

MINUTES

Baltimore County Planning Board Meeting, September 19, 2013

Contents

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Review of today's Agenda

Minutes of the July 18, 2013 meeting

Items for Discussion and Vote

1. Cycle 31 Water and Sewerage Amendments
2. Oheb Shalom Cemetery – URDL Revision
3. Dyer Property – URDL Revision

Other Business

4. Report from the September 12, 2013 Landmarks Preservation Commission Meeting
5. Legislation of interest to the Planning Board:
 - Bill 41-13 – Zoning Regulations – M.L.R. Zone
 - Res. 72-13 – Commission on Environmental Quality – Tree Canopy Program
 - Res. 73-13 - Baltimore County Planning Board – Pasturing and Stabling of Livestock
 - Appointment – Baltimore County Planning Board-Chairman – N. Scott Phillips

Adjournment of the Board Meeting

Appendices

Appendix A	Tentative Agenda
Appendix B	Minutes of the July 18, 2013 Planning Board Meeting
Appendix C	Water & Sewerage Plan, Amendment Cycle 31, Staff Report and Compact Disk (CD)
Appendix D	Oheb Shalom Cemetery URDL Revision Supporting Documents
Appendix E	Dyer Property URDL Revision Supporting Documents
Appendix F	September 12, 2013 Landmarks Preservation Commission Major Actions Summary
Appendix G	Legislation of Interest to the Planning Board

Minutes
September 19, 2013

Call to order, introduction of Board members, remarks on procedures by Chairman, and presentation by staff

Chairman N. Scott Phillips called the meeting of the Baltimore County Planning Board to order at 4:01 p.m. The following members were:

Present

Mr. N. Scott Phillips
Mr. Paul Miller
Mr. Randy Thompson
Mr. Eric Lamb
Ms. Nancy Hafford
Mr. Mark Schlossberg
Mr. John Polek
Mr. Jeffrey Gordon
Mr. Jonathan Herbst
Mr. Rainier C. Harvey, Sr.
Mr. Howard Perlow
Mr. Gerard J. Wit
Mr. Wayne C. McGinnis
Mr. Scott Holupka

Absent

Mr. Scott Jenkins

County staff present included Andrea Van Arsdale, Jeff Mayhew, Curtis Murray, Lynn Lanham, Janice Graves, and Kathy Schlabach from the Department of Planning.

Review of today's Agenda

There were no changes to the Tentative Agenda as published, which is filed as Appendix A.

Minutes of the July 18, 2013 Meeting

Mr. Perlow moved to accept the Minutes of the July 18, 2013 meeting as circulated. Mr. Thompson seconded the Motion, which unanimously passed at 4:07 p.m. Absent was Mr. Jenkins.

A copy of the July 18, 2013 approved Minutes are filed as Appendix B.

Items for Discussion and Vote

1. Cycle 31 Water and Sewer Amendment

Mr. Phillips invited Mr. Mayhew from the Department of Planning to advise the Board of any further comments or concerns from the Department of Planning prior to the Board's vote on the proposed Cycle 31 Water and Sewer Amendment and subsequent agenda items 2 and 3, petitions for Urban Rural Demarcation Line (URDL) revisions.

Mr. Mayhew referred the Board to the Water & Sewerage Plan, Amendment Cycle 31, Staff Report dated July 18, 2013. Mr. Mayhew noted that there were three issues known as 13-01 Oheb Shalom Cemetery, 13-02 Dyer Property, and 13-03 Emerson Farms / SPS Maintenance Building.

The Oheb Shalom Cemetery, located on Berrymans Lane, Reisterstown, is zoned DR 2 and RC 5, is currently outside of the URDL, and is divided by the Metropolitan District Boundary. The existing water and sewer designations are W-7/ S-7 and the petitioner requests designations of W-3 / S-3 on the portion of the site that is zoned DR 2. Baltimore County Staff recommendations from Environmental Protection and Sustainability (EPS) are to deny the petitioner's requests. The Department of Planning (Planning) and the Department of Public Works (DPW) recommend W-3 / S-3 on the DR-2 portion of the property, subject to a change in the URDL corresponding to the DR-2 portion of the property.

The Dyer Property, located at Berrymans Lane and Nicodemus Road, Reisterstown, is zoned DR 1, RC 4, and RC 5, is currently outside of the URDL, and is inside the Metropolitan District Boundary. The existing water and sewer designations are W-7/ S-7 and the petitioner requests designations of W-3 / S-7 in a portion of the right-of-way boundaries of Berrymans Lane and Nicodemus Road (the access to the Dyer Property). Baltimore County Staff recommendations from EPS are to deny the petitioner's requests. Planning and DPW recommend retaining the W-7 / S-7 designations.

Emerson Farms / SPS Maintenance Building, located at 800 Greenspring Valley Road, is zoned RC 2, is currently outside of the URDL, and is inside the Metropolitan District Boundary. The existing water and sewer designations are W-7/ S-7 and the petitioner requests designations of W-7 / S-7 with an existing special exception modified with an 8,000 square foot maintenance building. Baltimore County Staff recommendations from EPS are to approve modifying special exception to include an extension of public sewer connection, restricted to Saint Paul's School maintenance building only. Planning and DPW recommend designations of W-7, S-7 with the special exception modified to allow extension for the plumbing fixtures required for an 8,000 square foot maintenance building only.

Mr. Mayhew further advised that two of the Cycle 31 issues had an associated petition for URDL revision. Mr. Mayhew described the proposed URDL revisions as follows:

The Oheb Shalom Cemetery's request is to move the URDL for the said property to be concurrent with the water and sewer request made under the Water and Sewerage Plan, Amendment Cycle 31 and the zoning change made during the 2012 Comprehensive Zoning Map Process (CZMP). There is existing public water and sewer that is available to the subject property in Nicodemus Road, east of Berrymans Lane.

Subsequently, Mr. Mayhew advised the Board that the Dyer Property petition requests revising the URDL for the said property to be concurrent with the water and sewer request made under the Water and Sewerage Plan, Amendment Cycle 31. There is existing public water and sewer that is available to the subject property in Nicodemus Road, east of Berrymans Lane.

Following the description provided by Mr. Mayhew, the Board asked several general questions regarding the URDL revisions and the Cycle 31 Amendment.

As a result of differing opinions by the Board members, Mr. Miller requested that each Cycle 31 Amendment issue be voted on separately. Mr. Phillips concurred and proceeded with entertaining motions on the Cycle 31 Amendments issues.

Ms. Hafford moved that, (for issue 13-01 – Oheb Shalom Cemetery) the designation be W-3 / S-3 on the DR 2 portion of the property, subject to a change in the URDL corresponding to the DR 2 portion of the property. Mr. Thompson seconded the motion, which failed by a vote of 8 nays to 5 ayes. Absent was Mr. Jenkins. As such, there is no recommended change to the existing water and sewer designations.

Ms. Hafford moved that, (for issue 13-02 – Dyer Property Access) the designation be W-7 / S-7. Mr. Miller seconded the motion, which passed by a vote of 11 ayes to 2 nays. Absent was Mr. Jenkins. As such, there is no recommended change to the existing water and sewer designations.

Ms. Hafford moved that, (for issue 13-03 – Emerson Farms / SPS Maintenance Building) the designation be W-7, S-7 designation with the existing special exception modified to allow an extension for the plumbing fixtures required for an 8,000 square foot maintenance building only. Mr. Polek seconded the motion which passed by a vote of 11 ayes to 2 nays. Absent was Mr. Jenkins.

A copy of the Water & Sewerage Plan, Amendment Cycle 31, Staff Report and Compact Disk (CD) is filed as APPENDIX C.

2. Oheb Shalom Cemetery – URDL Revision

Mr. Phillips opened the floor for discussion regarding the petition to revise the URDL for the Oheb Shalom Cemetery. Mr. Phillips also asked staff if there was any additional information that the Board needed to consider prior to voting on the issue. Being none, Mr. Phillips call for a motion.

Mr. Polek moved that, the Baltimore County Planning Board denies the revision to the Urban Rural Demarcation Line (URDL) on the DR 2 portion of the site as depicted on the map submitted by the Department of Planning. Mr. Lamb seconded the motion, which passed by a vote of 10 ayes to 1 nay. Mr. Harvey and Ms. Hafford abstained. Absent was Mr. Jenkins.

A copy of the Oheb Shalom Cemetery URDL Revision supporting documents are filed as APPENDIX D.

3. Dyer Property – URDL Revision

Mr. Phillips opened the floor for discussion regarding the petition to revise the URDL for the Dyer Property. Mr. Phillips also asked staff if there was any additional information that the Board needed to consider prior to voting on the issue. In response to a Board member's request for clarification, Mr. Mayhew further explained the exact location of the subject URDL revision. Mr. Mayhew clarified that the proposed revision would be within the right-of-way of Berrymans Lane and a small portion within the right-of-way of Nicodemus Road. There were no further questions, and Mr. Phillips called for a motion.

Mr. Polek moved that, the Baltimore County Planning Board retains the Urban Rural Demarcation Line (URDL) without changes as depicted on the map submitted by the Department of Planning. Mr. Schlossberg seconded the motion, which passed by a vote of 11 ayes to 2 nays. Absent was Mr. Jenkins.

A copy of the Dyer Property URDL Revision supporting documents are filed as APPENDIX E.

4. Report from the September 12, 2013 Landmarks Preservation Commission Meeting

Mr. Murray referred the Board members to the written report of major actions from the September 12, 2013 Landmarks Preservation Commission meeting contained in the notebooks.

A copy of the report is filed as APPENDIX F.

5. Legislation of interest to the Planning Board

Mr. Murray advised the Board that there were four County Council legislative actions since the last Planning Board meeting that may be of interest to the Board. The following are the legislative items of interest:

- Bill 41-13 – Zoning Regulations – M.L.R. Zone
- Res. 72-13 – Commission on Environmental Quality – Tree Canopy Program

- Res. 73-13 - Baltimore County Planning Board – Pasturing and Stabling of Livestock
- Appointment – Baltimore County Planning Board-Chairman – N. Scott Phillips

Mr. Miller moved that the Baltimore County Planning Board refers County Council Resolution 73-13 to the Administrative Officer of Baltimore County for consideration and authorization that the Department of Planning and/or any other Department or Bureau deemed appropriate by the Administrative Officer, move forward with the review of relevant County laws and regulations relating to the use of land for the accessory, noncommercial raising and keeping of small livestock, fowl or poultry, and to review the laws and policies of other jurisdictions relating to the accessory, noncommercial raising and keeping of small livestock, fowl or poultry, and to report their findings and recommendations to the County Council. Mr. Thompson seconded the Motion, which passed unanimously at 4:55 p.m. Absent was Mr. Jenkins.

Mr. Phillips asked the Board members if they had any questions for Mr. Murray. Being none, Mr. Murray referred the Board members to the copies of the legislation contained in the notebooks.

A copy of the Legislation of Interest to the Planning Board is filed as APPENDIX G.

Adjournment of the Board Meeting

Mr. Schlossberg moved to adjourn the Board meeting. Mr. Harvey seconded the motion which, at 4:59 p.m. unanimously passed. Absent was Mr. Jenkins.

Cjm

APPROVED – 10/17/2013 – CJM