

**TOWN OF ELKTON
PLANNING COMMISSION
FEBRUARY 12, 2024
MEETING MINUTES**

Present: Dave Wiseman; G. Edward Ginder; Keith Thompson William Muller; Paul Manuel; Lisa Blackson, Esquire; Jeanne Minner, Director of Planning; Quinn Krenzel, Planner

Absent: Ray Polaski

Mr. Wiseman called the meeting to order at 6:00 p.m. He stated the first item on the agenda is approval of the minutes from the January 8, 2024 meeting. There being no corrections from the Commission members, Mr. Wiseman called for a motion.

MOTION: Motion was made by Mr. Ginder to approve the minutes of the January 8, 2024 Planning Commission meeting as written. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Manuel; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF DR. STANLEY CHINEDUM NWOJI, HOME OCCUPATION FOR HOME OFFICE, 103 CONSTITUTION TERRACE, TAX MAP 027F, PARCEL 2451 AND ZONED R-2 (SUBURBAN RESIDENTIAL)

Dr. Stanley Nwoji and Ms. Margaret Nwoji were in attendance to address this request. Dr. Nwoji stated he is a professor of science and technology and his wife is a nurse. He stated the reason for the request for the home occupation is due to the kind of remote work he does. He goes to Harrisburg, PA to teach and he feels it would be more convenient if he worked out of his home office. Because of that decision he was required to apply for the home occupation to use part of his home as a remote office.

Mr. Manuel asked what kind of services he would be providing at the home office. Dr. Nwoji stated he would be teaching remotely by computer in the office. He stated they run the Millions for Christ Mission and would be answering phone calls. Mr. Manuel asked if there would be any clients coming to the home office. Dr. Nwoji stated he doesn't have clients coming and going but if someone should come they would only be visiting and there would be no clients staying overnight at their home.

Mr. Manuel asked if Dr. Nwoji had received approval from the Homeowner's Association. Dr. Nwoji stated they did talk to the Homeowner's Association but no approval was needed for the home office. Mr. Wiseman asked if there would be any sign at the home. Dr. Nwoji stated there would not be a sign.

Mr. Wiseman stated the floor plans shows there will be two offices. Dr. Nwoji stated there will be two offices, one for him and one for his wife. Mr. Manuel asked if his wife would be providing any services at the home. Dr. Nwoji stated that she would not.

Mr. Wiseman asked if the Commission members had any other questions. They had no further questions. Mr. Wiseman asked if anyone in the audience had any questions. There was no one in attendance who wished to speak for or against this request.

MOTION: Motion was made by Mr. Manuel to approve the home occupation for a home office at 103 Constitution Terrace. The motion was seconded by Mr. Muller with the remaining Commission

members voting as follows: Mr. Ginder – Aye; Mr. Thompson – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF BLEW & ASSOCIATES, P.A. REPRESENTING ESTES EXPRESS LINES, LOT CONSOLIDATION PLAT, ESTES ELKTON PARCEL 669, 201 CHESAPEAKE BOULEVARD, TAX MAP 033C, PARCEL 0669, ZONED BI (BUSINESS AND INDUSTRIAL)

Mr. John McGowan of Kimley Horn was in attendance to address this request. He stated he is representing Estes Express Lines seeking both Final Site Plan approval and Plat Consolidation. He stated he would go over what they are proposing for the project and incorporate the consolidation plat discussion with the site plan discussion. He stated the project is located at 201 Chesapeake Boulevard. The existing building was constructed in 2003 and is situated on a 26.5 acre parcel. In November of 2022 Estes requested the annexation of Parcel 669 into the Town of Elkton and updated the zoning to Business and Industrial. Phase II of the existing terminal was completed in 2023 to finish off the trailer storage within the existing lot that was not done as part of the original development. There was an eastern terminal expansion which was completed in 2022.

Parcel 669 is approximately 37.73 acres. Due diligence on Parcel 669 identified 1.75 acres of non-tidal wetlands in the southwestern corner of the property. There is a 25' wetland bufferyard setback as well as a perennial stream with a 110' bufferyard setback. They are not planning to disturb any of these wetlands. There was a forest stand delineation which was prepared by GTA. He noted the forested areas which will remain in perpetuity in a forest conservation easement. There is a deforestation area on the north side of approximately 2 acres. These two areas provide all of the forest conservation required for the project. He showed the limit of disturbance which is approximately 28.1 acres.

Mr. McGowan stated there are two buildings being proposed, both are accessory buildings, an 11,500 square foot shop building, 23 feet in height with five overhead doors on each side. The building is an accessory use to the terminal and will be used for onsite repairs and maintenance to their existing vehicle fleet.

With respect to traffic for the trailer storage yard, there are 894 spaces proposed which is allowed by right within that property. With respect to the terminal, the existing traffic study completed in 2003 was for a 103,000 square foot terminal building. Currently onsite there is 75,000 square feet of terminal building so the entire terminal has not been built out as yet. The original building in 2003 showed a centrally located building and then it showed an eastern and a western terminal expansion. To date the eastern expansion has been completed but the western expansion has not been completed. He mentioned the traffic report did take into consideration the full buildout of the property as well as the maintenance building that was originally shown on the western half of the property. There is a 4,100 square foot wash building which is self-operated to provide a commercial car wash for the existing truck fleet.

Mr. McGowan stated that neither of these buildings will change any of the existing programmatic truck trips as operating through the terminal but would only provide an accessory use to the existing operations.

He stated they are not asking for any zoning waivers or variances. Parking requirements, now that all the properties are being consolidated, they are providing some nominal parking and ADA spaces around the shop building for employees. They anticipate they will employ 6-10 employees.

He provided updates since the November 2023 meeting. With respect to the Maloney Road access, Estes maintains they have no plans to use that road. They met with Cecil County and they do not plan any access through that road at this time. Mr. Wiseman asked if it would be used for emergency access. Mr. McGowan stated they inquired about that and have not received a response from Cecil County to date. Discussion regarding the gate which is currently located on that road ensued. Mr. McGowan stated Estes would be responsible to maintain the gate and permanently lock the gate. He stated they are also proposing a second gate which would be part of the security fencing.

Mr. McGowan stated that with respect to utilities, they plan to use the existing water meter for their water access which is just before the cul-de-sac. They are coordinating sewer capacity through an existing Town owned maintained pump station which is currently undergoing upgrades to increase the force main out to Pulaski Highway from a 4" to an 8" force main. They have coordinated with the Town and KCI and they provided the allowable capacity to be routed through that pump station after the improvements are incorporated. He stated they have resized and redesigned the pump onsite from the shop building. He noted there is a pump south of the building and a force main that will discharge into an existing gravity main and then it will be gravity fed out to Chesapeake Boulevard. He stated they have reduced the discharge rate through that pump station in order to be below what the allowable capacity on the Town lift station would be. He noted that KCI had no other comments regarding the water and sewer request application.

With respect to the landscape buffer yards – Mr. McGowan stated there is a reforestation area along the north side of the property, between the LOD line and the property line. There is additional enhancement for landscape buffer yard in the 50' most northern slot of area along the property line. The reason for this is there are residential uses to the north, the west and the south. He noted that the southwestern corner is an environmentally sensitive area and all existing forest will remain. In the southern property there will be a 60' area existing where forest will remain. There will be supplemental plantings placed to bring that area up to meet the 50' landscape requirement.

Mr. McGowan stated that the lighting plan has not really changed since the beginning of the project. There are no lumens being thrown over the property lines on to residential properties.

Addressing the lot consolidation plat provided to the Town Mr. McGowan stated Estes originally intended to keep the terminal property and the adjacent property separate but the Town voiced their concerns regarding water and sewer access serving the adjacent property and the need for potential easements in case the property was sold in the future. Estes decided to consolidate the existing terminal property which is one lot and the adjacent property which was three lots into one property with a single address and a single water and sewer service using the existing water meter.

Mr. McGowan went over the different regulatory approvals they are working through and where they are in each approval process.

Mr. Wiseman asked if there were any additional comments or concerns with comments provided with regard to the Lot Consolidation Plat. Mr. McGowan stated they have addressed the remaining comments and the plan was resubmitted to the Town. Mr. Wiseman asked Ms. Minner if she had any additional comments. She stated there have been no changes to her comments but noted she had not had a chance to review the comments which were received a few days ago.

Mr. Wiseman asked if any Commission members had any other questions. There were no additional questions. Mr. Wiseman asked if anyone in the audience had any questions or comments. There was no one in attendance who wished to speak for or against the consolidation plat.

MOTION: Motion was made by Mr. Ginder to approve the Lot Consolidation Plat contingent upon addressing all outstanding comments and review of the easement for road access be noted on the plat. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Manuel – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF KIMLEY HORN AND ASSOCIATES, INC. REPRESENTING ESTES EXPRESS LINES, FINAL SITE PLAN, ESTES ELKTON PARCEL 669, 201 CHESAPEAKE BOULEVARD, TAX MAP 033C, PARCEL 0669, ZONED BI (BUSINESS AND INDUSTRIAL)

Mr. John McGowan addressed the Final Site Plan for this project. Mr. Wiseman asked him to go over the comments regarding stormwater management pond and flow. Mr. McGowan stated there is an existing gravel wetland that is proposed onsite which will provide both quality and quantity treatment for the development. He noted the storm drain which runs across the site and a ridge line which runs down the center which will allow the water to drain off the site properly. The swales on the eastern half of the site will route stormwater into the wetland. He stated that based on the storage volume being rated at 40,000 cubic feet and the depth of the embankment, MDE updated their guidelines early in 2023 and whereas before they would allow this to be exempt from small pond approval they are now required to get approval from Cecil County as well as MDE. They found out this needed to be done half way through the MDE pond review. They completed the MDE review and received their approval.

Mr. McGowan stated there are still outstanding stormwater review comments. He stated they had addressed these comments and resubmitted plans on January 15th and are awaiting KCI and Town review comments. He noted that the layout of the site hasn't changed in terms of the limits of the pavement and utilities since the concept submittal around 9 months ago. Since that time they have been working on the other aspects of the development process, water and sewer capacity, Maloney Road issues, forest conservation, lot consolidation, etc.

Mr. Wiseman stated that Mr. McGowan had mentioned additional traffic would be minimal because this project is ancillary support to the existing fleet. Mr. McGowan noted that a traffic study would take into account the square footage of the terminal building which is not being required with this project. The wash bay building doesn't have any employees associated with it and the shop building will have 6-10 employees which would include 12-20 trips per day. There are approximately 1,000 trips coming up out of Chesapeake Boulevard out to Route 40 on an average daily basis therefore 10 trips per day for those employees doesn't really warrant a traffic study. With respect to the size of this parcel, it may be big but Estes happened to acquire a parcel this size adjacent to them and by right they would like to be able to develop it. He noted the amount of congestion there is on the existing site and, as part of the original approval, western expansion of the terminal.

Mr. McGowan stated that in speaking with his clients they may acquire a couple hundred new pieces of trailer equipment in a given year and they would slowly start to matriculate those and will need someone to store them when they are purchased. There is really no way to quantify the space needed since they won't be purchasing all that equipment at once. He mentioned Estes is not planning to change their program or truck trips in their system based on the extra trailer storage on the adjacent lot.

Mr. McGowan stated that Ms. Minner had asked that they provide a letter to the Town noting the traffic anticipated for the project from the traffic study done in 2003. He stated they will get that letter to the Town this week.

Mr. Thompson asked if they anticipate bringing trailers from other depots to this location for storage. Mr. McGowan stated that if they have the space that could happen. He noted again that this would not be quantifiable in a traffic study.

Mr. Muller voiced his concern about the amount of traffic currently seen on Chesapeake Boulevard. He pointed out that this is not 2003 and there is a great deal more traffic at this location than there was 20 years ago. Mr. Muller noted that he works on Chesapeake Boulevard and the traffic is constant and overwhelming and there is a great deal of large truck traffic with the other three distribution centers off of this road. He pointed out that these large trucks have damaged the curbing coming into the corporate center from Route 40. He noted that this is an industrial park in every sense of the word. Mr. Ginder stated he has mentioned in the past how close the white lines are to Route 40 which mark where vehicles should stop at the traffic light as they are leaving the corporate center. He feels these lines need to be moved back in order to give more room for the large trucks turning into the corporate center. Discussion ensued regarding the amount of traffic and if it is reflected in a traffic study from 2003 before most of the businesses there now existed.

Mr. Wiseman noted that this project is a storage and ancillary area and the number of trucks is not going to change. Mr. McGowan noted that the original traffic study was performed for the full buildout. He said it took into consideration 103,000 square feet of terminal and there is currently only 75,000 square feet. Discussion ensued regarding the amount of additional space that is being used for parking and storage of vehicles. Mr. McGowan pointed out that trip counts per the ITE manual used for generating traffic reports does not take into consideration parking or loading spaces, only building square footage. Ms. Minner stated she has reached out to the Town's traffic engineer at KCI and specifically asked him about this question and he did not have a problem with what was presented for this project. Mr. Muller suggested that the Commission members and others take a ride out there and look for themselves. Discussion ensued regarding the different businesses (including the County office building) which use Chesapeake Boulevard and how much additional traffic has been created along with the large trucks. Mr. McGowan pointed out the only the storage part of the truck rather than the front of the truck are being parked or stored at this location.

Mr. Wiseman opened the floor for audience comments. Ms. Lucinda Albright asked if there would be additional traffic flow near her home on Maloney Road. Mr. Wiseman stated that the entrance to this facility will be blocked by a locked gate and there would be no truck traffic using Maloney Road to access this project. Ms. Albright asked why the road was placed at that location. Mr. Wiseman explained that Cecil County expressed interest in having this access because there are key public safety and health facilities along Chesapeake Boulevard and if for some reason they were unable to access Route 40 by way of Chesapeake Boulevard they would use this road for emergency access. Commissioner Broomell asked what is the length and width of the access road. Mr. McGowan said he believes it is 30' wide and within the 30 feet there is a gravel road which is 20' wide. She asked who would maintain that road. Mr. McGowan said Cecil County didn't give a definitive answer as to whether they wanted access to that road. Commissioner Broomell stated it should be maintained so vegetation doesn't grow up along the road. Discussion ensued and Mr. McGowan noted that if the area was grown over it would discourage people from walking through there.

Ms. Connie Groves stated she and her father own the property between Estes and Maloney Road below the access road, and they had allotted that lane to the church originally because they were landlocked. The idea was that anyone who owned the property on the sides of the road would also have access. This occurred in

1999-2005. Ms. Minner asked if this agreement was made a part of the deed description. Mr. McGowan asked for clarification to the location. He stated there are residential properties on both sides of the road access and maybe one of the residential properties did that to ensure they had access to the right of way. Mr. Wiseman asked if Ms. Groves had any documentation from her father. Mr. McGowan pointed out a right of way that exists currently. Discussion ensued regarding owners of the properties in the area. Ms. Minner asked Mr. McGowan to look into whether there is an easement for access. Mr. Brian Kenny asked whether Ms. Groves would have access to the south side of her lot through the Estes right of way. He noted that Ms. Groves stated access was given to her by the church for her to get access over the creek.

Ms. Minner stated she felt research needs to be done regarding any access easements across the Estes property. She stated Ms. Blackson might want to weigh in on any access easements which may be part of the deed. Mr. McGowan stated he would look into it also.

Mr. Dan Oetting, operator of the radio station on Maloney Road, stated he knows there are a lot of upgrades being done and wondered if there were any plans to run public water and sewer on Maloney Road. Ms. Minner stated the Town would only require hookups to the Town water and sewer system to properties that annexed into Town and are adjacent to properties within Town limits. She noted that ordinarily the Town doesn't extend their facilities, it would be done by a developer or if a group of residents came in to the Town to request it. She mentioned that there may be funding available through MDE to homeowners who are currently on septic systems to hook into the sewer. She stated it's not as simple as just extending the facilities. Ms. Minner stated when the 7-Eleven came in at Route 40 and Maloney Road the Town required them to extend the water line past the corner so that that line could be run down Maloney Road in the future. She noted that Maloney Road is a County road.

Mr. Thompson stated that when Southfields first came into Town the Mayor opened up the possibility for people along Maloney Road and Frenchtown Road to hook into Town water and sewer. The Town saw an interest from property owners along those roads who were interested in hooking into Town water and sewer or in being annexed at that time.

Mr. Wiseman asked Ms. Minner how to get more information regarding the road and access. Ms. Minner recommended that the engineer look at the recorded deeds to see if there is any language in the deeds regarding access to that road. Ms. Minner noted it is her understanding that the owner is not planning on making any improvements to that road. If at some point in the future the owner wants access to it she's not sure who would maintain it from that point forward. It would have to be worked out between the property owners.

Ms. Minner stated she wants to make it clear that for this particular project there will be no truck traffic coming from the Estes storage site onto Maloney Road. Mr. McGowan asked if there was a house on the lot. Mr. Kenny stated that no one lives there and there is only a barn on the site.

Mr. Wiseman stated there needs to be research done and requested that should Mr. McGowan find any information in the deeds that a copy be provided to the Town. Ms. Minner requested that if Ms. Groves were to find any paperwork regarding access to please provide a copy to the Town so it can be kept with the file.

Mr. Wiseman opened the floor for any additional comments. There were no other comments from the Commission members or the audience.

MOTION: Motion was made by Mr. Ginder to approve the Final Site Plan for Estes Elkton Parcel 669 contingent upon addressing all outstanding comments. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Manuel – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

OLD BUSINESS: Ms. Minner mentioned the Financial Disclosure Forms and it was determined the forms would be mailed or delivered in the near future and asked that the Commission members return them to the Town once they are completed.

She stated they are continuing to review plans which are coming in and remain to be very busy.

Ms. Minner stated that Wash X would probably be on the agenda for the March meeting.

Mr. Wiseman stated he saw they were tearing down the Happy 40 building on Route 40.

Commissioner Broomell asked if Ms. Minner would check on the turning radius on Chesapeake Boulevard. Ms. Minner said she made a note to send an email to Dan and Lewis regarding the stop lines at this location. She said since this area goes into a State highway that the State may have something to say about it.

Mr. Thompson asked when State Highway would be doing something about the traffic lights at Bridge and High Streets. They are random and aren't addressing the amount of traffic at that intersection. Ms. Minner said he would have to reach out to State Highway. Mr. Muller stated he feels the traffic on Route 213 needs to be looked at with respect to synchronizing the traffic lights to keep traffic moving. Commissioner Broomell said her concern is the amount of traffic on Route 40. The lights are turning over but there's just a great deal of traffic at the intersection of Route 213 and 40. Mr. Muller also mentioned the timing of lights at Chesapeake Boulevard needs to be looked at as well.

Ms. Minner stated that in late winter Cecil County will ask for transportation priorities for the towns in their letter to the State. In the fall there is a meeting of the transportation, transit and highways representatives from the towns meet with the County and they discuss issues with the State highways. She noted that the letter has already been sent out for this year's meeting. She stated that the Town's contribution was to have State Highway look at the sidewalks along Route 213. She said she can send an email to the County to have them look at the timing of the traffic lights on Route 213. She said she can also speak to this issue at the fall meeting if it hasn't been addressed.

Mr. Wiseman asked if the WILMAPCO report regarding Muddy Lane a part of the transportation priorities. Ms. Minner stated there is a steering committee meeting with WILMAPCO on February 13th and then a public meeting on March 27th at 6:00 p.m. at the Cecil County Public Library. She mentioned that they have looked at the survey results and have come up with some minor tweaks of the roadways but are still working on what they would present as alternatives to different roads.

Mr. Muller asked if there is a right of way along Muddy Lane. Ms. Minner stated that Muddy Lane is a County Road and the Town has annexed a number of properties on the western side of the road and on the eastern side is Patriots Landing and Buddy's Ridge and the other properties are in the County. It was noted that Muddy Lane and Delancy Road are two of the worst roads in the area for both pedestrian and traffic concerns.

NEW BUSINESS:

Mr. Wiseman asked if they are ever going to get the pedestrian bridge completed along Delaware Avenue. The work doesn't seem to be moving along very well. Ms. Minner stated that one of the issues is that the supports for the bridge are in the creek bed which creates a damming effect from the debris and sediment and raises the elevation of the creek bed and then the area around it floods. Ms. Minner stated she feels if they remove the supports and make it a clear span bridge so the debris could move freely.

Ms. Minner stated she had spoken with someone from State Highway today. Commissioner Piner had mentioned the bridge issues to Delegate Hornberger and asked that it be reviewed. Commissioner Broomell asked was the reaction to the inquiries about the bridge. Ms. Minner said the Major should reach out to the appropriate authorities because this is a very expensive proposition. Ms. Minner stated they have grant funding to look at the flooding situation in a more comprehensive way. If this bridge becomes one of the alternatives for improving the flood plain area then that would bolster the case to replace the bridge. Commissioner Broomell stated she feels it needs to be done before the bridge is started.

Mr. Wiseman stated the next meeting of the Planning Commission will be on March 11, 2024. There being no additional items to discuss Mr. Wiseman adjourned the meeting at 7:16 p.m.

Respectfully submitted,

Brie Humphreys