineer; 2) Provide an evaluation of the turning radius for trucks along the curve in Belle Hill Road near Cracker Barrel; 3) Provide an appropriate means of height restrictions at both ends of Belle Hill Road/Muddy Lane in coordination with the Town and County respectively; and 4) Approval of the following two (2) landscape waivers: a) To allow more than 10 parking spaces between landscape islands; and b) A waiver of the buffer yard requirements for the small northern portion of the site along Interstate 95 & the AT&T easement, due to the limited site development area and configuration of the site. The Commission also requested that Mr. Grego, of Radkie Lane, be kept informed of their progress. The motion was seconded by Mr. Blount and unanimously approved by the remaining Commission members.

MCCRONE, INC. REPRESENTING ELKTON HOUSING AUTHORITY, EXTENSION OF FINAL MAJOR SITE PLAN, LANDSCAPE AND LIGHTING PLANS, WILLOWS AT RUDY PARK, SINGERLY ROAD, TAX MAP 306, PARCELS 1766 & 2179 AND ZONED R-3 (URBAN RESIDENTIAL)

Mr. David Strouss of McCrone Inc. was in attendance to present this request on behalf of Elkton Housing Authority. Mr. Peter Kirsch, the attorney for the developer, was also in attendance. Mr. Strouss noted that the delay in signing plans, agreements and obtaining bonding for this project was due to the timing required for HUD to approve the transaction. He also mentioned that the Elkton Housing Authority has also been focused on two other projects, renovations at 150 E. Main Street and the Windsor Village units which delayed them in moving forward with Rudy Park. Mr. Strouss stated they are requesting a one year extension in order to allow HUD time to finish up their requirements for approval of the transaction.

Mr. Ginder entertained questions from the Commission members. Mr. Thompson questioned whether any of the remaining comments from the Town and KCI had been addressed in the last year. Mr. Strouss noted that the only comments which have not been addressed were the signing of the agreement and moving forward with the Public Works Agreement. Ms. Minner interjected that there may have been some confusion since the comment letter which were included in the packets were those from last year's meeting. Mr. DeLorimier of KCI stated he understood that they had already signed off on these plans.

There was some question about the Lighting Plan to which Ms. Minner noted that KCI normally reviews those plans and signed off to make sure light does not overflow onto the existing properties. Mr. Thompson stated that one of the neighboring properties wanted to see the Lighting Plan and the plans for where the cameras would be located. Mr. Strouss stated that they don't have a 'camera' plan but stated that Mr. Vlamis reviewed and approved the Lighting Plan last year and he had asked for additional lighting which the developer agreed to do. Ms. Minner stated that neither the Town nor KCI reviewed the plans for this submittal since they were last addressed because they had already addressed the comments on the construction plans and check prints.

Mr. Strouss stated that once HUD approves everything the Final plans will be sent for signatures. Mr. Thompson asked why HUD moved quicker on the other two projects as opposed to this one. Mr. Strouss stated he was not sure but since the other two projects are only for renovations that might be part of the reasoning. Rudy Park is a complete demolition and much more complicated and expensive.

There being no further comments Mr. Ginder moved on to the next agenda item.

MOTION: Motion was made by Mr. Blount to approve the one year extension for the Final Site Plan for the Willows at Rudy Park contingent upon addressing all outstanding comments. The motion was seconded by Mr. Muller and unanimously approved by the remaining Commission members.

MCCRONE, INC. REPRESENTING ELKTON HOUSING AUTHORITY, EXTENSION OF FINAL ADD ON SUBDIVISION, WILLOWS AT RUDY PARK, SINGERLY ROAD, TAX MAP 306, PARCELS 1766 & 2179 AND ZONED R-3 (URBAN RESIDENTIAL)

Mr. David Strouss of McCrone Inc. was in attendance to present this request on behalf of Elkton Housing Authority. Mr. Peter Kirsch, the attorney for the developer, was also in attendance. Mr. Strouss stated that the reason for this Add-On Subdivision was simply to add the two parcels together in order to clean up the site and the deed. Mr. Ginder asked Ms. Minner if she had any comments regarding this plan. She stated she had no additional comments.

Mr. Ginder called for any questions or comments from those in the audience. There being no further discussion Mr. Ginder called for motions for the items presented this evening.

MOTION: Motion was made by Mr. Muller to approve the extension of the Final Add-On Subdivision for the Willows at Rudy Park contingent upon addressing all outstanding comments. The motion was seconded by Mr. Blount and unanimously approved by the remaining Commission members.

OLD BUSINESS: Ms. Minner stated they are continuing to interview for the Assistant Planner position. The candidate they wanted took another position and so they are continuing their search.

NEW BUSINESS: Ms. Minner stated that they will probably receive a request for another extension for the Preliminary Plan for Walnut Hill Phase 2.

The next meeting of the Planning Commission will be on Monday, August 17th.

There being no additional items for discussion Mr. Ginder adjourned the meeting at 8:14 p.m.

Respectfully submitted,

Brie Humphreys