

MINUTES

PLANNING COMMISSION

October 1, 2020

The regular meeting of the Planning Commission was called to order on Thursday, October 1, 2020, 7:00 p.m. at Calvary Baptist Church, 206 Courtland Place, Bel Air, Maryland.

MEMBERS PRESENT: Peter Schlehr, Vice Chair
Donald Coates
Keith Powell
Phil Raub

ABSENT: Lois Kissinger-Kelly

IN ATTENDANCE: Kevin Small, Director of Planning
Rowan Glidden, Senior Planner
Laura Bianca-Pruett, Planner II
Erin Hughes, Town Commissioner
Charles Keenan, Town Council
Joan Suitt, Recording Secretary

Vice Chair Schlehr advised Lois Kissinger-Kelly is recovering from surgery and we wish her a speedy recovery.

Vice Chair Schlehr informed when making comments during this meeting, please come to the podium and identify yourself with your name and address. Comments are to be kept to three minutes.

ADMINISTRATIVE MATTERS:

Approval of Minutes

Mr. Raub moved and Mr. Coates seconded the motion to approve the minutes of July 9, 2020 as submitted.

Ayes: Mr. Coates, Mr. Raub, and Mr. Schlehr,

Nays: None

Abstained: Mr. Powell

The motion carried.

NEW BUSINESS:

10P-20-01-AX: Review Annexation Request for property located at west end of W. Gordon Street, north of Catherine Street, for recommendation to the Town Board of Commissioners

Mr. Glidden, Senior Planner for the Department of Planning, reported the applicant for the annexation is Liriod, LCC and Dennis Reimann is a Managing Member. The property location is Catherine Street, Parcel 001, Tax Map 49, and the lot size is approximately 1.46 acres. The existing zoning is R-2 Urban Residential in Harford County. The site is undeveloped. The surrounding land use is single family residential in both the Town and County along with the Liriodendron Mansion which serves as an event venue.

Mr. Glidden advised the Municipal Growth element of the Bel Air Comprehensive Plan recommends annexation of this parcel. The Comprehensive Plan indicates that annexations should be based on logical, fiscally sound growth; a recognition of existing development patterns; and provision for appropriate expansion that is compatible with the County Land Use Plan and supportive of Bel Air quality of life and/or an economic benefit to the community.

The property is currently zoned R-2 (Urban Residential in the County). The applicant is requesting R-1 (Low Density Residential Zoning) in the Town. Annexations are governed by State law, Annotated Code of Maryland, Local Government Article, Subtitle 4-401 thru 4-416. This article spells out the requirements placed on municipalities when considering an annexation. Article XI of the Town of Bel Air Development Regulations outlines the procedure for annexations.

The Fire and Ambulance service is currently provided by the Bel Air Volunteer Fire Company. Town police service and refuse/recycling service will become available upon annexation. Sanitary Sewer service will be provided by the Town and Water service will be provided by Maryland American Water Company as part of any development of the parcel.

Mr. Glidden stated access to the site is currently provided from Catherine Street (Town right-of-way). The property is located along a gently sloped hill and is partially forested.

The Planning Commission's role in annexation is to determine whether the annexation is consistent with the goals of the Comprehensive Plan. The Planning Commission also must determine whether the requested R-1 zoning designation is

appropriate to the site. This requires that findings of fact be established, justifying the zoning recommendations.

State Law requires that the zoning designation be consistent with the Town Municipal Growth element of the 2016 Comprehensive Plan. Since the surrounding properties in the Town are zoned Low Density Residential District (R-1) and the Town Land Use Plan shows the neighborhood as Low Density Residential, the requested R-1 Low Density Residential District designation appears to be in compliance with the current Comprehensive Plan. In addition, since County zoning of the property is R-2 and the County Land use element shows the property as Low Intensity, the proposed designation also appears to be consistent with County Zoning and Land Use. Any recommendations for annexation should be based upon the findings of fact required for rezoning:

- population change
- availability of public facilities
- present and future transportation patterns
- compatibility with existing and proposed development for the area
- relationship of requested rezoning to the Comprehensive Plan

Mr. Glidden advised detailed information is provided in the attached Annexation Report which has been forwarded to the State of Maryland, Harford County, and the Baltimore Metropolitan Commission for review.

The proposed use should be limited to single family detached housing in order to maintain the existing land use intensity in the Town and limit any impact to schools, traffic, and the environment. If the property is developed as single family detached lots, a landscape buffer is suggested along the driveway to the existing Liriodendron Mansion in order to mitigate any impact to the residential use from activity at the event venue.

Recommendations:

The proposed annexation is consistent with Town Comprehensive Plan Goals and Objectives. The recommendation is based on the following findings of fact:

1. Defined Neighborhood: For the purposes of this evaluation, the neighborhood is generally defined as the area bound on the west by Maryland Route 24, on the south by George Street on the east by William Street, and on the north by County owned parkland.
2. Population: There has not been substantial change to the neighborhood in the last 20 years. The population has remained stable during that time.
3. Availability of Public Facilities: All public facilities will be available to the site upon annexation.
4. Present and Future Transportation Patterns: Access to the parcel would be provided from either Gordon Street and/or Catherine Street. Due to the

limited size of the parcel and the low traffic generated by the proposed use, no significant traffic impact is expected.

5. Compatibility with the Existing and Proposed Development for the Area: The parcel is adjacent to the single-family detached housing and near the historic Liriodendron Mansion. The nearby event venue may create infrequent impacts to proposed residential uses on the subject property and landscape buffering could be employed to mitigate the existing use.
6. Relationship of Rezoning to Comprehensive Plan: The zoning designation is consistent with the land use designation as indicated on the Comprehensive Plan, Town of Bel Air, Maryland.

Conditions:

1. Any future land use is limited to Single Family Detached Lots.

Mr. Glidden informed of receiving a letter from the Liriodendron Foundation. The letter saying, they recognize that the annexation of the lot is consistent with the Comprehensive Plan of the Town of Bel Air and the Harford County Master Plan. They concur with the County recommendation that the development of the site be limited to single family lots accessing via Catherine Street. No access from the Gordon Street private drive should be permitted. Solid fencing and landscaping with larger trees and shrubs will be needed to reduce impact on the viewshed from the Mansion and a detailed buffering plan should be part of the subdivision review process.

Mr. Small, Director of Planning notified this is a public input meeting to review the proposed annexation. There is no development proposal tonight and that request will come back to the Planning Commission for Site Plan and Subdivision review. Mr. Small informed there is a lot of information on social media that is inaccurate and the Town wants to provide accurate information. The Town is not purchasing the property and after the owner Ms. Kelly passed, the ownership went to her heirs. The heirs went to Harford County and the County declined the property. Mr. Small stated the proposed annexation petition is not for the surrounding area. There is one property and one property owner. The meeting tonight is an added step required by Town policy to receive recommendations from the Planning Commission. The public hearing before the Town Board of Commissioners will be scheduled in November. During this meeting tonight, the Town of Bel Air wants to hear comments from the community first and they will be forwarded to the Town Commissioners.

Mr. Small advised the requested zoning is R-1 Low Density Residential and does not allow condominiums, apartments, or duplexes. Only single-family homes can be developed on this property. Trees can be removed from the property, however, if the property is developed then the Town will enforce the Forest Conservation regulations.

Mr. Small stated the legislative changes to a Historic Landmark code was by Harford County to their code and not the Town of Bel Air.

Mr. Small reminded that the Public Hearing will be scheduled before the Town Commissioners mid-November. The Planning Commission can recommend for approval, for denial or no recommendation. The Planning Commission can also attach conditions to the annexation on their recommendation. The final decision is made by the Town Commissioners.

Bradley Stover, attorney with Shaffer, McLaughlin and Stover, 836 S. Main Street, Suite 102, Bel Air, Maryland is representing Liriod LCC. Mr. Stover stated that last spring this property was offered for sale to the public because Harford County did not want to purchase it. The property is adjacent to historic property and currently zoned R-2.

Mr. Stover stated this is before the Planning Commission for a recommendation on the proposed zoning and there is no development plan being considered this evening. There is a conceptual belief for 3 single family lots but this must go through the Town's developmental process.

Mr. Stover stated it was mentioned about the impact on the Historic Registry and will be appropriately discussed but there is nothing in the code prohibiting the Town to annex simply because it is next to historic property.

Dudley Campbell, Bay State Land Services in Forest Hill, Md. informed in May, 2019 the Kelly family went to Harford County about this piece of property because they thought it would be a nice addition to the Kelly Mansion. The County was not interested. The Kelly family then approached the Town of Bel Air and there were no takers.

In August, 2019, the Kelly family decided to place the property for sale. A meeting was held with the Town Planning Department and the staff wanted the property to come into the Town.

Mr. Campbell informed the property will be developed whether it is in Harford County or the Town of Bel Air. The property is currently zoned R-2 in Harford County and this request is for R-1 in the Town of Bel Air. The question is the number of dwelling units and the size of the lots. This property is approximately 1.6 acres.

- R-2 in Harford County - allows 3.5 units per acre of ground, lot size 7,500 sf
- R-1 in Town of Bel Air - allows 4 units, lot size 10,000 sf

Mr. Campbell displayed their exhibit of 3 lots and stated Town Code has more tools to regulate and go through stringent reviews and steps to preserve the project appropriately.

Mr. Coates inquired about the paper alley issue and will it have to be resolved before annexation. Mr. Small advised the Town recently relinquished the right and allowed adjacent property owners to claim property to the center line. The property on Gordon was not claimed and gives this owner the right to claim that piece of right-of-way.

Mr. Keenan, Town Council advised Section 2-114 of the Real Property Article says property owners adjacent to an alleyway can claim to the center of the right-of-way. When Howard Park was developed, the developers did not reserve the rights of the right-of way. The Kelly's always owned their half and now Niewenhaus and West have claimed their portion. Mr. Keenan advised the Town had never accepted the alley and there was nothing on the land records. Now, the tax map can be changed.

Vice Chair Schlehr called for public comments.

Coleen West, 411 W. Gordon Street, Bel Air, opposes the annexation because the property is a rare natural open space in the heart of Bel Air and a popular destination for people who live in the neighborhood and work downtown to enjoy. This is part of the Graybeal/Kelly property that is registered in both the State and National Historic Registry and a special place that should be preserved to the extent that it can. Elected and appointed representatives and employees of Bel Air are responsible for protecting the interest of Town taxpayers and improve the quality of Town life. The Kelly family approached the Town to purchase the property and the Town declined. Now the new property owner, an LLC from Pennsylvania is asking the Town to annex and approve the property at taxpayers' expense.

Ms. West advised a petition was submitted against the annexation to show Town leaders that the community wants input in what happens near the Liriodendron. Ms. West urged to do the right thing for what the community deserves, deny the petition for annexation, and encouraged the Town to buy the property from the developer. Most important to the community is the green space to enjoy for generations to come.

Lauren Baker, 10 N. Kelly Avenue, was opposed to the zoning change because of the density change and did not want condo's or townhouses allowed in the single-family neighborhood. Ms. Baker stated there would be less homes with going with the Town instead of the County zoning but how will we know if the proposed 3 lots will be the result.

Philip Anderson has lived at 625 Roland Avenue since 1970 and is the President of the Ma & Pa Heritage Trail. Mr. Anderson has enjoyed the grounds of the Liriodendron Mansion attending many events. He has also planted several trees on the property that boarder the lands that are being planned to destroy.

The Board members of the Ma & Pa Heritage Trail are all in unison and disappointed with the use of this land. Mr. Anderson submitted the following:

On behalf of the Ma & Pa Heritage Trail, we are deeply disappointed by the failure of the county and town officials to preserve this beautiful green space that was part of the grounds of the Liriodendron Mansion, the crown jewel of Bel Air and a major attraction of Harford County. While it is important to preserve open space in the rural parts of the county, it is equally important to preserve the last remaining green spaces in our Town. These three houses will ruin the bucolic nature of the Liriodendron property, which has served as an oasis for residents and visitors alike for many decades. We should be able to do better than this from a public policy and planning perspective.

Dennis Reimann, 1804 Harford Road, Fallston, Md is affiliated with the Liriod, LLC and advised our goal is to bring something to the property that will complement the Liriodendron and do whatever we can for little impact as possible. Mr. Reimann clarified Liriod, LLC is a Maryland LLC and the "not in good standing" is because the personal property tax return did not get filed. It was submitted, but never recorded. Mr. Reimann is trying to get this straighten out.

Someone in the audience inquired who are the other members of the LLC. Mr. Reimann stated it is made up of several LLC's with multiple members. Another person asked why is this necessary to change the zoning if only proposing 3 lots since the R-1 would be doable. He feels this is suspicious.

Mr. Small asked for people with comments to come to the microphone and state their name and address. Mr. Small advised the Town supplies the sewer to the development; and, the applicant can make any request that they wish to. Mr. Small stated there is not much appreciable difference between Town R-1 and County R-2 when it comes to the permitted use.

Teresa Kotula, 2501 Munford Drive wanted clarification that R-2 is County and R-1 is Town. Mr. Reimann stated that is correct. Ms. Kotula ask for the surrounding homes zoning and was advised R-1 Town. Ms. Kotula commented, you want R-1 because of the sewer. Mr. Reimann advised we need Town sewer but it is not necessary to come into the Town to get Town sewer. In the past, projects have been County parcels that hooked up to Town sewer.

Mr. Frank Simpson, 1834 Deep Run Road wanted a promise at this point that the development will be limited to 3 lots. Mr. Reimann stated there are 3 lots shown and the Town will dictate.

Coleen West, 411 W. Gordon Street wanted more information on R-2 being more stringent in the Town. Mr. Glidden stated that County R-2 provides more flexibility and the R-1 is the most restricted residential zoning in the Town of Bel Air. Ms. West asked for the address of the LLC. Mr. Reimann stated 1804

Harford Road, Fallston, Md. Ms. West then asked why does it state Pennsylvania on the zoning information. Mr. Reimann advised that might be the mailing address.

Renee Kuhn, 121 Wallace Street stated the historical acknowledgement is still in question and will it impact the decision. Mr. Glidden advised it probably will not but we are still trying to get clarification from the County and State. Mr. Glidden further advised being on the National Registry does not prevent development of the property but would affect federally owned property. Ms. Kuhn asked if there are any considerations on the types of trees that may be taken away and will they be replaced with same species. Mr. Small advised the developer must submit a Forest Conservation Plan and come before the Planning Commission. Ms. Kuhn wanted explanation on how this development will benefit the Town of Bel Air.

Mr. Small advised that the answer to your question regarding whether or not this property is a Harford County Landmark or under the National Registry will be answered before going to the Town Board.

Marnie Bailey, 501 W. Gordon Street inquired if the zoning does not come to the Town of Bel Air how will the property receive sewer and water. Will water and sewer limit the number of houses? One house makes sense, subdivision does not. This land, like her lot, is behind the stone pillars. Her lot is five acres, the other house is on 2 acres. Any development should be consistent with her lot not the nearby Town lots.

Erika Antanaskaite, 405 W. Gordon Street advised when moving to Bel Air she did not know the open space was not part of the Liriodendron. The Liriodendron is a community attraction that drew her to buy her home. Ms. Antanaskaite stated when saying she lives in Bel Air; people ask are you near the Liriodendron. Ms. Antanaskaite was concerned the neighbors did not know anything about the sale of the property and it should have been everyone's knowledge.

Matt Sheets, 706 Fairwind Drive stated if the property stays in the County it will only be one house.

Blaise Sedney, 334 W. Gordon Street feels the Town controls development much better than the County. There is the question about supplying sewer but Mr. Sedney is concerned about the water because of experiencing water pressure issues to the second level of his home. Mr. Sedney stated Maryland American will probably have to put in some type of pump and the way this company charges, the cost will be spread to others. Mr. Sedney recommends the Town condition that the developer pay any additional cost from Maryland American. Mr. Sedney advised the trees are important and wants them protected the best they can be.

William Derby, 405 W. Gordon Street, questioned how this benefits the Town and why 3 lots. Mr. Stover advised this number was consistent with the Kelly family. Mr. Derby recommends two homes and keep the back-section green.

Sandy Magness, 2010 White House Road, commented this property was presented to Harford County to preserve it and the County said no. Ms. Magness wants to know why they refused to protect the property. Mr. Stover advised in May, 2019 the Kelly negotiated for that purpose and can show the letter received from the County. Ms. Magness asked will the development have any impact on the caretaker home on the property. Mr. Reimann advised that is on a separate lot.

Elise Smith, lives at 911 Leeswood Road and owns property in the Town. Ms. Smith stated when property goes from the County to the Town it is easier to get things done. Ms. Smith explained about land going to the Town near Del Haven Service Center area that had wetlands but was developed into condos. Ms. Smith recommends a guarantee of the 3 lots.

Elaine Baxter, 437 E. Broadway questioned about the LLC not properly filing the tax paperwork because it is a normal business practice to be filed annually. Mr. Reimann stated it was filed and not processed. Ms. Baxter wanted to know if it was timely. Mr. Reimann informed it was completed after the confirmation of the deal with the Kellys and since COVID there has been issues.

Mr. Coates, who is a CPA, advised in normal circumstances the filing is April 15th but was extended to June 15th and then to July 15th this year. Mr. Coates verified if you do not timely file, you will receive a bad standing and most likely the paperwork was sitting on someone's desk.

Paul Bailey, 501 W. Gordon Street, challenged Mr. Reimann saying if you actually do care go with the two lots because saving space is important.

Rusty Creswell, 283 Wakely Terrace asked if this stays in the R-2 County will there only be 1 house without public water and sewer and with R-1 Town 3 houses with sewer and water. Mr. Small advised this question would have to be answered by the County. Mr. Small reminded the County R-2 lot could be 7,500 sf with sewer and water. Mr. Creswell feels the Town should go with 1 house to have green space and make people happy. Mr. Creswell further recommended the Town speak to the County. Mr. Small informed the Town asked the County to comment on the annexation but no comments have been received.

Coleen West, 411 W. Gordon Street advised when receiving a letter from Betsy Kelly Smith, she indicated 1-2 houses.

Leroy Fleming, 2 N. Reed Street stated people are not happy and do not trust what is happening.

There were no further comments and Vice Chair Schlehr closed the public meeting.

Mr. Powell inquired as a condition to the annexation, can the Town place a limit on the number of lots to be developed. Mr. Powell further asked if this stays in the County and the Town cannot exercise any control over how the property is developed, what impediments are there to hook up to Maryland American and the sewer system.

Mr. Campbell stated Maryland American is a private water company and will hook up to any Harford County residence. Mr. Campbell advised there has been many times where a property in the Harford County has hooked into the Town sewer.

Mr. Powell commented, what I am hearing and what you are not saying, is if the Town refuses you to allow hook-up to the sewer system, we just bought a lawsuit.

Mr. Stover clarified from earlier, the developer understands any development cost incurred by the developer will not be asked of the Town. Mr. Stover prefers to handle real estate and zoning but can look into the matter of a lawsuit.

Mr. Raub appreciates the interest from the neighborhood and reminded this is the planning portion of the process. The Planning Commission's assignment tonight is to determine if this annexation proposal is consistent with Town's Comprehensive Plan and does it logically fit into the Town. Mr. Raub stated the answers to these questions are yes. The political phase will come later before the Town Commissioners in November.

Mr. Raub asked, what would happen if the Town does not want the annexation at all, while the County zoning would accommodate up to 5 houses or perhaps condominiums on the site that would require sewer hook-ups. Mr. Raub stated no one here could know what the judicial procedure would be if the Town denies the annexation and the applicant takes legal action saying we asked to come to the Town, you did not allow it, and we now want your sewer service. Mr. Raub does not feel it is a good risk for the Town to deny the annexation and later on end up supplying the sewer service. Mr. Raub feels this is not a winning gamble. Mr. Raub notified there are great latitudes to put in any kind of conditions for annexations.

Mr. Raub moved and Mr. Coates seconded the motion to recommend to the Bel Air Board of Town Commissioners a positive review for the annexation of the property located at the west end of W. Gordon Street, north of Catherine Street subject to the Staff Report dated September 24, 2020 with the following conditions:

1. Any future land use is limited to three (3) Single Family Detached Lots.
2. Any subdivision plan must include a robust landscape buffering plan to be approved by the appropriate regulatory body.
3. No vehicular access will be permitted onto Gordon Street.

Mr. Raub stated we will end up with:

- access off Catherine
- 3 houses facing down the road
- rear of the houses backing up to Gordon Street
- robust buffering with landscaping on the back wall and preserve as best we can to preserve the character of the screen

Ayes: Mr. Coates, Mr. Powell, Mr. Raub and Vice Chair Schlehr

Nays: None

The motion carried.

Vice Chair Schlehr abstained from the following submission because of a conflict of interest. Phil Raub will officiate the review.

10-P-20-02-SP: Review a Site Plan request for a 1,625 sf second floor addition submitted by Paul Gorman, for the Corbin Ice & Fuel Company, Inc. office building located at 33 E. Ellendale Street

Mr. Glidden, Department of Planning, informed the applicant is Paul J. Gorman, Architect, on behalf of Corbin Ice & Fuel Company, Inc. located at 33 E. Ellendale Street. The lot size is 0.74 acres and contains two existing buildings: a 2,570 sq office building; and a 6,900 sf warehouse/office building. The zoning is M-1, Industrial and the land use is Industrial: Construction Supply/Services.

Mr. Glidden advised the adjoining properties are zoned M-1 to the north and west of the site and the properties to the south and east are zoned R-2 with Transition Overlay district. The southeast three buildings have been historically inventoried and two are historically designated, at 52 E. Broadway, the "Webb-Hall House" and 58 E. Broadway, the "Everett House". To the east of the site is a residential community of townhouse style condominiums that have been there many years.

Mr. Glidden stated the site was presented to the Board of Appeals on June 23, 1981 to request a variance to allow a 5-foot building setback in lieu of the required, at that time, minimum 100 foot rear yard setback for a M-1 zoned building from a residential district. The variance request was to allow expansion of the shop/warehouse building closer to the rear property line which

adjoined a residential district to the south. The variance was granted subject to the provision of "... proper screening planted between Corbin and the adjoining properties."

The utilities are currently provided to the site. Mr. Glidden advised the Bel Air segment of the Ma & Pa Trail is planned to be constructed across the block to the northwest of the site and E. Ellendale Street is classified as a local street in the Comprehensive Plan on the Road Classification Map.

There are no mapped environmentally sensitive areas in proximity to the proposed site. Mr. Glidden noted that the applicant stated that there will be less than 5,000 sf of disturbance; if that remains the case, stormwater management will not be required for this proposed development.

Mr. Glidden advised the proposed request is to allow construction of a 1,625 sf second story addition to the existing 2,570 sf one-story office building located on the E. Ellendale frontage of the site. When the plan was presented to Town staff, the applicant was advised a Landscape Plan would be required, as the expansion exceeds 500 sf of the existing building (Sect.165-55.B). Mr. Glidden notified the applicant has elected not to submit a Landscape Plan. The building expansion exceeds 5% of the existing building and requires Planning Commission approval.

The site is placed in the Construction Supply/Services use classification due to the owner/occupant supplying commercial fuel and providing HVAC services. The Fuel Storage facilities operated by Corbin Ice & Fuel Company, Inc. are located on another parcel of land in the M-1 district of the Town of Bel Air.

The site was initially developed in the 70's and in the 80's there was an addition to the shop building that is close to the rear property line. A setback variance was granted and is still in place.

Landscape

Mr. Glidden advised street trees are required along the approximate 175 linear feet of frontage, equating to five (5) major deciduous trees or six (6) minor deciduous trees, or a combination that satisfies the requirements. There is an existing Crepe Myrtle tree to remain and may be credited towards the street tree requirement. With 20 proposed parking spaces, the Parking Lot Interior Tree requirement is two (2) major deciduous trees.

The perimeter buffer of Industrial (heavy) use is required from adjacent residentially zoned lots or parcels. The 25-foot buffer width is specified in the code with one planting unit per five linear feet. The site is already developed such that this buffer width cannot be provided in the rear of the shop building. A variance was granted in 1981 for a reduced rear yard for

construction of an addition to the shop building, provided that "... proper screening be planted between Corbin and the adjoining parties.

Mr. Glidden advised Section 165-51.F(3)(c) requires for non-residential parking "...landscape buffer shall be provided between the parking area and the adjacent residential property that effectively screens the parking from the residential property."

There is also a requirement of a three-foot setback and a planting buffer equaling one planting unit per twenty-five feet of parking abutting a public right-of-way.

Section 165-60.E requires of nonresidential developments, "...all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs, and trees ...". Applicant must remove impervious paving surfaces where not in a parking space or necessary drive.

The applicant elected not to submit a Landscape Plan. The code requires landscape be provided and the applicant needs to provide evidence as to how the site already meets landscape requirements or provide the required landscape.

Section 165-57.B)2) allows the Planning Commission to permit fences or walls to provide for privacy of dwellings. Given the existing conditions of the site and existing use of the property as Industrial Use, this might be the appropriate screening.

Site

The applicant provided the attached Site Plan. This plan must be updated to address agency comments, staff comments and any conditions required by the Planning Commission.

Indicated on the application, the site currently contains a shed approximately 8' by 32' in size and the Town does not have record of a permit. The applicant needs to address whether they will obtain a building permit or have the shed removed/razed.

Parking is located both at the front of the site and in the rear of the site. The requirement for eighteen (18) spaces is met by the proposed twenty (20) parking spaces depicted on the Site Plan.

- The single parking space in front of the office building is not set back from the right-of-way. It requires a buffer of at least 3' between commercial parking and a right-of-way. The Town recommends this parking space be modified, relocated, or removed.
- The two parking spaces in front of the shop building are not properly related to the drive lane leading to the yard gate, creating a dangerous

maneuvering condition. The Town recommends those spaces be removed to the edge of the drive lane and the excess existing asphalt removed. A minimum of a 3' landscape buffer must also be provided between these spaces and the public road right-of-way.

- Section 165-51.F(1) (a) requires that "that ... vehicle accommodation areas shall be designed so that vehicles may exit such areas without backing onto a public street." 51.F(3) (e) further requires that commercial parking lots be brought to minimum standards to "... include, but not be limited to, buffer, landscaping...".

Code Section 165-53.B(1) (a) states "Where not explicitly addressed as a condition to use approval, the integration of pedestrian sidewalks and pedestrian-friendly design shall be required in any application for development. Code Section 410-8.A specifies that property owners are responsible for initial construction of new sidewalk abutting their property.

The Town road standards include the provision of curb/gutter and sidewalks. There is existing depressed curbing and asphalt within the right-of-way in front of the site, other than at an access apron. If allowed to remain, this depressed curbing creates an unsafe condition for pedestrians and motorists by not identifying the lanes for those entering and exiting the site. A defined access apron in front of each of the access drive gates with full height curb and gutter along the remainder of the frontage will meet code requirements and protect the public. Removal of the existing asphalt between the curb and proposed parking spaces will further clarify the access drives to the yard gates, reduce the impervious surface on the site, and prevent driving and parking on areas not intended for these activities. A sidewalk should be extended from the existing sidewalk at the northeast end of the frontage to the southwest end of the frontage. The developer should coordinate with the Department of Public Works as to the width of the required sidewalk extension.

Mr. Glidden advised receiving a letter from Harford County Health Department where they indicated this proposal will be reviewed at the Building Permit stage.

Greg Ensor, one of the owners of Corbin Fuel, 33 E. Ellendale Street, informed of not knowing how little space they had until COVID-19 hit. Greg Ensor stated our lives and business has changed. Our employees need to physically be at work every day and do not have the option of working from home. Greg Ensor advised people had to be spaced apart, wear mask and alter times for workers to come in. At first, the decision was to put on an addition but after looking further, our best option was to build a second story. Greg Ensor thought the project would be simple, but when the permit process began, they were hit with the requirements.

Greg Ensor is concerned with the fencing requirement and stated there is a fence in the back with a line of trees on the Broadway side. Regarding the parking requirement, Greg Ensor stated the parking was originally in the front and all the businesses in the area utilize front parking and does not see the need to tear up pavement. Greg Ensor advised of not much foot traffic because most people pay their bills online and visitors park out back or across the street. Greg Ensor asked why do we have to change the whole footprint that has been there since the 70's. Now with having to do parking, new curbs and landscaping there is no room for snow removal.

Greg Ensor informed the sidewalk requirement puts us way over budget and sees the sidewalk creating a threat to kids walking or riding bicycles. Greg Ensor reminded trucks circle around the building/property and would not be able to see bicycles/pedestrians when coming out. Greg Ensor stated this creates a huge liability and does not want to see someone get killed. He does not understand the purpose for sidewalks that take you nowhere. Greg Ensor stated Ellendale Street will always be commercial and never change.

Mark Ensor, one of owners of Corbin Fuel, is also concerned with the kids and adults on the sidewalks along Ellendale and added buses come in and out all day long. Mark Ensor advised currently most people walk out of the area on Franklin and down Broadway and sidewalks will bring more foot traffic.

Mr. Raub advised your points are well made and is difficult for the Town when something new is going to happen and sidewalks filled in. Mr. Raub noted many years ago Harford Mutual was required to put in a "sidewalk to nowhere".

Greg Ensor advised the shed is useless and will see that it is taken out. Greg Ensor stated we are not expanding and only trying to spread out our employees to make it safer.

Mr. Coates inquired about latitude about the sidewalk. Mr. Glidden reviewed the areas for the sidewalk. Mr. Glidden further informed the requirements are in the code and there is no latitude to wave it. The Planning Commission does have some latitude in other areas such as landscaping.

Mr. Powell asked what happens if we approve the Site Plan but not the sidewalk. Mr. Raub responded then this could not be enforced on subsequent cases.

Mr. Keenan, Town Council advised the building addition proposed is adding space that does not currently exist and the zoning regulations are written for certain percentage of increase. Mr. Small stated the requirement is more than 5% of the square footage on site. Mr. Coates informed if it were less, there would only be an administrative process and not have to enforce the code. Mr. Small advised the Planning Commission can waive the landscape requirement.

Mr. Powell asked for clarification on two photos that were submitted. Mr. Glidden explained the pictures.

Mr. Coates moved and Mr. Powell seconded the motion to approve the Site Plan for Corbin Ice & Fuel Co., Inc., 33 E. Ellendale Street based on Staff Report dated September 22, 2020 and conditioned on the following:

- Remove the Landscape requirement.
- 1. Prior to Building Permit Application, submission of a Final Site Plan for signature incorporating comments from this staff report, and comments from:
 - a. Bel Air Public Works memo dated September 16, 2020
 - b. Harford County Health Department - will review during building permit stage.
 - c. Bel Air Department of Planning & Community Development comments:
 - 1. Revise the Site Plan.
 - a. Complete the Owner's Certification block.
 - b. Complete the Engineer's Certification block.
 - c. Revise the parking along the site frontage.
 - d. Revise to provide road frontage improvements.
 - e. Revise to extend sidewalk across site frontage.
 - f. Note intended action with existing shed.
 - g. Correct landowner name in notes.
 - h. Correct label on front building restriction line.
 - i. Label width of right-of-way.
 - j. Show and label existing sewer connection to office building.
 - k. Show and label existing water connection to shop building.
 - l. Add signpost and sign for ADA parking space.
 - m. Note revisions in revision block.
 - 2. Prior to issuance of the Use and Occupancy permit for the office addition:
 - a. Obtain building permit for existing shed if to remain, or demolition permit for existing shed if it is to be razed.
 - b. Complete all site work to include:
 - a. Parking lot modifications.
 - b. Road frontage improvements (curb/gutter, access aprons, sidewalk).

Ayes: Mr. Coates, Mr. Powell, Mr. Raub

Nays: None

Abstained: Mr. Schlehr

The motion carried.

MISCELLANEOUS :

Project Status Update

Mr. Glidden reviewed the Project Status report.

Mr. Schlehr recognized the Planning Department staff for their efforts in setting up this venue for the social distancing meeting.

ADJOURNMENT:

The meeting adjourned at 9:15 p.m.