

**TOWN OF ELKTON
PLANNING COMMISSION
MARCH 6, 2023
MEETING MINUTES**

Present: Dave Wiseman; William Muller; Keith Thompson; Lisa Blackson, Esquire; Jeanne Minner, Director of Planning; Quinn Krenzel, Planner

Absent: G. Edward Ginder

Mr. Wiseman called the meeting to order at 6:00 p.m. He stated the first item on the agenda is approval of the minutes from the March 6, 2023 meeting. There being no corrections from the Commission members, Mr. Wiseman called for a motion.

MOTION: Motion was made by Mr. Thompson to approve the minutes of the March 6, 2023 Planning Commission meeting as written. The motion was seconded by Mr. Wiseman with the remaining Commission members voting as follows: Mr. Muller – Aye. The motion passed unanimously.

REQUEST OF BL COMPANIES, INC. FOR A FINAL MINOR SUBDIVISION PLAN, 350 EAST PULASKI HIGHWAY, TAX MAP 033B, PARCEL 2383, LOT 4A AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Dan Salameda, Sr. Project Manager and Principal with BL Companies, Inc. was in attendance to represent the client regarding the subdivision plan. The parcel in question is in the southeast quadrant of Coachman's Drive on East Pulaski Highway. It is an approximately 2.2 acre parcel with an existing Pizza Hut on the eastern half. He stated their intention is to subdivide the property into two conforming lots.

Mr. Salameda informed the Commission they have received comment letters from the Town, KCI and DPW. He stated they are in the process of revising the plans and they intend to comply with all the comments.

Mr. Wiseman asked if they had any concerns about any of the comments received. Mr. Salameda said they have no issues. Mr. Wiseman asked Ms. Minner if there were any other comments regarding this plan. Ms. Minner stated this is a subdivision to separate the land so that the other parcel can be developed.

Mr. Wiseman opened the floor for audience comments. There was no one in attendance who had any comment regarding the project.

MOTION: Motion was made by Mr. Thompson to approve the Final Minor Subdivision Plan for BL Companies, Inc. contingent upon addressing all outstanding comments. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF BOHLER ENGINEERING REPRESENTING TACO BELL, FINAL MAJOR SITE, LANDSCAPE AND LIGHTING PLANS, 312 EAST PULASKI HIGHWAY, TAX MAP 033B, PARCEL 2377 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Emily Pate of Bohler Engineering was in attendance to address this request. The site is located at 312 East Pulaski Highway. It is in the top corner of the shopping center with the Cube Smart Self Storage and Olive Garden Restaurant bordered by Pulaski Highway and Whitehall Road. The property size is

approximately 1.33 acres with an existing Ruby Tuesday Restaurant and is zoned C-2 (Highway Commercial). She noted they received Preliminary approval in December of 2022 and are now requesting Final Major Site Plan approval.

She stated they have posted the site and notified the adjacent property owners. Ms. Pate said they received comments from Town, KCI and DPW. Mr. Wiseman asked if they had received comments from Singerly Fire Company. Ms. Pate noted she had spoken with Mr. Little but has not received comments regarding the Final Plan as yet. She said she would reach out to him.

Mr. Wiseman asked if they had received comments from Cecil Soil. Ms. Pate stated they have received conditional approval from Cecil Soil.

Mr. Wiseman asked about a KCI comment (#8) regarding stacking spaces. Ms. Pate stated five spaces are required and they only show four spaces. She said they will have to reconfigure the plan in order to provide the five spaces. She said she will look into this since they have two ordering points. Mr. Fruehstorfer stated that they do meet the stacking requirements as they are providing two (2) ordering points.

Mr. Thompson asked when they expect the work on the Taco Bell to be completed. Ms. Pate stated they plan to have it finished in 2023.

Mr. Wiseman asked if there were any questions from the audience. There were no comments from the audience.

MOTION: Motion was made by Mr. Muller to approve the Final Major Site, Landscape and Lighting Plans contingent upon addressing all outstanding comments. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF FREDERICK WARD REPRESENTING CROSSWINDS LANDING, LLC, FOR PATRIOTS LANDING, PRELIMINARY MAJOR SUBDIVISION PLAN, LANDSCAPE & LIGHTING PLANS, 32, 80 & 180 MUDDY LANE, TAX MAP 027F, PARCELS 117, 118 & 1107 AND ZONED R-2 (SUBURBAN RESIDENTIAL)

Mr. Tom Miner of Frederick Ward was in attendance to address this request. He stated the project is located on Muddy Lane off of Red Hill Road. They are presenting the Preliminary Site Plan which is similar to the concept plan submission but with the addition of a few more units.

He noted they are meeting the requirements for the 10 year and 25 year stormwater. They are addressing comments from the County with regard to causing issues with roadways downstream. They checked the 25 year event and they are in compliance but this still needs to be reviewed by KCI. He noted the forest conservation requirements are being met both onsite and offsite. The offsite is provided on a parcel north of the project.

Mr. Miner stated they have had comments from the County concerning their entrance configuration. After conversations with the County they will be providing a left in access and an accel/decel lane without the need for variance requests. This configuration will have to be reviewed by the County for their approval.

Mr. Wiseman asked about a property to the north, that they intend to purchase, where a home is currently located. Mr. Miner stated there is one parcel (Parcel 117) to the north which is currently under contract to be purchased. He mentioned they received comments from KCI, the Town and Singerly Fire Company and they do not have any issues addressing those comments. He mentioned the forest conservation has been the biggest issue and that is being addressed.

Mr. Wiseman asked about comments from Singerly Fire Company with respect to the underpass on Muddy Lane. Ms. Minner stated she feels these are similar to the comments made by Singerly about other projects in Town. She spoke with the Town Administrator and they will have a conversation with Singerly regarding the specifics of their comments regarding the underpass. Mr. Muller added he has spoken with an official of the fire department and they didn't feel there would be an issue in servicing the homes in the development. Ms. Minner stated there are other subdivisions which they service further down Muddy Lane so she's not sure why they are specifically calling out this subdivision. Mr. Muller stated these are standard concerns that are being voiced by Singerly.

Mr. Miner noted that fire hydrants and sprinkler systems are required for this project. Mr. Muller stated, in his opinion, he doesn't believe the fire company has a concern with Patriots Landing specifically. Mr. Wiseman pointed out the fire company is jockeying for budgets, is down on volunteers and he trusts Mr. Muller's judgment since he has been involved in the fire company for many years.

Commissioner Broomell questioned why an extra unit has been added that tightens up the housing in a specific area. Mr. Miner noted they wanted to reserve the 60' right of way south for sewer access connectivity for future planning. Ms. Minner asked that they verify the widths and setbacks of the lots along the south side. Mr. Miner stated he is sure that has been reviewed but will confirm it. He addressed Commissioner Broomell's concern that the lots are tighter. He stated the lots still meet the code requirements for lot size. Discussion ensued regarding layout and design of the units. Mr. Miner stated there will be 1 or 2 story buildings to choose from. He mentioned in the layout there is a standard 40' x 70' layout which could allow for a 1 or 2 story building. He mentioned the minimum 2 story product is 40' x 50' therefore having that additional depth gives purchasers flexibility in their layout. He noted that Ryan Homes will be the builder.

Mr. Wiseman asked if staff or commission members had any other comments. There were none.

Mr. Miner addressed the desire of some of the neighboring property owners regarding a bufferyard between the project and their properties. He noted they will be a berm with a swale at the rear of the homes on the west side of the project. He stated the berm will be landscaped to provide screening. He pointed out where the plantings will be located on the plan. Ms. Minner asked how high the landscaping berm would be. Mr. Miner said it would be between 5 and 6 feet high on the neighboring property side. Ms. Minner asked if this would affect drainage on to those property owners. He stated any drainage from their project would be diverted onto their property and would be directed along their property line to the detention pond. He pointed out they will be providing street trees and plantings along Red Hill Road as well.

Discussion ensued regarding providing the information concerning this berm and the plantings on the plan. Mr. Miner stated he would incorporate this information onto the plan.

He discussed the green space and forest retention areas. He mentioned there are no specimen trees in the forest on the property.

Mr. Wiseman opened the floor to audience comments.

Mr. Douglas Rash of 21 Joy Drive in North East Maryland stated he owns property which borders the Patriots Landing property. He mentioned the property owners along Muddy Lane received a letter regarding 10 feet of their property along Muddy Lane. Their understanding was the property would be taken to widen Muddy Lane. Mr. Miner explained that the County required them to ask the property owners if they wanted to convey a 10' section of their property along Muddy Lane for an easement to widen to road. If they choose not to allow the easement that is their right.

Ms. Minner explained that in some cases of development the developer owns the property along the road. In this case they own some of the property but there are also other residents along the road. Therefore the County asked them to check with residents to see if they want to allow the easement in front of their property. The residents cannot be compelled to give up their property but the developer is required to ask. Ms. Minner stated she has a meeting with the County and Wilmapco and they are looking at Muddy Lane to see if there are any improvements or changes to the road system that can be made. She is not sure whether they feel any improvements can be made in the area.

Mr. Rash mentioned the fact that two of the properties along Muddy Lane have wells that are located within ten feet of their front property line. He asked why they are not asking the same thing from residents on the other side of Muddy Lane. Mr. Miner stated they have sent letters to them as well. He noted that Muddy Lane only has a 40 foot right of way and the typical road right of way is 60 feet per County requirements. Mr. Rash asked what the 10 feet from their properties would be used for. Mr. Miner stated it would be used to create a hard shoulder along the road particularly on their side of Muddy Lane.

Mr. Rash asked if they have considered placing a circle in the area. Mr. Miner stated it hasn't come up in discussions but he can see some issues with placing one, such as the distance to the one at Red Hill Road and Muddy Lane.

Mr. Rash stated the residents' concerns are with the speed of vehicles traveling along Muddy Lane. He wondered if traffic slowing devices could be placed. Ms. Minner stated she would bring that up at her meeting tomorrow. Mr. Miner stated his experience is that when you widen a road the traffic speeds up. Mr. Rash responded that this is one of their concerns with more traffic traveling Muddy Lane with the addition of homes associated with this project.

Mr. Miner mentioned their traffic study noted that 70% of the vehicle traffic on Muddy Lane goes South as opposed to 30% going north.

Mr. Rash noted that the homes in this subdivision will have water & sewer lines rather than well and septic. He asked how the few homes that border this property can be hooked in to water and sewer. Mr. Miner pointed out where the sewer lines would enter the subdivision. He suggested they could tie in along Muddy Lane. Mr. Rash asked if they would be able to tie in at the rear of their property since the wells are at the front of the property. Ms. Minner stated that the properties would have to be annexed and would need to be engineered to see if it would be gravity fed or if a pump station would be needed.

Mr. Rash voiced his concern about the berm causing water runoff onto their properties and impacting their septic systems. Mr. Miner stated there would be no runoff from the subdivision property onto their properties because the berm would directed it into the ditch on the other side of Mr. Rash's property.

Mr. Rash asked about specific markings on the site plan. Mr. Miner stated they are markings for wetlands and the buffer. Mr. Miner stated the stormwater impact requirements for Maryland for a 1 year event (2.69" of rain) or a 10 year event (5" of rain) would have to be less than what it was prior to development. They were also required to look at a 25 year event and they are not increasing the runoff for an event of this scale either.

Ms. Lydia Klukewicz of 260 Muddy Lane voiced her concern about water runoff. She stated she owns a few parcels in the area and they currently get a great deal of water in their basement during rain events. She knows there are beaver dams in the creek which already causes issues for property owners in the area. She also voiced issues with sewage leaking onto her property from a neighboring property and asked how Patriot's Landing will handle the sewage from that subdivision. She is also concerned about how much water runoff she will get from the Patriots Landing development.

Ms. Klukewicz voiced her concern with all the traffic on Muddy Lane. She has had numerous vehicles end up in the swale in front of her home and she also mentioned how her mailbox gets damaged by vehicles going off the road.

Mr. Wiseman interjected that the traffic issues have to be resolved with a sensible solution and he noted that Ms. Minner would mention it at the meeting she was having the next day. He said with respect to water issues, the water runoff has to improve with this project. There are numerous agencies which regulate stormwater, the State of Maryland, the Town of Elkton, and Cecil County all have regulations. Ms. Klukewicz stated that she doesn't believe where the pipe is going into the creek will get any better. Mr. Wiseman stated that this project has to control their runoff and they have provided stormwater ponds to address it. Discussion ensued regarding the location of the creek, and its width and depth. Mr. Miner pointed out the location of the stormwater management ponds and how the water flows into them.

Mrs. Rash asked where the entrance to the subdivision will be located. She asked why the entrance couldn't come off of Old Baltimore Pike. Mr. Miner stated the developer does not own property on that road. Ms. Klukewicz noted how trucks and buses come down the road and end up turning around in their driveways.

Mr. Wiseman stated they are working with the County in order to address the issues with the road. Unfortunately, the Town cannot dictate how the County might address the road issues.

There was discussion regarding moving the mailboxes to the other side of Muddy Lane so residents don't have to cross the road to get to their mailboxes. Mr. Rash stated they have contacted the post office and were told that 'everyone on Muddy Lane must be willing to move their mailbox' and they required them to get a signature from every resident on Muddy Lane to do that. Mr. Miner stated he would be willing to contact the County about placing speed reduction devices along Muddy Lane.

Mr. Wiseman suggested that the names of the residents on Muddy Lane be provided to the Post Office to try to address the mailbox issues. He said the County needs to be approached about the possibility of placement of speed reduction devices on Muddy Lane. The water runoff has been a recurring theme for this property from the beginning, and stormwater management is being addressed by the developer. He pointed out that all the comments received by the developer have to be addressed. He stated this is a preliminary plan and they still have to come back before the Town with a final plan which will incorporate everything that has been discussed.

A few of the residents mentioned that the Post Office is 'signing' their names to the certified mail receipts. The residents received the letter but they were not contacted to sign the certified receipt. Mr. Thompson stated this is something the postal carriers do and the Town has no jurisdiction in addressing this particular criticism. There was discussion regarding the fact that the sign is posted on the property with the information regarding the meeting. Mr. Wiseman also noted they can call the Town office to see what is on the agenda, there is a public notice in the newspaper and the agenda and minutes are posted on the Town's website for all Town public meetings.

Mr. Daniel Ulmer stated he was pleased to hear that Ryan Homes is doing the work on the buildings. He has worked with them for years. He asked about bringing the sewer behind their properties on Muddy Lane and if access can be made available to the homes that are being impacted. Mr. Wiseman stated the developer is not responsible to provide for homes that are being landlocked for water and sewer. Mr. Miner stated that a utility easement will be placed on the Patriots Landing property. Ms. Minner stated the individual property owners on Muddy Lane who back up to Patriots Landing would need to be annexed and have an easement placed on their properties in order to tie into the Town's sewer. Mr. Ulmer stated they don't want to be annexed if they aren't getting anything for the money they will have to pay to do so.

Mr. Wiseman asked if anyone else had any comments regarding this project. There were no additional questions or comments.

MOTION: Motion was made by Mr. Thompson to approve the Preliminary Major Site, Landscape and Lighting Plans for Patriots Landing contingent upon addressing all outstanding comments and addressing the other concerns discussed at the meeting. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Wiseman – Aye. The motion passed unanimously.

Commissioner Broomell agreed to contact the Post Office regarding the mailboxes along Muddy Lane.

OLD BUSINESS: Ms. Minner stated she will be sending out requests for proposals in a few weeks to update the Comprehensive Plan. She stated the ARPA funding can be used for that process.

She stated there are two vacancies on the Planning Commission and the Mayor is putting forward the name of Raymond Polaski to fill one of the vacancies at the M&C meeting on March 15th.

NEW BUSINESS: Mr. Thompson asked Ms. Minner if any plans for Southfields have been submitted. Ms. Minner stated the Town has received signed construction plans for the water, sewer and road way. She stated they are working through the process in order to pull permits to begin work on the road in April. Ms. Minner stated they are consistently submitting plans to the Town.

Mr. Thompson asked about the fence (split rail with wire) behind the townhouses at Rudy Park between that property and Vlamis Liquors. Ms. Minner stated that when they came in to do the construction of the new buildings she believes they asked to make changes to the fencing at that time.

Commissioner Broomell asked whether KFC had to provide a site plan when they transitioned to Arby's. Ms. Minner stated they did not make any changes to the outside of the building and therefore a site plan was not required. The property changed hands and interior work was done which required permits. She used the

example of the Ruby Tuesday transitioning to a Taco Bell. She stated since the building is being demolished, a site plan for the new building would be required. She also mentioned when Verizon took over the building at MD 213/40, a site plan was not required.

Mr. Thompson asked if there had been any movement on demolishing the rest of the hotel which was partially demolished when 7-Eleven did their grading and curb work. Ms. Minner stated that Mr. Bromwell has been trying to contact them but they are not returning his calls or responding to his emails. Mr. Thompson said maybe the Town could employ the same action that the City of Newark did with the Motel 8.

Mr. Wiseman stated the next meeting of the Planning Commission will be on April 6, 2023. There being no additional items to discuss Mr. Wiseman adjourned the meeting at 7:53 P.M.

Respectfully submitted,

Brie Humphreys