

MINUTES

Baltimore County Planning Board Meeting

June 18, 2015

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Minutes

June 18, 2015

Call to order, introduction of Board members, Pledge of Allegiance to the Flag, and announcements

Chairman Phillips called the meeting of the Baltimore County Planning Board to order at 4:30 p.m. The following members were:

Present

Mr. Scott Phillips
 Mr. Wayne McGinnis
 Mr. Mark Schlossberg
 Ms. Lori Graf
 Ms. Nancy Hafford
 Mr. Scott Jenkins
 Mr. Jon Herbst
 Ms. Christina Berzins
 Ms. Michelle Lipkowitz
 Mr. Howard Perlow

Absent

Mr. Paul Miller
 Mr. Jeffrey Gordon
 Mr. Eric Lamb
 Mr. Scott Holupka

County staff present included: Jeff Mayhew, Kathy Schlabach, Jessie Bialek, Matt Diana, and Janice Graves.

Review of today's agenda

Chairman Phillips asked if there were any changes to the tentative agenda. Staff stated that there were no changes to the agenda.

Minutes of the May 7, 2015 meeting

There was one correction to the June 4, 2015 meeting minutes. The Chairman called for a motion to accept the corrected minutes from the June 4, 2015 meeting. Ms. Hafford made a motion to accept the minutes and Mr. Perlow seconded the motion, which passed unanimously at 4:32 p.m. Absent were Messrs. Gordon, Lamb, Miller and Holupka.

Items for Introduction

1. Cycle 33 Water and Sewer Plan Amendments

Mr. Dave Thomas, from the Department of Public Works, introduced the Cycle 33 Water and Sewer Plan Amendments. There were six issues originally filed, but one was withdrawn. The first issue, number 15-01, the Lauenstein property, is split zoned RC 20 and DR 3.5. The recommendation from the Department of Public Works is in favor of amending the DR 3.5 zone but not the RC 20 zone. Mr. Schlossberg asked what the intent of the RC 20 zone is. Mr. Mayhew replied that the RC 20 zone is associated with the Chesapeake Bay Critical Area boundary and is there to protect the Chesapeake Bay.

The second issue, number 15-02, is the Thompson property, wherein the developer is proposing 3 separate lots to be served by either 1 or 2 wells and a joint septic system. This would require a community system, or shared facility, because it involves more than one lot served by the same well or septic. In this case, a controlling authority would have to be established. The Department of Public Works, or another governmental agency, would have to act as the controlling authority. The Department of the Environment does not support a shared facility.

Item 15-03 was withdrawn. Items 15-04, 15-05 and 15-06 are all in the same area. The sewer extension could reach 1,000 feet to the north and south of the site. These sites could possibly require a pumping station, but the Department of Public Works would have to give permission in order to place a pumping station at this location.

Mr. Perlow asked what was surrounding the last 3 sites, and where the URDL line is. Mr. Thomas replied that the URDL follows South Rolling Road and that all 3 sites are within the URDL. Mr. Thomas was not exactly sure about the surrounding uses but stated that he could get an answer to him at a later time.

Mr. McGinnis asked what was happening with the Thompson property and whether he intends to place residential or commercial uses there. Mr. Thomas replied that Mr. Thompson hopes to create 3 separate commercial lots. Mr. McGinnis asked if the wells will yield enough water. Mr. Thomas replied that yield was not the issue, since it is a community system.

Chairman Phillips called for a motion to set a Public Hearing for July 16, 2015 at 5:00 p.m. Ms. Hafford made the motion and Ms. Graf seconded the motion, which passed unanimously at 4:47 p.m. Absent were Messrs. Gordon, Lamb, Miller and Holupka.

Items for Introduction, Discussion and Vote

2. 2014 Annual Growth Report

Ms. Kui Zhao, a Planner from the Department of Planning, introduced the 2014 Annual Growth Report. Ms. Zhao noted that the Annual Growth Report is required by the State of Maryland. It summarizes new development, plan updates, legislative amendments, public facility improvements and land preservation. The report also analyzes whether these trends and updated elements are consistent with the County's Master Plan land use goals and the State vision on land use. Ms. Zhao noted that in 2014, Baltimore County approved 29 development plans, 14 of which were non-residential and 15 of which were residential. All of the non-residential projects were inside the Priority Funding Area (PFA), and 98% of the residential units built were also inside the PFA. Approximately 75% of the residential units built in 2014 were single family units.

In 2014, the Maryland Department of Housing and Community Development approved Reisterstown as the 6th Sustainable Community in Baltimore County. The Baltimore County Council adopted 15 resolutions and 16 bills for sustainable development, sensible growth or revitalization. Also in 2014, Baltimore County authorized funds for additions to or replacement of 5 schools in the southwest portion of the County. The County also approved funding for the construction of a new school, Lyons Mill Elementary School, on the west side of the County. It is scheduled to open in August of 2015. The new Mays Chapel Elementary school opened in August of 2014, and more seats were added to Padonia Elementary School and Sparks Elementary School.

The Department of Public Works indicated that there were no public water deficiencies in 2014, and there were 63 road construction or extension projects totaling 8.83 miles. 59 of those road construction projects were inside the PFA.

As of the end of 2014, 62,828 acres of land had been preserved through permanent easement, amounting to 78.5% of the Master Plan goal of 80,000 acres.

Mr. Perlow asked why so many seats were added to the elementary schools but not the high schools. He also asked if the report would be available. Mr. Mayhew replied that yes, the report will be made available. Mr. Mayhew also stated that the seat additions are at the elementary school level because the existing and projected overcrowding is at the elementary school level and not at the high school level.

Chairman Phillips called for a motion to adopt the 2014 Annual Growth Report. Ms. Hafford made the motion and Mr. Herbst seconded the motion, which passed unanimously at 5:00 p.m. Absent were Messrs. Gordon, Lamb, Miller and Holupka.

Items for Discussion and Vote

3. Towson Row – Development Involving a Historic Structure

Chairman Phillips stated that the Board heard from Ms. Jenifer Nugent, of the Department of Planning, and Mr. Christopher Mudd, attorney for the developer, at the June 4th meeting. Chairman Phillips then asked if there were any other comments or concerns before the Board held its deliberation and vote. Mr. Mayhew stated that, from the staff's point of view, the proposed development does not create an adverse impact on the structure and embraces it as part of the proposal. Mr. Herbst stated that he would recuse himself from the vote due to a potential conflict of interest, but added that, as the Planning Board representative to the Landmarks Preservation Commission (LPC), the LPC overwhelmingly supported the development proposal and its incorporation of the historic structure.

Chairman Phillips called for a motion regarding the Towson Row project's involvement with a historic structure. Ms. Hafford made the motion and Mr. Schlossberg seconded the motion, which passed at 5:05 p.m. Mr. Herbst abstained from the vote. Absent were Messrs. Gordon, Lamb, Miller and Holupka.

Other Business

4. Report from the June 11th meeting of the Landmarks Preservation Commission

Mr. Herbst gave a report from the June 11th meeting of the Landmarks Preservation Commission. The LPC voted to issue Certificates of Appropriateness for alterations of three properties. The Certificates of Appropriateness were for: 1) "Prospect Hill Cemetery", at 701 York Road, for a sign installation, 2) the "Kessler House", Bray Property, at 5134 South Rolling Road, for construction of a rear deck with roof and removal of damaged non-historic stone wall, and 3) The "Carver School", at 300 Lennox Avenue, for the replacement of non-historic lighting.

The LPC voted to issue three Certificates of Appropriateness for tax credit applications. The Certificates of Appropriateness were for: 1) Hermann Property, at 5009 Hazel Avenue, for the replacement of 8 non-historic wood storm windows with aluminum storm windows, installation of 7 aluminum storm windows where none currently existed and insulation in attic and basement rim joists, 2) "Johnson Bowie House", at 1611 Francke Avenue, for cleaning, in-kind repairs and painting of exterior shutters/porches/molding/soffit/and lattices, and 3) Lalumia/Mundorf property, at 7002 Wardman Road, for in-kind replacement of existing copper flashing, installation of stainless steel snow guards, and in-kind replacement of existing cedar siding on front dormers.

5. Recent County Council Legislation of Interest to the Board

Mr. Diana gave a report on the recent County Council legislation of interest to the Board. Resolution 39-15 is a resolution to encourage Baltimore County Public Schools and Baltimore County Government to bank land for future school siting and construction in order to alleviate current and projected overcrowding in the County's public schools.

Bill 46-15 is a bill for the purpose of eliminating certain subareas and creating new subareas in the Honeygo Area; deleting certain terms; deleting the area threshold limits; establishing new subarea limits; prohibiting the transfer of authorizations and granting of a variance to transfer authorizations for a project

that spans two subareas; providing certain exemptions; amending the Zoning Commissioner's powers pertaining to variances; and generally relating to the Honeygo Area.

Adjournment of the Board Meeting

Chairman Phillips called for a motion to adjourn the Board meeting. Ms. Hafford made the motion and Mr. Herbst seconded the motion, which passed unanimously at 5:07 p.m. Absent were Messrs. Gordon, Lamb, Miller and Holupka.

Items for Public Hearing

6. 2223 York Road – Development in an MR Zone

Mr. Adam Rosenblatt, representing the petitioner, was the only individual who signed up to speak regarding the development at 2223 York Road. Mr. Rosenblatt stated that the revised plan for the AAA car care center has responded to the comments made by the Planning Department. Those comments included improving the sides of the building with high quality materials, using high quality materials for the awnings on the building, using a high quality finish for the south facing retaining wall, turning off the illuminated signs, other than the main AAA sign, one hour after closing each day, and providing an amenity open space on the property.

Chairman Phillips called for a motion to approve the proposed AAA Car Care Center at 2223 York Road. Ms. Hafford made the motion and Ms. Graf seconded the motion, which passed unanimously at 5:16 p.m. Absent were Messrs. Gordon, Lamb, Miller and Holupka.

7. Non-Commercial Small Livestock, Fowl and Poultry

There were 9 individuals who signed up to speak regarding the Non-Commercial Small Livestock, Fowl and Poultry staff report. All those who spoke were in support of the proposed recommendations with amendments. Comments made by the citizens pertained to raising the maximum number of chickens allowed from 4 to 6, 8 or 10, and reducing the minimize lot size from 5,000 square feet to allow individuals who live on smaller lots and in townhouses to raise chickens as well.

Chairman Phillips thanked all those who came out to testify and noted that a deliberation and vote will occur at the next Planning Board meeting.