

MINUTES

Baltimore County Planning Board Meeting, January 16, 2014

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Minutes
January 16, 2014

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 4:00 p.m. The following members were:

Present

Mr. N. Scott Phillips
Mr. Paul Miller
Mr. Scott Jenkins
Mr. Eric Lamb
Ms. Nancy Hafford
Mr. Jonathan Herbst
Mr. Howard Perlow
Mr. Wayne C. McGinnis
Mr. Scott Holupka
Mr. Mark Schlossberg

Absent

Mr. Randy Thompson
Mr. Gerard J. Wit
Mr. Rainier C. Harvey, Sr.
Mr. Jeffrey Gordon

County staff present included Andrea Van Arsdale, Jeff Mayhew, Curtis Murray, Lynn Lanham, Kathy Schlabach, and Janice Graves from the Department of Planning. Dave Thomas from the Department of Public Works was also present at the meeting.

Review of today's agenda

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

Minutes of the November 7, 2013 meeting

Mr. Miller moved to accept the Minutes of the November 21, 2013 meeting as circulated. Mr. Schlossberg seconded the motion, which unanimously passed at 4:02 p.m. Absent were Messrs. Thompson, Wit, Harvey, and Gordon.

A copy of the November 21, 2013 approved Minutes are filed as Appendix B.

***A Special Presentation by County Executive Kevin Kamenetz –
Introducing the 2014 Capital Improvement Program Process***

Mr. Phillips stated that the Board was glad to have County Executive Kevin Kamenetz at the meeting to introduce the Capital Improvement Program (CIP) process. Mr. Phillips noted that the County Executive would be describing fiscal parameters, highlighting points of particular interest, and outlining his priorities for the 2014 Capital Budget. Mr. Phillips also advised that budget Director Keith Dorsey was in attendance. Mr. Phillips also announced that Planning Board member Jonathan Herbst will chair the CIP committee this year (2014).

Mr. Kamenetz opened his remarks by thanking the Board for providing him the opportunity to speak to them today.

Mr. Kamenetz stated that the Fiscal Year 2015 Capital Budget and FY 2016-2020 capital improvement program is an “on” year in the biennial budget process. He noted that the difference in an off-year is that usually minimal adjustments are required.

Mr. Kamenetz advised the Board that starting at tonight’s meeting and ending with County Council approval in May, the referendum amounts to be submitted for voter approval in November will be determined. School construction and improvements remain a priority at the local and state level of government. For the FY 2016, 2018, and 2020 capital improvement program, the Board will see significant change of debt authority shifted to schools for continued support of school construction and renovation projects. The increase is \$150 million is just for schools. Mr. Kamenetz informed the Board that Dr. Dallas Dance will be before them in the coming weeks to address specific questions about the Baltimore County Public Schools capital requests. The County Executive has been very clear on continued support for the Superintendent’s plan to alleviate overcrowding in the central and southwest areas of Baltimore County; however the FY 2015 \$142.5 million Board-approved capital budget cannot be funded as requested.

The County Executive has directed the Office of Budget and Finance staff to work with the Department of Planning to review the cash flow of the requests and identify available funding within the increased bond authority. At the same time the County Executive will continue to work with legislative delegations in Annapolis to maximize State participation in school projects.

The bond funding shifts to schools did not come without sacrifice on the part of general government projects. Most noticeably, the Department of Public Works FY 2016 bond funding has been reduced by nearly \$37 million.

The County Executive is reluctant to accept this reduction as Baltimore County pushes to rebuild and improve aging infrastructure. As such, Mr. Kamenetz advised that general funds will be added to FY 2015 and FY 2016 to replace the bond authority. In other words, Public Works projects remain fully funded with a combination of cash and debt authority.

FY 2016 bond amounts were increased for Community Improvements. Of the \$18.5 million programmed, \$13 million is the County’s commitment to fund the replacement of the Eastern Family Resource Center at Franklin Square. \$5 million is included to fund the construction of a new Westside Shelter on the Spring Grove campus. Mr. Kamenetz indicated that the new facilities will provide much needed services to fellow citizens in need.

Mr. Kamenetz advised the Board that Dr. Sandra Kurtinitis, Community College of Baltimore County (CCBC), and Director Jim Fish, Baltimore County Public Library (BCPL), will be before the Board in the coming weeks to discuss their respective capital programs. Mr. Kamenetz stated that while general government project bond amounts have been reduced, the CCBC and BCPL bond amounts are unaffected.

Mr. Kamenetz advised that he continues to support the renovation and expansion of CCBC’s Math and Science Hall (F Building) on the Catonsville campus. This project will alleviate current and projected lab space deficiencies and provide students with state-of-the-art learning environments.

The County Executive highlighted that, last month the County Council approved the acquisition of the Hereford Library. For many years, residents have requested the purchase of the building at the annual citizen input meeting. The County purchased the existing building and adjacent property. The County will work closely with Jim Fish and BCPL staff to develop a long term plan for the use of the full site.

In closing, the County Executive stated for FY 2016, 2018, and 2020 he submits level I bond referendums of \$269.8 million, \$256 million, and \$255 million respectively.

As in previous years Mr. Dorsey, Director of Budget and Finance and Mr. Blades, Deputy Director of Budget and Finance were present to answer any questions that Board members may have. Mr. Kamenetz

expressed his appreciation to the Board for their commitment to the citizens of Baltimore County, and to chair Scott Phillips, for his outstanding leadership.

Items for introduction

Basic Services Maps

Mr. Phillips welcomed and invited Mr. David Thomas, Public Works, to introduce the 2014 Basic Services Maps to the Board.

Mr. Thomas advised the Board that Section 4A02 of the Baltimore County Zoning Regulations governs the Basic Services Maps and the annual adoption process. The Planning Board holds an opportunity for public input, followed by the Board's vote making recommendations to the County Council. The Council then holds its own hearing and passes a bill repealing last year's maps and adopting this year's.

Rather than distribute paper maps and reports as done in previous years, the maps and reports were placed on the County web site and are available for review by Board members and the general public at their convenience.

Mr. Thomas explained that there are three Basic Services maps: Water, Sewer, and Transportation. Each map is accompanied by a report memo from the Department of Public Works. Areas on the maps designated as deficient restrict building permits. The restrictions are effective only within the URDL. Deficient conditions may be indicated outside the URDL for informational purposes.

Water deficient areas are identified by failing fire flow tests reported to the Water Design Section of the Bureau of Engineering and Construction. This year there are no deficient areas to report on the Water Basic Services Map.

In Mr. Thomas' presentation, he identified and further explained that there is one deficient area on the Sewer Map this year, Richlyn Manor. Progress is being made toward correcting long-standing infiltration and inflow problems with the sewer collection system discharging to the Richlyn Manor Wastewater Treatment plant (WWTP). When the collection system is corrected, plans may proceed to replace the WWTP with a pumping station to convey the flow to Back River WWTP and resolve the deficiency.

Also shown on the Sewer Map are "areas of concern". In cases where Sanitary Sewer Overflow (SSO) points are identified (under the EPA Consent Decree), new connections to the system are considered on a case by case basis by DPW to avoid risking fines imposed under the consent decree as well as to avoid impacting streams with SSO discharges. The area of concern at Falls & Greenspring Valley Roads is a known capacity problem, rather than an SSO issue.

The Transportation Basic Services Map identifies deficient areas known as "Commuter sheds" associated with failing (F-level), close to failing with the number of trips remaining shown (E-level) and those performing in such a way that failure in the future is a concern. Permits are restricted in E and F-level commuter sheds.

As previously stated, the Basic Services Maps, as well as memos from the Bureau of Engineering & Construction and the Bureau of Traffic Engineering & Transportation Planning giving detailed information on this year's maps, are available on the DPW portion of the County web site. The Maps currently in effect (the 2013 Maps) are also available at the site:

<http://www.baltimorecountymd.gov/Agencies/publicworks/basicservices.html>

Mr. Miller moved that a "public comment" hearing be set for February 6, 2014 at 5:00 p.m. for the Board to receive comments and concerns from the citizens of Baltimore County regarding the 2014 Basic Services Maps; to be considered in the deliberation and vote to occur at the February 20, 2014 meeting.

Mr. Herbst seconded the motion, which unanimously passed at 4:54 p.m. Absent were Messrs. Thompson, Wit, Harvey, and Gordon.

Chestnut Ridge- Out of Cycle Zoning Reclassification – Documented Site Plan

Mr. Phillips advised the Board that the petitioner amended the Petition for Reclassification at the Board of Appeals public hearing on October 30, 2013, by submission of a documented site plan for the property described herein.

Mr. Phillips explained that Section 32-2-513 of the Baltimore County Code requires the Board of Appeals to suspend the hearing proceedings and to transit the documentation to the Department of Planning for distribution to the Planning Board when the petitioner amends their petition.

In presenting its case to the Board of Appeals, Petitioner offered testimony and evidence in support of its burden of proof on "mistake or error," which included expert testimony, reports, and other documents wherein different uses of the property and potential impacts were compared and contrasted. Protestants challenged the introduction of any documents that "relate to the proposed use of the property" on the grounds that, prior to consideration by the Board of Appeals, the documentation, first, has to be considered by the Planning Board.

On December 18, 2013 the Board of Appeals orally ruled that the introduction of any "documentation relating to the proposed use of the property" constitutes an "amendment" to the Petition for Reclassification and must be referred back to the Baltimore County Planning Board for consideration.

In closing Mr. Phillips informed the Board that Chestnut Ridge is on the January 16, 2014 Planning Board agenda for introduction only and to set a public hearing for the next Board meeting.

Mr. Miller moved that a Public Hearing be set for Thursday, February 6, 2014 at 5 p.m. regarding the staff report, recommendations, and public comments regarding the Chestnut Ridge Cycle Zoning Reclassification and accompanying documented site plan. Mr. Perlow seconded the motion, which unanimously passed at 4:59 p.m. Absent were Messrs. Thompson, Wit, Harvey, and Gordon.

Mr. Lamb requested that additional documents relating to the amended petition be provided to the Planning Board as soon as possible. Mr. Lamb concurred with Mr. Miller and requested that staff identify the changes in the reclassification petition and supporting documents.

Other business

Reports from the November 14, 2013 and January 9, 2014 Landmarks Preservation Commission Meetings

Mr. Phillips referred the Board members to the written report of major actions from the November 14, 2013 and January 9, 2014 Landmarks Preservation Commission meetings contained in the notebooks.

A copy of the November 14, 2013 and January 9, 2014 Landmarks Preservation Commission reports are filed as APPENDIX C.

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. Mr. Murray provided the Board with a summary of each legislative item listed below:

- Bill 62-13 – Ordinance – Expansion of the Owings Mills Town Center Development District

- Bill 67-13 – Boards and Commissions – Uniform Dates for Terms
- Res. 126-13 – Baltimore County Complete Street Policy
- Res. 127-13 – Department of Planning – Patapsco Heritage Greenway – Patapsco Heritage Area

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 and advised that additional pages of the lengthy Bills of interest were available upon request.

A copy of the legislation of interest to the Planning Board is filed as APPENDIX D.

Adjournment of the Board Meeting

Mr. Jenkins moved to adjourn the Board meeting. Mr. Lamb seconded the motion, which unanimously passed at 5:08 p.m. Absent were Messrs. Thompson, Wit, Harvey, and Gordon.

CJM
APPROVED 2/20/2014- CJM