

**TOWN OF ELKTON
PLANNING COMMISSION
August 8, 2016**

PRESENT: David Wiseman; G. Edward Ginder; Keith Thompson; Rick Keane; David Fordyce; Jeanne D. Minner, Director of Planning; Mayor Robert J. Alt, Ex-Officio; Cameron Brown, Esquire

ABSENT: Steve Leonard

Mr. Wiseman called the meeting to order at 7:00 p.m.

ACTION: A motion was made by Mr. Thompson to approve the minutes of the June 6, 2016 Planning Commission meeting. The motion was seconded by Mr. Ginder and unanimously approved.

CASE # 1490 – REQUEST OF UNION HOSPITAL FOR A SPECIAL EXCEPTION TO CONSTRUCT AN INSTITUTIONAL RESIDENCE IN EXCESS OF 10,000 SQUARE FEET IN FLOOR AREA IN THE TC ZONE, TAX MAP 310, PARCELS 0763, 0764 & 2005, ZONED TC (TOWN CENTER)

The following persons were in attendance: Representing Union Hospital: Mark Mears, Director of Facilities Management and Rod Kornrumpf, Executive Director of Behavior Health Sciences. Representing Ashley Addiction Treatment: Steven M. Kendrick, Senior Vice President & COO, Dan Berardi, VP of Support Services, Mariana Izraelson, Psy.D., LCADC, Program Director Outpatient Services and Charlotte Meck, RN, Director of Corporate Compliance, Quality and Risk Management.

Mr. Mears gave a history of the partnership between the hospital and the Town of Elkton during his tenure with the hospital. The hospital's goal is to meet the medical needs of the community. They are requesting a special exception to develop property which borders the railroad track, the bridge and hospital parcels along Railroad Avenue next to the hospital parking lot. They plan to develop a two story building – 1st Floor Intervention Center and 2nd Floor will be two outpatient behavioral health facilities. Mr. Mears provided the Board with a revised copy outlining some changes to and calculations for parking which are due to additional square footage for the proposed facilities.

Mr. Kornrumpf explained behavioral health includes both mental illness and substance issues. He stated that as a general rule patients would require be treatment for both of these health issues. The crisis assessment center is a walk-in center that will take people out of the emergency room and give them a more appropriate level of care which can address these particular issues. The goal of this project is residential crisis which includes: getting patients assessed, treated and stabilized with medication, do light detox, and get them stabilized for up to 10 days.

Mr. Kornrumpf explained that they will be partnering with Ashley Treatment, who will occupy the second floor of the building. Along with Ashley they will work alongside Upper Bay Counseling, the State Health Department and Santé Group. The project will be a hub for crisis

services in Cecil County. Ashley is currently working with Upper Chesapeake Health in the same capacity.

Mr. Wiseman inquired about the number of patients who could be serviced at the in-house part of the facility. Mr. Kornrumpf stated they would have a maximum capacity for 16 patients. Upon assessment patients would either be admitted or referred to follow-up care. He was asked how the 16 patient maximum was determined. Mr. Kornrumpf stated it is determined by State & Federal regulation. A question arose regarding how patients would get from one site to another. Mr. Kornrumpf noted that behavioral health nurses would triage patients and have family or support services take them to the facility they require. He added that transportation is part of the job of crisis intervention services.

Questions were made regarding food service provision for the in-house facility. It was determined that this provision would be contracted.

The members of Ashley Treatment were introduced and Steven Kendrick gave an overview of their history. They have been in business over 30 years in Havre de Grace, Maryland. They treat 1200-1300 patients per year. A year ago they opened their first intensive outpatient clinic at Upper Chesapeake Medical Center and will open two additional clinics within the year at two other hospitals.

Mr. Wiseman asked if this proposal is the typical size of their other facilities. Mr. Kendrick stated they typically see between 150-200 patients and the square footage use for this facility will be roughly the same.

Dr. Mariana Izraelson described the day to day operations of the treatment center. She stated it is an ambulatory outpatient program that offers ambulatory detoxification, intensive outpatient group therapy, outpatient group therapy and family therapy. They provide therapy for alcohol, benzodiazepines and opiates. Mr. Thompson questioned whether people would be coming and going all during the day. Dr. Izraelson confirmed that intensive group therapy is held three hours a day, five days a week and patients are required to attend at least four days a week. Mr. Kornrumpf explained the difference between the lengths of stay for different needs.

Mr. Ginder questioned whether insurance would cover the services they provide. Mr. Kornrumpf said that insurance would not necessarily cover all the services. They work with Medicaid at their Chesapeake location and would also apply for that program at this location. Dr. Izraelson noted that they do not prescribe medication. It would depend on the individual patient need as to the time they would spend at the center. Discussion ensued regarding how follow-up is made with patients. Follow-up is made on a regular schedule either by telephone to the patient or family members in order to develop relationships.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Board of Zoning Appeals for the special exception to construct an institutional residence in excess of

10,000 square feet in floor are in the TC zone contingent upon addressing all comments. The motion was seconded by Mr. Keane with the remaining members voting as follows: Mr. Wiseman – aye; Mr. Fordyce – nay; Mr. Thompson – nay. The motion passed three votes to two votes.

During the discussion phase of the meeting concerning the special exception for Union Hospital, Mr. Brown, Attorney for the Planning Commission, reminded the Board that if conditions of a special exception listed in the Ordinance are able to be met that the use can be allowed. They would need to provide reasons why the use is more detrimental at this location than anywhere else in the same zone as they make their decision.

CASE # 1493 – REQUEST OF ABBEY MANOR PROPERTIES, LLC, SPECIAL EXCEPTION FOR AN EIGHTY (80) BED NURSING CARE FACILITY, 1 COLONIAL MANOR COURT, TAX MAP 311, PARCEL 2414 AND ZONED C-2

Mr. David Strouss of McCrone, Inc., Mr. Steve Bloyd representing Abbey Manor Properties, LLC and Joanne Baker of Torchio Architects were in attendance to address this request. They are requesting a special exception to place an eighty (80) bed nursing care facility. The current use is a thirty two (32) bed group home located at Whitehall Road and Colonial Manor Court. The property is 2.7 acres and meets all required setbacks. He stated there is currently an old style stormwater pond so they will have to address the new regulations for site design for impervious surface.

Discussion ensued regarding the use of the current property and the description of group home as opposed to assisted living facility. Mr. Bloyd basically noted that they are an assisted living facility which provides all levels of care. This use falls under the title of group home in the Town zoning ordinance.

Discussion ensued concerning onsite laundry, the need for a trash compactor, memory care residents and kitchen areas. Ms. Baker addressed how the kitchen areas would be set up and how meals would be delivered to the buildings. There was a question regarding the location of the fire lane once the new building is completed. Ms. Baker stated they would maintain the fire lane in front of building 1 and the fire lane in front of building 2 would be removed.

Questions arose regarding parking for staff and residents and location and maintenance of roads.

Mr. Wiseman entertained additional questions from the Board. There were none. Mr. Wiseman entertained questions from the audience. There were none.

Mr. Fordyce stated that his mother is a resident at Abbey Manor and asked if Mr. Brown felt this would be a conflict of interest. Mr. Brown stated he did not feel this would be a conflict of interest.

Mr. Wiseman asked Mr. Brown whether he would consider it a conflict of interest since he works for Genesis Healthcare with regard to Case # 1493. Mr. Brown stated he did not feel this would be a conflict of interest.

MOTION: Motion was made by Mr. Thompson to recommend approval of an 80 bed nursing care facility to the Board of Zoning Appeals contingent upon addressing all outstanding comments. The motion was seconded by Mr. Ginder and unanimously approved.

REQUEST OF DAVID STROUSS OF MCCRONE, INC. REPRESENTING FIRST GLADWYNE CORPORATION, CONCEPT SITE PLAN, TAX MAP 304, PARCEL 2464, LOT #5, ZONED C-2

Mr. David Strouss of McCrone, Inc. and Mr. Todd Warner of First Gladwyne Corporation were in attendance to address this request.

Mr. Strouss noted that the lot in question is located between Belle Hill Storage and the Hampton Inn on Warner Road. The stormwater pond for Belle Hill storage was designed to serve this site when the Concept plan for Belle Hill storage was submitted in 2001. At that time they were considering a retail strip center but now they are planning to expand the warehouse use.

Mr. Strouss stated they will be meeting with Ms. Minner to go over how the parking spaces were calculated. The original calculations were made taking into account the manager's apartment on Lot 6 where the existing warehouses are located. Mr. Ginder asked if the parking would also be used for parking storage for RV's, boats, etc. Mr. Warner confirmed that some of the parking would be for that use and the two proposed buildings would be phased.

Mr. Strouss stated there was a comment regarding handicap accessibility and they will work that out with KCI.

Mr. Wiseman entertained additional questions from the Board. There was a question regarding the ownership of the railroad property. Mr. Strouss stated the notification sent to Amtrak came back to them so he is not aware of the correct ownership of the property.

MOTION: Motion was made by Mr. Fordyce to approve the Concept Site Plan for First Gladwyne Corporation contingent upon addressing all outstanding comments. The motion was seconded by Mr. Thompson and unanimously approved.

REQUEST OF JOSEPH UCCIFERRO OF BOHLER ENGINEERING REPRESENTING LIDL US OPERATIONS, LLC, FINAL SUBDIVISION PLAN, 622 E. PULASKI HIGHWAY, TAX MAP 316, PARCEL 2462, ZONED C-2

Mr. Brandon Rowe of Bohler Engineering was in attendance to address this request. The subdivision plan contains 6.86 acres, Parcel B which was subdivided from a larger parcel owned by Bruce Schneider. There are two lots, Lot 1 with Route 40 frontage containing 4.14 acres and Lot 2 which is located behind Lot 1 containing 2.72 acres. The site is zoned C-2. They are hoping to present the Final Major Site Plan at the September meeting. There are several easements proposed on the subdivision plat which are mostly located on Lot 1. Included in these easements is ingress/egress for the lots, along with stormwater, drainage and utility easements.

Mr. Wiseman inquired whether Mr. Rowe had received comments from the Town and KCI. He stated he did receive comment letters and has no objections to any of the outstanding comments.

A question was raised by Mr. Keane as to whether the road would be dedicated to the Town. Mr. Rowe stated it would be dedicated to the Town, upon approval of the owner.

Mr. Wiseman entertained questions from the audience regarding the subdivision plan. Ms. Ann Connor of 45 Enfield Road asked if the current plan had changes since the previously presented plan in November 2015. Mr. Rowe addressed Ms. Connor's questions and noted that the stormwater area had been moved farther from her property.

MOTION: Motion was made by Mr. Keane to approve the Subdivision Plan for Lidl US Operations, LLC as presented, contingent upon addressing any outstanding comments. The motion was seconded by Mr. Fordyce and unanimously approved.

Mr. Wiseman noted that the Final Major Site Plan for Lidl US Operations, LLC had been withdrawn from the agenda.

PUBLIC HEARING – AMENDMENT 03-2016 TO TOWN OF ELKTON ZONING ORDINANCE ARTICLE XII, SUPPLEMENTARY USE REGULATIONS, SECTION 25 MOTOR VEHICLE SALES OR RENTAL (9.100)

Ms. Minner stated the Town was approached about the possibility of cargo trailer sales in the Town limits. She stated that currently the Ordinance allows trailers which can be pulled by a passenger vehicle. They reviewed the Ordinance and determined that the C-3 zone would be the best location for large cargo trailer sales. She went over the conditions which need to be met, one of which is that stacking of trailers would be prohibited.

Mr. Wiseman entertained any comment from the audience. There were no comments.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners for the amendment regarding Section 25 Motor Vehicles Sales or Rental (9.100). The motion was seconded by Mr. Thompson and unanimously approved.

ANNEXATION – REQUEST OF ACORN INVESTMENT COMPANY II, LLC, FOR ANNEXATION OF REAL PROPERTY LOCATED AT 722 EAST PULASKI HIGHWAY, TAX MAP 316, PARCEL 728, CURRENTLY ZONED BG (BUSINESS GENERAL) UNDER CECIL COUNTY ZONING WITH A PROPOSED ZONING CLASSIFICATION OF C-2 (HIGHWAY COMMERCIAL) UNDER TOWN OF ELKTON ZONING

Mr. Dwight Thomey of Baker, Thomey and Emrey Law Offices and Mr. Adrian Jakob of Segal Commercial Real Estate Development were in attendance to address this request. Mr. Thomey stated Mr. Jakob is proposing to acquire a parcel of property at the intersection of Route 40 and Delaware Avenue which is currently located in Cecil County. There is currently a used tire operation at the location. They are proposing to have it zoned highway commercial and provided an illustration of their proposed use. They are looking to lease the property as retail store fronts and are in negotiations with uses such as restaurants or offices. They are not sure what will be located at the site but they stated they would not be considering placement of a clinic use at this site since it would not be compatible with other uses and they knew there was some concern from the Town concerning this type of use.

Mr. Wiseman noted that their illustration shows a vast improvement over how the property looks currently. Mr. Thomey stated that the owner, Mr. Younce, understands that if the property is annexed into Town that they would be required to comply with the Town's regulations.

Mr. Thompson inquired as to when the leases expire for the existing businesses. Mr. Thomey stated they are on a month to month basis.

There was a question regarding the zoning between the County and the Town. It was determined that they are essentially the same.

Mr. Wiseman entertained additional questions from the Board. Ms. Minner inquired when the ownership would transfer. Mr. Jakob stated that it would be approximately 300 days after annexation if approved. Mr. Fordyce asked who the developer would be. Mr. Jakob stated that Segal would be the developer. He went on to say Segal has been in business since 1967 and they are active in the Mid Atlantic area. They work on projects between 3 and 50 million dollars. He stated he understood there were concerns and assured the Board they will never put in a meth clinic. He stated they have regional offices in Baltimore and Washington, DC.

Mr. Ginder asked about the existing operation at this location. Ms. Minner stated Mr. Bromwell had spoken with the owner regarding the Town regulations if the property is annexed into Town. Mr. Thomey added that the tire dealer will comply with all Town regulations.

Mr. Wiseman entertained questions or comment from the audience. Ms. Ann Connor of 45 Enfield Drive stated that this project adjoins her property as well. She questioned why bordering property owners were not notified of the annexation. Ms. Minner stated that they are not required to notify adjoining property owners because there is a public hearing with respect to the annexation. Mr. Thomey stated that the Mayor & Commissioners would hear the annexation at the September 7, 2016 meeting.

Ms. Connor stated her concern is that this is not a large property and if the proposed development does not happen that a clinic could be placed here in the future as was proposed in the past. Her other concern was privacy between the commercial and residential properties. There is an existing chain link fence, which she and another neighbor own, but she would like to see a privacy fence between her property and the neighboring commercial property. She has been pleased with Rite Aid as a neighbor and hopes the new commercial neighbors would work well with the residential neighbors. She stated they can see a lot from their yard (portable toilet, trailers and tires stacked up behind the trailer).

Mr. Thomey noted that they have plans which will need to be submitted to the Town prior to any development being initiated. Mr. Thomey stated they are currently under contract with the owner and if all goes well he believes her concerns will be addressed to her satisfaction.

Mr. Michael Guns of 75 Alda Drive stated he also has the same concerns as Ms. Connor. He stated he hopes this is not some way to circumvent the County Ordinance against clinics. He asked if the existing buildings on this lot would be demolished. Mr. Thomey stated they would be demolished.

Ms. Laurie Sturtz, owner of Squire's Dairy stated she has the same concerns as Ms. Connor and Mr. Guns with respect to the methadone clinic.

Mr. Jakob stated they deal with a lot of jurisdictions and they have always been a responsible citizen and he stated they would not be considering placing a clinic at this location.

Mr. Ginder asked if Ms. Minner could contact the Health Department to see if they are dealing with the existing tire dealer regarding water in the tires and the threat of the Zika virus.

MOTION: Motion was made by Mr. Keene to recommend annexation to the Mayor & Commissioners for the property at 722 East Pulaski Highway, Tax Map 316, Parcel 728. The motion was seconded by Mr. Thompson and unanimously approved.

OLD BUSINESS: Discussion ensued regarding whether Steve Leonard was still a Board member. The Mayor stated that he has addressed Mr. Leonard in writing regarding his position on the Board.

A question arose about the old Serenity building and what the status might be. Ms. Minner stated the statute had run out and they must make improvements to the property prior to the occupancy of any other business.

There was discussion regarding vehicles being parked in the grass along Route 40. Ms. Minner stated there will be an amendment to the Zoning Ordinance with regard to penalties concerning this violation. She noted that Mr. Bromwell is constantly addressing these violations.

There were questions regarding food trucks parking in different locations throughout the Town. Ms. Minner stated this licensing is addressed as a 'transient vendor's license' and is under the jurisdiction of the administration office.

The issue of political signs was brought up and Ms. Minner mentioned that there has been a change in State law and they are no longer regulated by the Town.

NEW BUSINESS: Ms. Minner discussed a possible change to the zoning ordinance with the Board regarding storage trailers being allowed for a short period of time. The consensus was that the Board did not feel it was a good idea.

Mr. Thompson asked if there is any way to expand on the descriptions of the agenda items for the paper. Ms. Minner stated she would speak with Mr. Bromwell regarding this issue.

There being no additional business to discuss Mr. Wiseman adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Brenda Humphreys