

**TOWN OF ELKTON
PLANNING COMMISSION
OCTOBER 9, 2023
MEETING MINUTES**

Present: David Wiseman, G. Edward Ginder, Keith Thompson, William Muller, Paul Manuel, Ray Polaski; Lisa Blackson, Esquire, Jeanne Minner, Director of Planning, Quinn Krenzel, Planner

Absent: None

Mr. Wiseman called the meeting to order. He stated the first item on the agenda is approval of the minutes from the September 11, 2023 meeting. Mr. Wiseman called for a motion.

MOTION: Motion was made by Mr. Ginder to approve the minutes of the September 11, 2023 Planning Commission meeting as written. The motion was seconded by Mr. Manuel with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Muller – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF DAVID CRONE, PSYD FOR A SPECIAL EXCEPTION TO OPERATE A COUNSELING OFFICE IN THE RO ZONE. THIS ACTION CONCERNS PROEPRTY LOCATED AT 145 EAST MAIN STREET, ELKTON, MARYLAND, TAX MAP 027H, PARCEL 0901 AND ZONED RO (RESIDENTIAL OFFICE)

Mr. David Crone was in attendance to address this special exception request. He stated he has been in the Elkton area for some time in different locations. They work in conjunction with Union Hospital. They will be open in the evenings for approximately 6 hours. Their clients are high functioning local professionals and they see patients for marital issues, depression, etc.

Mr. Wiseman asked if they administer medications onsite. Mr. Crone stated they do not. Mr. Manuel asked if they would be placing a sign on the property. Mr. Wiseman noted that the Building Department would issue any permits and if a sign is desired they would have to contact that department.

Commissioner Broomell asked if they were located on the first floor. Mr. Crone stated the first floor of their building is a waiting area. The offices are on the second floor. Commissioner Broomell asked if they were currently located in the building. Mr. Crone confirmed that they are currently using the building.

Mr. Wiseman inquired about parking for their facility. Mr. crone stated there are approximately 10 parking spaces behind the building and since they work in the evenings there is no conflict with other businesses.

Mr. Wiseman asked if there were any other questions from the Commission members. There were no further questions.

Mr. Wiseman opened the floor for audience questions. There was no one in attendance to speak for or against this special exception request.

MOTION: Motion was made by Mr. Ginder to recommend approval of the special exception for a counseling service to the Board of Zoning Appeals. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Manuel – Aye; Mr. Polaski – Aye. The motion passed unanimously.

REQUEST OF JOYCE BILSKI, CRNP REPRESENTING ENJOY WELLNESS, LLC FOR A SPECIAL EXCEPTION TO OPERATE A COUNSELING SERVICE IN THE RO ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 145 EAST MAIN STREET, ELKTON, MARYLAND, TAX MAP 027H, PARCEL 0901 AND ZONED RO (RESIDENTIAL OFFICE)

Ms. Joyce Bilski, CRNP was in attendance to address this special exception request for Enjoy Wellness, LLC. Ms. Bilski stated she is a Certified Nurse Practitioner and has an office on the second floor of 145 East Main Street. She mentioned she and Mr. Crone both have offices on that floor. She stated her field is integrated mental health and Enjoy Wellness is a national provider. She noted that the great majority of her patient are counseled virtually.

Mr. Wiseman asked if she does one on one therapy. She stated the majority of the time it is one on one. Mr. Ginder asked what her office hours are. She said she works evenings and Saturdays. She would possibly have five patients per month who come to the office for counseling.

Mr. Wiseman noted that parking should not be an issue and if signage is required she could call the Town Building Department to apply for a sign permit.

Mr. Manuel asked if she dispenses any type of medication. She stated she does not. Mr. Wiseman asked from where she gets referrals. She stated most are from primary care physicians and local providers.

Mr. Wiseman asked if there were any additional questions or comments from the Commission members. There were no additional questions.

Mr. Wiseman opened the floor for audience questions or comments. There was no one in attendance who wished to speak for or against this special exception request.

MOTION: Motion was made by Mr. Thompson to recommend approval to the Board of Zoning Appeals for the special exception for a counseling service for Enjoy Wellness, LLC. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Manuel – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF JENNIFER TUERKE REPRESENTING VOICES OF HOPE, INC. FOR A SPECIAL EXCEPTION TO ALLOW VEHICLE PARKING ON A LOT WHICH IS NOT RELATED TO THE PRINCIPAL USE. THIS ACTION CONCERNS PROPERTY LOCATED AT 234 HOWARD STREET, ELKTON, MARYLAND, TAX MAP 027H, PARCEL 1078 AND ZONED C-1 (CENTRAL BUSINESS DISTRICT)

Mr. Aaron Wright representing Voices of Hope, Inc. and Mr. Harry Austin, III, property owner were in attendance to address this special exception request. Mr. Wright stated he has been in recovery for the past nine years and therefore holds a unique perspective in working with people who are suffering from substance abuse. He is aware of the stages of change which take place and can address those with people who are currently going through these stages. He stated he has worked in the past with the Cecil County Health Department to assist those recovering. He stated he has also worked with CATCH (Community Access to Child Health) and Union Hospital.

Mr. Wright stated they see about 1,000 people per month. He noted there are 18 parking spaces at 234 Howard Street and they are request the special exception in order for staff to use these parking spaces. Clients can park at the lot on 227 Howard Street.

Mr. Wiseman asked if they are planning to stripe the parking area at 234 Howard Street. Discussion ensued regarding the size requirement for Town parking spaces which is 9' x 18'.

Ms. Minner questioned what would happen with the parking spaces if Mr. Austin decided to lease or sell the building. Mr. Wiseman questioned whether a lease agreement was in place for the use of the parking area. Mr. Austin shared experiences in his past regarding his mother and those experiences motivate him to support the treatment center in this way. Ms. Minner asked if the interior of the building will be used. Mr. Austin stated it would not be used for any business.

Commissioner Broomell asked what would happen to the special exception for parking if the building gets sold. It was determined that as long as he is the owner the special exception would remain in place.

Mr. Muller asked what kind of business is taking place at the Main Street location. Mr. Wright stated they are peer recovery facilitators but provide no medical treatment. He noted they have a 97% success rate with their clients.

Mr. Wiseman asked Ms. Blackson about the legalities of using the parking. Ms. Blackson stated they need to have an active written lease with the owner for the parking spots. She stated the owner would grant them the right to use the parking spaces and the Town would either agree to allow the use or deny it.

Mr. Wiseman asked if the Commission members had any other questions or comments. There were none. Mr. Wiseman opened the floor for audience comments. There was no one in attendance to speak for or against this special exception request.

MOTION: Motion was made by Mr. Manuel to recommend approve to the Board of Zoning Appeals for the special exception to allow vehicle parking on a lot not related to the principal use. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Muller – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF MORRIS & RITCHIE ASSOCIATES, INC. REPRESENTING DRI/TCC PULASKI, LLC, FINAL MAJOR SITE PLAN FOR COMMERCE CENTER LOT 3, PHASE 4, TAX MAP 033B, PARCEL 2462 AND ZONED C-2 (HIGHWAY COMMERCIAL & PUD (PLANNED UNIT DEVELOPMENT))

Ms. Amy DiPietro and Mr. Brad Wieber of Morris & Ritchie Associates and Joe Whitebread and Tom Rathburn of Trammell Crow Company were in attendance to address this Final Major Site Plan request for Commerce Center Lot 3, Phase 4.

Ms. DiPietro noted they have been working since they were before the Commission in November of 2022 to address stormwater management, cleaning up comments and putting in place bonding and they are now before the Commission to request Final Major Site Plan approval.

Mr. Wiseman asked if they have received comment letters and if they have any concerns in addressing any of the comments. Ms. DiPietro stated the parking rationale requires 413 parking spaces. They are providing 255 spaces and noted that Mr. Rathburn and Mr. Whitebread feel this will be adequate parking leaning on their experience with building warehouse spaces. It was noted that there are more robotics in warehousing functions so not as many employees are needed. They believe they have sufficient parking for trucks.

Mr. Wiseman questioned whether they would need a formal application for a parking waiver. Ms. Minner stated the Commission can include the parking waiver as part of the motion. Ms. DiPietro stated they have completed four (4) other projects in the area and have had no complaints with respect to those projects and the amount of parking spaces provided.

Discussion of Singerly Fire Company comments ensued. Mr. Muller mentioned he believed Mr. Little of Singerly is asking whether further study needs to be done and if the Town has completed an assessment of the local emergency services due to the increase of service demand with the number of residences included in the PUD. He mentioned Singerly has noted this concern in each of their reviews on the project.

Mr. Wiseman asked if any Commission members had any additional questions or comments. There were none. Mr. Wiseman opened the floor for audience comments.

Mr. John Connolly who resides on Sarah Drive voiced his concerns regarding three specific issues. First, he mentioned the noise from the concrete batch plant from the previous warehouse projects and how disruptive it is for the local residents. He asked if this would be the case for this warehouse, if they would move the batch plant as far away from the residential lots as possible. Second, he noted the dust was a major issue with the previous development and mentioned that the residents nearby weren't able to be outside on their own property because it covered everything. He stated the water trucks which help to alleviate the dust should be running consistently during construction. The third concern he had was with the lighting while the construction is ongoing. He stated he had addressed Mr. Rathburn and Mr. Davis regarding the reflected light from the building and suggested using reflected light or color patterns or shades on the lights to distract the light from the residential homes.

Ms. Ann Connor of Enfield Road stated her concerns are also in line with Mr. Connolly's three issues. She asked that the concrete batch plant be moved away from the residential property due to the light and noise. She mentioned that the construction on the previous projects started at 4:00 a.m. and the noise was very disruptive for the residents trying to sleep. She stated the dust from the project could be seen blowing across Maloney Road. She mentioned her cars were covered in dust during the Sheetz project and this needs to be addressed. Also she feels the light from this project needs to be reflected away from the residential areas.

Mr. Wiseman asked Mr. Rathburn if he had any information on when the start time for this project would be. He stated he understands in the summer they need to start early because of the heat. Mr. Wiseman wondered if they could do smaller pours, 300 square foot sections rather than 600 square foot sections. Mr. Rathburn stated this is a much smaller site than the previous warehouses and will likely use regular concrete trucks. They will work with the Town in addressing these concerns.

Mr. Wiseman asked about the issue with lighting reflecting onto the residential properties. Mr. Rathburn said he would work with the neighboring property owners and will take their concerns into consideration on this building.

Discussion ensued regarding concrete truck scheduling, and using what was learned from the previous construction and applying it to this new construction.

Mr. Ginder mentioned that the Town code states construction work cannot begin before 7:00 a.m. Ms. Blackson pointed out that the code he is sighting does not deal with commercial jobs. Ms. Blackson stated she searched the Cecil County code and couldn't find a noise ordinance. She stated since the issues are happening on County property then the enforcement arm would be Cecil County. Commissioner Broomell asked if Ms. Blackson would reach out to the County to find out what their policy on noise might be. Ms. Blackson stated she would look into it.

Mr. Muller asked if this wouldn't be a Town issue since the problem is originated within Town limits. Commissioner Broomell asked Ms. Connor what she felt a reasonable time for construction to begin might be. Ms. Connor stated 7:00 or 8:00 a.m. Mr. Connolly stated he felt no earlier than 7:00 a.m. would be appropriate. He noted that the concrete trucks running back and forth with their chutes down make a lot of noise. Ms. Blackson stated the Town Ordinance addresses residential noise but the Town can make changes to the ordinance to address commercial noise as well. Mr. Connolly agreed that the Town needs to adopt a resolution to try to address this noise issue.

Mr. Ginder asked if the Building Department can make daily inspections and contact the developer if there are issues. Commissioner Broomell stated the Town needs to keep a close eye on this. Mr. Wiseman stated that Trammell Crow has worked with residents on other projects and we need to allow them to work this out through open communications with the residents.

Mr. Whitebread stated they want to be flexible but he feels they need to understand things from their perspective as well. Mr. Connolly stated he worked with Mr. Rathburn on the first building and he was very responsive. Ms. Connor stated she also communicated by email with Mr. Rathburn and he was very responsive to her concerns.

MOTION: Motion was made by Mr. Ginder to approve the Final Major Site Plan for Commerce Center 3, Phase 4 contingent upon addressing all outstanding comments, allowing for the parking waiver from 413 parking spaces to 255 parking spaces and contingent upon addressing the concerns of the residents with respect to noise, lighting, dust control and start times. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Polaski – Aye; Mr. Manuel – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

OLD BUSINESS: Ms. Minner stated they continue to be busy reviewing plans. There are project reviews steadily being submitted and new projects coming in.

She mentioned that the Wash X should be coming in next month for Final and that the Taco Bell is moving forward with their demolition permit.

Mr. Wiseman asked if there has been any movement on work on Muddy Lane. Ms. Minner stated there will be a meeting regarding the traffic issues at Delancy Road, Muddy Lane & Belle Hill Road. There was discussion regarding the public meeting regarding the Traffic Circulation Study on October 26th at 6:00 p.m. at the Elkton Library. A few of the Commission members noted they are planning to attend that meeting.

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Ms. Minner stated there is a link to a survey regarding the East Elkton Traffic Circulation and Safety Plan on the Town's website. She encouraged everyone to take the survey.

Ms. Minner stated there are three new projects coming into Town.

There being no additional items to discuss Mr. Wiseman stated the next meeting of the Planning Commission will be on Monday, November 6, 2023 and he adjourned the meeting at 7:06 P.M.

Respectfully submitted,

Brie Humphreys