

**TOWN OF ELKTON
PLANNING COMMISSION
JULY 12, 2021
VIRTUAL MEETING MINUTES**

Present: Dave Wiseman; G. Edward Ginder; Rick Keane; Keith Thompson; Will Muller; Lisa Blackson, Esquire; Jeanne Minner, Director of Planning; Nick Cannistraci, Planner

Absent: Art Blount

Mr. Wiseman called the meeting to order. He stated the first item on the agenda is approval of the minutes from the June 7, 2021 meeting.

MOTION: Motion was made by Mr. Keane to approve the minutes of the June 7, 2021 Planning Commission meeting as written. Mr. Ginder interjected that he had a correction which needed to be made for the minutes. After providing the correction, Mr. Wiseman then called for another motion.

MOTION: Motion was made by Mr. Keane to approve the minutes of the June 7, 2021 Planning Commission meeting with the noted revision. The motion was seconded by Mr. Ginder and unanimously approved by the remaining Commission members.

CASE # 1584 – REQUEST OF TYLER ROBERTS, COO REPRESENTING CENTER FOR INTERVENTIONAL PAIN SPINE, LLC, FOR A SPECIAL EXCEPTION FOR A MEDICAL USE AT 360 E. PULASKI HIGHWAY, SUITE 3B, TAX MAP 033B, PARCEL 2384, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Tyler Roberts was in attendance to address this request. Mr. Roberts stated they are an interventional chronic pain management physician owned doctor's office. They currently have offices in Delaware and Pennsylvania. They are interested in moving into the Maryland area and felt that Elkton was a suitable option due to its geographic location. They offer interventional pain techniques and treat back and joint pain along with other pain such as fibromyalgia and secondary nerve related disorders such as Lyme disease, etc.

He stated the techniques which they use are injections into the spine or large joints, as well as other medical devices such as spinal cord stimulation or intrathecal pumps to assist in managing their patient's chronic pain. He noted that they classify chronic pain as patients who have been in pain longer than six (6) months. He stated they also use physical therapy and medication to assist in managing pain. This location would be used strictly for consultation and evaluation. He stated there would be no medications on site or distributed from this location. When necessary, patients would be given prescriptions that would get dispensed through their pharmacy. He noted that any further treatment such as injections (other than trigger point injections) would be performed at a surgery center with the appropriate medical personnel.

Mr. Wiseman asked if the floor plan provided is the actual floor plan. Mr. Roberts confirmed that Suite 3B has been constructed and the only changes they would be making would be cosmetic in nature, such as flooring and paint.

Commissioner Broomell asked if Dr. Scheiner would still be at this location. Mr. Roberts stated that Dr. Scheiner had already relocated. He believed he had moved across from the Town Municipal offices.

Mr. Ginder asked how many physicians are on staff. Mr. Roberts stated they currently have 30 providers of those there are 18 physicians as well as nurse practitioners, physician assistants and chiropractors. He stated there would be 2 physicians and 1 nurse practitioner who plan to be at the Maryland office.

Mr. Wiseman asked what the hours of operation would be. Mr. Roberts stated they will be open Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. depending upon the patient load.

Mr. Wiseman asked for any additional questions or comments from the Board. Ms. Lisa Blackson asked if Mr. Roberts could confirm if the LLC is in good standing in the State of Delaware. Mr. Roberts noted that the business was incorporated in the State of Pennsylvania and is in good standing. He stated they submitted their application to the appropriate office in the State of Maryland and had included a copy of the certificate of good standing with that application. Ms. Blackson asked if he would provide copies to the Town as it sometimes take a while for that information to be uploaded.

There being no other questions or comments from the Commission Mr. Wiseman opened the floor for audience questions or comments. There was no one in attendance to speak for or against this application.

Mr. Roberts asked if another representative could attend the Board of Zoning Appeals meeting on July 22, 2021 since he will be out of town on that date. Ms. Minner confirmed that they could have another representative attend that meeting.

MOTION: Motion was made by Mr. Ginder to recommend approval of the special exception to the Board of Zoning Appeals for the Center for Interventional Pain Spine, LLC to be located at 360 E. Pulaski Highway. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Keane – Aye; Mr. Muller – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF BOHLER ENGINEERING REPRESENTING DOUGLAS DEVELOPMENT, FINAL MAJOR SITE PLAN, 300 E. PULASKI HIGHWAY, TAX MAP 033B, PARCEL 2377, ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Emily Pate and Mr. Joseph Ucciferro of Bohler Engineering, Ms. Rebekah Brown of BWD Architects and Mr. Phil Gardner from Douglas Development were in attendance to address this request.

Ms. Pate stated they are requesting approval of the Final Major Site Plan for Douglas Development. She stated they would not be making many changes to the outside of the building. This is an existing big box retail building and they are proposing to place a self-storage facility with a covered drive aisle through the center of the building. There are two access locations to the building off of Whitehall Road, one for customers to the shopping center and the other will be gated for Fire Department access only.

Ms. Pate stated there have been minor changes made to the site plan since the Concept Plan submission addressing comments from the Town and KCI. She confirmed receipt of comments from the Town, KCI and Singerly Fire Company. She noted all the comments from the Town and Singerly Fire Company have been addressed. They have a few minor comments from KCI still to address on the site and stormwater plan. She mentioned that Cecil Soil Conservation District has provided conditional approval.

Mr. Keane noted some confusion at the previous meeting with regard to the two entrances off of Whitehall Road. Ms. Pate confirmed that the southernmost entrance would be gated and equipped with a

Knox Box for Fire Department use only. The other entrance off of Whitehall Road can be used for full access to the shopping center.

Mr. Wiseman questioned Ms. Minner whether all of her comments had been addressed. She confirmed that they have been addressed.

Mr. Wiseman asked Mr. Koenig of KCI Engineering if he had anything to say regarding his comments. Mr. Koenig stated that most of KCI's comments were relatively standard and he did feel there was anything in particular he needed to address at this time.

Mr. Wiseman entertained questions from the audience. There was no one to speak for or against this project.

MOTION: Motion was made by Mr. Keane to approve the Final Major Site Plan for Douglas Development contingent upon addressing all outstanding comments. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Muller – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF BOHLER ENGINEERING REPRESENTING NEW COASTAL DEVELOPMENT, ADD ON SUBDIVISION PLAN, 732 E. PULASKI HIGHWAY; TAX MAP 033C (316), PARCEL 170 AND 411 MALONEY ROAD, TAX MAP 033C (316), PARCEL 171, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Eric McWilliams of Bohler Engineering was in attendance to address this request. Mr. McWilliams stated the subdivision consists of two parcels, the existing coffee shop on Parcel 170 and the motel which is located on Parcel 171. They are proposing to combine the two parcels. Along with that there will be some roadway dedication which they will be discussing with the County. Ms. Minner discussed the comments she had provided regarding the subdivision plan. Mr. McWilliams stated he felt her comments were easily addressable.

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 any public questions or comments. No one in attendance had any questions or comments regarding this project.

MOTION: Motion was made by Mr. Ginder to approve the Add On Subdivision Plan for New Coastal Development contingent upon addressing all outstanding comments. The motion was seconded by Mr. Keane with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Thompson – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF BOHLER ENGINEERING REPRESENTING NEW COASTAL DEVELOPMENT, PRELIMINARY SITE PLAN, 732 E. PULASKI HIGHWAY; TAX MAP 033C (316), PARCEL 170 AND 411 MALONEY ROAD, (316), TAX MAP 033C, PARCEL 171, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Eric McWilliams addressed the Preliminary Site Plan submittal. He stated he had been before the Commission previously for Concept Plan approval and for a specimen tree variance. He stated that also in attendance were Mr. Tim Hoerner, the project developer and Mr. Nick Driban of Lenhart Traffic.

Mr. McWilliams stated the site is located at the intersection of Pulaski Highway and Maloney Road. It consists of two parcels for a total of 2.05 acres. Currently located on the parcels are an abandoned coffee shop (Parcel 170) and an outdated motel (Parcel 171). He noted that the properties were annexed into the Town limits last year with a C-2 (Highway Commercial) zoning.

Mr. McWilliams stated there are currently two entrances off of Pulaski Highway and two entrances off of Maloney Road. The site plan consists of a 4,500 sf convenience store, a car wash, a six dispenser gas canopy and a two dispenser diesel canopy. They are proposing a right in and right out entrance off of Pulaski Highway. They have worked with State Highway regarding this entrance and they have no opposition. They will also have two full access entrances off of Maloney Road. He noted that Maloney Road is a County Road and they have been working extensively with the County for Maloney Road improvements as well as approval for those entrances.

He noted they have submitted the stormwater plan along with site plan and have received comments regarding that plan.

Mr. McWilliams stated that public water will be extended down Pulaski Highway to the corner of the site. There has been some discussion about additional water lines being run. Ms. Minner noted that she believes where they are proposing to bring the water line should suffice for now. She has not received any indication from Administration to pursue running the water line down Maloney Road due to the complexity of working within a County right of way. Mr. McWilliams noted that public sewer is available along Pulaski Highway as well.

Mr. Wiseman asked if he had received comment letters from both the Town and KCI. Mr. McWilliams stated that letters were received from both. Mr. Wiseman asked if he believed the comments that he received could be easily addressed. Mr. McWilliams confirmed that most of the comments were minor and he doesn't see any problems addressing them. He said he can work through any technical comments with KCI.

Mr. Wiseman asked if they had received comments and approval from State Highway for the project. Mr. McWilliams stated that they have submitted the access permit and the traffic study has been approved. Mr. Wiseman asked for confirmation that the tractor trailer traffic would exit at the lower entrance onto Maloney Road and then back to Pulaski Highway. Mr. McWilliams confirmed that a sign will be placed at the lower entrance directing the trucks back to Pulaski Highway. Mr. Wiseman asked if the County was in agreement. Mr. McWilliams stated they are in agreement. Ms. Minner stated that she has requested correspondence from the County for the Town records.

Ms. Minner stated she did not see any fire hydrants shown on the plan and wanted to confirm they were aware of the Town and Fire Department requirements. Mr. McWilliams confirmed they are ok with the need for a fire hydrant to be placed every 100 feet.

Mr. Ginder asked if they were still requesting a waiver for parking from 10 to 12 spaces for landscape islands. Ms. Minner confirmed the waiver was for the number of parking spaces between landscape islands.

Discussion ensued regarding access to the fuel pumps and whether charging stations would be incorporated on the site. Mr. McWilliams stated that due to the amount of time most customers would be at their location, they are not planning to place any charging stations. Ms. Minner mentioned that there are charging stations in downtown Elkton for shoppers.

Mr. Wiseman asked if there were any other questions or comments from the Commission members. There being no additional questions, Mr. Wiseman entertained questions from the public.

Mr. J. D. Driver, owner of the Brilliance Auto Wash in the Village of Elkton shopping center, voiced his approval of the project and is pleased the abandoned and rundown buildings are being removed. He voiced his objection to another car wash in this location. He pointed out that his car wash is right across the street and there are several others within just a few miles. Mr. Wiseman assured Mr. Driver his comments will be noted in the minutes. Mr. Driver said they are a family owned business and have been in this location since 2004.

Mr. Driver wondered if the other 7-Eleven location at Whitehall Road was going to remain. Mr. Hoerner said that his understanding from 7-Eleven is that the location at Whitehall Road would remain open.

MOTION: Motion was made by Mr. Keane to approve the Preliminary Site Plan for New Coastal Development contingent upon addressing all outstanding comments. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Ginder – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF SCOTT KOENIG OF KCI TECHNOLOGIES, INC. REPRESENTING THE TOWN OF ELKTON FOR A MINOR SUBDIVISION PLAN FOR THE BELLE HILL WATER TOWER. THIS ACTION CONCERNS PROPERTY LOCATED AT 319 BELLE HILL ROAD, TAX MAP 027C, PARCEL 2496, AND ZONED C-3 (HIGHWAY INTERCHANGE COMMERCIAL)

Mr. Scott Koenig of KCI Technologies was in attendance to address this subdivision plan on behalf of the Town of Elkton. Mr. Koenig stated this is a straight forward request. Mr. George and Ms. Minner spoke with KCI a few months ago about a housekeeping issue. This property is where the Belle Hill water tower is and has been located for a number of years.

He explain there were documents from the 1980's which created an easement for the water tower from the Maryland Transportation Authority parent property. In 2016 the easement was converted to a deed but the subdivision was never recorded. This is being done in order to delineate the Town property from the rest of the Maryland Transportation Authority property.

Ms. Minner stated that the Cecil County Signature Block should be removed from the plat. Ms. Minner asked Ms. Blackson whether Maryland Transit Authority would need to sign the subdivision plat. Ms. Blackson stated as the prior owner they would probably need to sign the plat as well.

Ms. Minner explained that when Free State submitted their site plan this parcel was shown as being owned by MTA. That is when the Town was made aware of the fact that the subdivision had never been recorded and this prompted the plan needing to come before the Commission. Ms. Minner stated she had contacted MTA by email and explained the situation. She said they would just need to determine who would need to sign the subdivision plan.

Mr. Wiseman asked if there were any other questions from the Commission members. Mr. Thompson questioned the labelling on the plan with respect to the entrance road onto I 95 being labelled as Elkton Road/Maryland 279 and the fact that it is different from the vicinity map on the plan. Ms. Minner stated that Mr. Koenig could look into that and make any necessary revisions. Mr. Koenig asked if the changes being requested could be made a part of the motion.

Mr. Wiseman entertained questions or comments from the public. There were no questions.

MOTION: Motion was made by Mr. Thompson to approve the Minor Subdivision Plan for the Belle Hill Water Tower contingent upon removal of the signature block for Cecil County and revising the subdivision plan and the vicinity map so they are consistent. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Keane – Aye; Mr. Muller – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

OLD BUSINESS: Ms. Minner stated that there are a number of projects in the pipeline. She said that beginning in August the meetings will be in person. She said we may do hybrid meetings so that members of the public can join the meeting if they are uncomfortable with attending an in person meeting.

Mr. Wiseman asked about the status of the landscaping for the Royal Farms. Ms. Minner stated the landscaper submitted a site plan and she responded that they had to place the minimum landscaping requirements. The landscaper is reviewing the plans and if they are unable to meet the minimum landscaping requirements they will need to come before the Planning Commission to request that waiver.

Mr. Muller asked if a traffic light was going to be placed at the entrance to the Southfields warehouse project. Ms. Minner said she would need to review the plans.

NEW BUSINESS: Ms. Minner said there would be an annexation at the August meeting for the Ayars property.

NEXT MEETING: The next meeting of the Planning Commission will be on Monday, August 16, 2021.

There being no other items for discussion Mr. Wiseman adjourned the meeting at 6:58 p.m.

Respectfully submitted,

Brie Humphreys