

NORTH EAST PLANNING COMMISSION

North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Tuesday, June 6, 2017
7:00 PM

Chairman Mark Dobbins called the meeting to order at 7:03 P.M. Present included Valerie Combs, Commissioner Eric Braley, Michael Nair and Judy Duffy. Also present were Melissa Cook-Mackenzie, Town Administrator, Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant.

-MINUTES-

May 2, 2017 Meeting Minutes.

The Planning Commission accepted the May 2, 2017 minutes as presented.

-NEW BUSINESS-

Jacob Tome Institute- Special Exception for use of a school

Case A-2017-04-SE: A Special Exception application has been filed by Jacob Tome Institute, 581 South Maryland Avenue, North East, Maryland 21901. Applicant proposes to obtain a special exception to permit an expansion of the existing non-conforming use. Also found on Tax Map 31; Parcel 0354. Zoning District: R-1, Single Family Residential.

Mr. Scott Dillow, Dillow Associates Architects, 1750 Cloverton Drive, Columbia, Pennsylvania and Mr. Peter Soprano, Site Resources, 14315 Jarrettsville Pike, Phoenix, Maryland came to represent the Jacob Tome Institute (also known as the Tome School). Mr. Dillow stated that the Tome School was seeking a special exception for the use of a school, due to a proposed gymnasium addition. Mr. Soprano displayed a concept site plan indicating the construction location of the proposed addition and added that the addition would be an extension of the existing buildings use, which is a school. Mrs. Vennell reported that the existing school is a grandfathered use as the regulations state that schools are permitted only with an approved Special Exception, thereby necessitating the Special Exception. Mrs. Cook-Mackenzie stated that the majority of the existing building is located outside of the Corporate Limit of the Town of North East and clarified that the proposed addition would be located within the Corporate Limit of the Town.

Mrs. Vennell reported that the Town has not received any questions or comments regarding the Special Exception application.

Ms. Combs made a motion to recommend approval of the Special Exception to the North East Board of Appeals for the use of a school. Ms. Duffy seconded the motion and the motion was approved by all.

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Jacob Tome School-Concept Site Plan

Jacob Tome School, 581 South Maryland Avenue, North East, Maryland 21901, Concept Site Plan for an addition of a gymnasium to the existing school.

Mr. Scott Dillow, Dillow Associates Architects, 1750 Cloverton Drive, Columbia, Pennsylvania and Mr. Peter Soprano, Site Resources, 14315 Jarrettsville Pike, Phoenix, Maryland presented the concept site plan for a gymnasium addition to the Jacob Tome Institute (also known as the Tome School).

Mr. Nair commented that the Technical Advisory Committee (TAC) had quite a few questions and comments and Mr. Nair inquired if they had been forwarded to the Towns engineer. Mrs. Vennell confirmed the questions and comments had been addressed by the Developer and forwarded to CNA Engineering.

Mr. Nair inquired if there would be any decrease in parking spaces and asked if the entrance or exits would be altered or relocated. Mr. Soprano reported there will be no loss of parking spaces nor a change of the entrance or exits. Mr. Soprano reported that the construction is proposed in the fall of 2017 and the Tome School will make preparations regarding parking and the student drop-off loop.

Mr. Nair made a motion to approve the Concept Site Plan with the following conditions:

1. All agency comment letters.
2. Comment letter from Stephen Nolan, CNA dated May 23, 2017
3. Preliminary and Final Site Plan may be presented together.

Ms. Combs seconded the motion and the motion was approved by all.

510 South Main Street - Alcohol Beverage License

Case A-2017-03-SE: Special Exception application from Lynn Bollinger, 36 Blossom Lane, Elkton, Maryland. Applicant is requesting a special exception for the purpose of obtaining an on premise alcohol beverage license for beer, wine and liquor. Subject property: 510 South Main Street, North East, Maryland; Also known as parcels 421 and 587; Tax Map 401. Property owner EJP, LLC, 929 West Pulaski Highway, Elkton, Maryland. Zoning District: V-C, Village Commercial.

Ms. Lynn Bollinger, 36 Blossom Lane, Elkton, Maryland, applicant and Jay Emery, Esquire of Baker, Thomey and Emery of Elkton, Maryland were present to speak in regards to the special exception application. Attorney Emery stated that Ms. Bollinger assists in running the Chef's Kitchen an existing restaurant located on Route 40 and would like to expand the business into the Town of North East at 510 South Main Street. Ms. Bollinger explained that she would like to lease 510 South Main Street and open a restaurant, named "Snatchers Creekside Bar & Grill.

Ms. Bollinger stated she would like the opportunity to serve Beer, Wine and Liquor at the proposed restaurant. Ms. Bollinger stated she would like the restaurant to be open 7 days a week for lunch and dinner and does not want to compete with

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their other restaurant, Chef's Kitchen, for breakfast patrons. Attorney Emery stated that Chef's Kitchen is a fairly successful restaurant and has been in operation for several years. Ms. Bollinger stated that her family had owned the Howard House, for many years and therefore, has prior restaurant experience.

Attorney Emery inquired of Ms. Bollinger if this use in the "VC" Village Commercial District would have harmful, negative or detrimental effects on the neighborhood or adjoining properties and Ms. Bollinger responded no. Attorney Emery inquired of Ms. Bollinger if she thought this use would conform to and be compatible with other uses in the neighborhood and Ms. Bollinger responded yes.

Ms. Bollinger stated she hopes that the proposed restaurant draws more business into Town and is looking forward to filling the vacant building. Ms. Bollinger stated there are other restaurants and bars in the area up and down Main Street. Attorney Emery stated that Ms. Bollinger is requesting the business hours of 11:00 A.M. to 11:00 P.M. and reported that the previous business "Paradise Grill" conducted business from 7:00 A.M. to 11:00 P.M.

Ms. Vennell reported that 510 South Main Street is located within the Village Commercial District and identified the property on the Zoning Map displayed. Mrs. Vennell explained that the "VC" Village Commercial zoning district was established to provide a business district during normal business hours, which are 8:00 A.M. to 8:00 P.M. and return to a residential area in the evening. In addition, the permitted uses shall have compatibility with the residential districts per Article 5, Section 5-6 "VC" Village Commercial District Regulations:

"The purpose of the "VC" Village Commercial district is provide for a mix of residential, commercial and business uses of limited scale and intensity. Development standards are designed to insure that the scale and intensity of non-residential uses permitted in this district are compatible with adjacent residential neighborhoods and uses. Use should not be so intensive as to create congestion and/or parking problems along Main Street and in the adjacent residential neighborhoods."

Mr. Nair inquired of Ms. Bollinger if she is planning on having a bar in the restaurant. Ms. Bollinger replied yes, with approximately 15 stools. Mr. Nair inquired what the revenue split between food and alcohol would be. Ms. Bollinger stated 60 percent food and 40 percent alcohol. Ms. Bollinger added there are 25 tables all together combining indoor and outdoor seating and she is not planning on changing the footprint of the previous business. Mr. Nair inquired how many other bars, in the Town of North East, are within the Village Commercial Zoning District. Mrs. Vennell replied bars are not a permitted use in the Village Commercial Zoning District and added the General Commercial Zoning District does permit, "bars", "pubs", "taverns", "sports bars" and "restaurants" after an approved special exception. Attorney Emery stated the proposed restaurant is a restaurant with a bar not a bar with a restaurant.

Commissioner Braley stated that the Village Commercial District Regulations state the hours of operation are, 8:00 A.M. to 8:00 P.M. and the hours of operation may

be modified in conjunction with a special exception. Commissioner Braley reported that the previous business at this location was granted extended hours of operation, 7:00 A.M. to 11:00 P.M. and Commissioner Braley expressed concerns regarding the extended hours, loud music, drunk people late at night and fighting reporting that all of these situations seemed to occur later in the evening. The Victoria Park Apartments, a senior apartment complex is an adjoining property, therefore, Commissioner Braley state he was not in support of the extended hours nor the full beer, wine and liquor license.

Attorney Emery reported that the owner of the prior restaurant were not experienced restaurant owners and inquired what Ms. Bollinger may do differently to insure these situations did not occur in the future. Ms. Bollinger stated that she wants a restaurant that has a bar in it, however, her focus is on the food. Mr. Richard Polansky and Mr. Eric Polansky, EJP, LLC, the property owners spoke on behalf of Ms. Bollinger and the proposed restaurant stating they did extensive research of Ms. Bollinger's restaurant experience and Mr. Polansky stated that he feels very confident Ms. Bollinger will do an excellent job managing the proposed restaurant. Mr. Fuggitti, owner of Chef's Kitchen stated Ms. Bollinger has been a manager at Chef's Kitchen for several years and has done an excellent job.

Mrs. Vennell reported that the planning office did not receive any comments in favor of or opposed to the special exception. Mrs. Vennell stated the name of the proposed business may not contain any of the following words: "bar", "pub", "and tavern", " sports bar". Ms. Bollinger stated she is willing to remove those words from any signage.

Mr. Nair stated that the Planning Commission needs to consider putting conditions into place so that if a special exception is granted the Planning Commission and Board of Appeals still maintain some kind of control to review the conditions granted if necessary. After significant discussion between the Planning Commission members, the applicant and property owners regarding the music volume, potential complaints and hours of operation a list of conditions was formed.

Ms. Duffy made a motion to recommend, approval, with conditions, to the North East Board of Appeals, for the on premise beer, wine and liquor license in conjunction with the restaurant at 510 South Main Street, North East, Maryland.

Conditions:

1. Extended hours of operation: Sunday through Thursday shall be limited from 8:00 a.m. to 9:00 p.m.
2. Extended hours of operation: Friday through Saturday shall be limited from 8:00 to 11:00 p.m.
3. Music from the restaurant shall not be audible to any adjoining property past 7:00 p.m. Sunday through Thursday.

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4. Music from the restaurant shall not be audible to any adjoining property past 9:00 p.m. Friday through Saturday.
5. If the Planning Office or North East Police Department receives three (3) valid complaints regarding the subject business, the applicant and the owner shall be required to return to the next scheduled Planning Commission and Board of Appeals meetings to re-evaluate the allowance granted for extended hours.
6. The name and/or sign of the restaurant shall be prohibited to contain the names “Bar”, “Pub”, “Tavern” or “Sports Bar”, as those are not permitted uses within the “VC” Village Commercial Zoning District.
7. The applicant(s) shall be required to return to the Planning Commission and Board of Appeals on an annual basis, beginning one year from the date of opening, to review the ability to continue the extended hours of operation.

Mr. Nair seconded the motion and the motion was approved by all.

Annexation of 2305 Pulaski Highway (Pat’s Pizza)

Annexation Resolution C-2017-05-01-A and Annexation Plan Resolution C-2017-05-02-A: Recommendation to the Mayor and Commissioners concerning an annexation petition filed by property owner K. Stavros, LLC, by and through its managing member, Apostolos Kalaitzoglou. Subject property is also known as 2305 Pulaski Highway, North East, Maryland. Land area approximately 0.814 acres (35,443 square feet); found on Parcel 0100; Tax Map 25

Jay Emery, Esquire, Baker, Thomey and Emery, Elkton, Maryland and Dan Estrich, general manager of Pat’s Pizza came to present the annexation. Attorney Emery stated the subject property abuts the town’s boundary and that Pat’s Pizza would like town water and was required to annex into the town.

Mrs. Vennell reported that the Planning Commission had received copies of the Annexation Resolution, C-2017-05-01-A and the Annexation Resolution Plan, C-2017-05-02-A, during the during May Planning Commission meeting. One of the resolutions states the metes and bounds of the property. The other resolution states how the property is compatible with the Cecil County Comprehensive Plan and the North East Comprehensive Plan. Mrs. Vennell stated in accordance with the Annotated Code of Maryland, the Town sent a copy of the Resolutions to the Cecil County Council President, Cecil County Executive, Cecil County Office of Planning and Zoning and the Maryland Department of Planning. In addition (2) notices were printed in the Cecil Whig. Mrs. Vennell reported that the Planning Commission is called upon to make a recommendation to the Mayor and Commissioners, regarding plans, goals and objectives related to the growth, including annexation. The annexation will go before the Mayor and Commissioners on June 14, 2017. The effective date of the Annexation if approved is July 29, 2017. Mrs. Vennell reported there have been no comments from the public.

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Mrs. Combs made a motion to recommend approval of Annexation Resolution C-2017-05-01-A and Annexation Plan Resolution C-2017-05-02-A to the Mayor and Commissioners. Ms. Duffy seconded the motion and the motion was approved by all.

Mr. Estrich thanked the Planning Commission for working with the small businesses for the greater good of the businessman and the Town. Mr. Estrich added that he has attended many Planning Commission and Board of Appeals meetings in many other Towns and in his experience not many small towns have been so willing to work with potential businesses and therefore, he commends this Planning Commission and Town.

-OLD BUSINESS-

None.

-REPORTS-

Route 272 Bridge over Amtrak

Mrs. Cook-Mackenzie stated that the Route 272 Bridge over Amtrak has been set to begin July 2017 as a notice to proceed was issued on April 20, 2017.

Heron Cove

Mrs. Cook-Mackenzie reported that she received a call from Attorney Thomey regarding the proposed Heron Cove Development and he inquired what the Towns and State Highway Administrations (SHA) position would be in regards to:

1. Connectivity
2. Planning Commissions requirements for the connectivity.

Mrs. Cook-Mackenzie stated she and Mayor McKnight had met with SHA regarding another topic, however had some discussion about Heron Cove regarding connectivity. Mrs. Cook-Mackenzie reported that SHA stated they did not need to be involved concerning a separate walkway across the creek as this was outside of their right of way.

Mrs. Cook-Mackenzie reported she was planning to contact Attorney Thomey in regards to a letter he had sent to her regarding no connectivity into the Town. Mrs. Cook-Mackenzie added that she does not see any reason to waive this condition. Chairman Dobbins inquired if there have been new or altered plans submitted for Heron Cove. Mrs. Cook-Mackenzie responded that the Planning Office has not received any updated plans.

After some discussion the Planning Commission stated they would like to see a new submittal of what is being proposed for the development as there has been a significant lapse in time since the previous submittal. In addition, Chairman Dobbins reported that the Planning Commission has several new members and it would be in the best interest for everyone if the Planning Commission received the new plans before responding to the inquiry.

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-MISCELLANEOUS-

None.

-COMMENTS FROM THE PUBLIC-

None.

-NEXT MEETING-

July 11, 2017

-ADJOURNMENT-

With no further business, Commissioner Braley made a motion to adjourn at 9:14 p.m. Ms. Combs seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Mark Dobbins
Chairman

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