

**MINUTES**  
**PLANNING COMMISSION**  
**January 6, 2022**

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on Thursday, January 6, 2022 at Town Hall, 39 N. Hickory Avenue, Bel Air, Maryland.

**MEMBERS PRESENT:** Lois Kissinger-Kelly, Chair  
Peter Schlehr, Vice Chair  
Keith Powell  
Phil Raub  
Donald Coates

**IN ATTENDANCE:** Kevin Small, Director of Planning  
Charles Keenan, Town Counsel  
Catherine Butrim, Recording Secretary

**ADMINISTRATIVE MATTERS:**

Approval of Minutes – December 2, 2021

Mr. Raub moved, and Mr. Coates seconded the motion to approve the minutes of the December 2, 2021 meeting.

Ayes: Mr. Coates and Mr. Raub

Nays: none

Abstained: Mr. Powell, Mr. Schlehr and Ms. Kissinger-Kelly

It was clarified that, although only two Commissioners voted, to accept the Minutes. Only Mr. Gray is absent but was in attendance at the December 2, 2021 meeting. This would constitute a majority of commissioners.

The motion carried.

Election of Chair and Vice Chair

Mr. Coates moved, and Mr. Schlehr seconded the motion to re-elect Ms. Kissinger-Kelly as Chair of the Planning Commission for 2022.

Ayes: Mr. Coates, Mr. Powell, Mr. Raub and Mr. Schlehr

Nays: none

The motion carried.

Ms. Kissinger-Kelly moved and Mr. Raub seconded the motion to re-elect Mr. Schlehr as Vice Chair of the Planning Commission for 2022.

Ayes: Mr. Coates, Mr. Powell, Mr. Raub and Ms. Kissinger-Kelly

Nays: none

The motion carried.

**NEW BUSINESS:**

01P-20-01-SP: Bel Air Assisted Living (144 N. Hickory Ave.): Review request for approval of a one-year extension of the Site Plan approval for the addition of 5,577sf and seven (7) beds

Mr. Small advised that this application was approved two (2) years ago as a development of an additional seven (7) beds and an additional 5,577 sf. Mr. Small advised that the work has not been completed, and the applicant is requesting a one-year extension.

Charles Johnson (144 N. Hickory Avenue), the owner of Bel Air Assisted Living, advised that the pandemic delayed construction after the application was originally approved.

Mr. Schlehr inquired if the Site Plan is the same plan that was originally approved by the Planning Commission. Mr. Johnson advised that the Site Plan has not changed.

Mr. Raub thanked Bel Air Assisted Living for the facility it has offered during these times. Mr. Schlehr commended Bel Air Assisted Living and its staff for the care his mother-in-law received over the three (3) years she stayed there. Mr. Johnson thanked Mr. Raub and Mr. Schlehr on behalf of the staff and himself.

Mr. Powell inquired if it is correct that the request cannot be extended beyond one (1) year. Mr. Small advised that it cannot be extended beyond one (1) year. He advised that the Town considers a project vested when the applicant applies for and received a Building Permit.

Ms. Kissinger-Kelly inquired if there are any options available to applicants to extend Site Plan approvals beyond one (1) year due to the constraints caused by the pandemic. Mr. Small advised that the Town Commissioners would need to take action to extend approvals beyond one (1) year, but he advised that construction has continued for the most part.

Mr. Raub moved, and Mr. Powell seconded the motion to approve a one-year extension of the Site Plan for approval for the addition of 5,577 sf and seven (7) beds at Bel Air Assisted Living.

Ayes: Mr. Coates, Mr. Powell, Mr. Raub, Mr. Schlehr and Ms. Kissinger-Kelly

Nays: none

The motion carried.

01P-22-01-SP/SD: Bel Air Autobody (230 Gateway Drive): Review application for approval of a Special Development use (Motor Vehicle Service) and Site Plan for 615 sf addition to an existing building

Mr. Small advised that Bel Air Autobody is zoned B-3 General Business. The applicant is requesting approval of a Special Development use, Motor Vehicle Service, and to construct two (2) additions to the building, which consists of a combined total of 615 sf. Additionally, two (2) covered equipment pads (or patios) adjoining the building wall are proposed. The current building was built in or about 1988. The applicant is required to obtain all relevant environmental permits in association with the Motor Vehicle Service use.

Mr. Small advised that street trees existing along the approximate 168 linear feet of Gateway Drive frontage, equating to four (4) major deciduous trees. Section 165-59.A(2) requires a three-foot setback from a right-of-way and a planting buffer equaling one (1) planting unit per 25 feet of parking abutting a public road. There is approximately 18 linear feet of parking abutting the Gateway Drive right-of-way. The existing trees in this vicinity meet this requirement. As the existing parking lot is not being enlarged, and the total number of parking spaces provided is being reduced, the Town staff do not find a need to provide interior parking lot shade trees. Ten (10) screening trees are being proposed on the south side of the parking/storage area.

Mr. Small advised that less than 40,000 sf of the previously developed tree-free land is being disturbed. Therefore, this application is exempt under Section 216-4.J.

Mr. Small advised that the site consists of a previously developed 1.11 acre lot. Minor expansion consisting of impervious pads and a mechanical room are proposed on the northwest side of the building. Also proposed is conversion of the existing descending loading dock ramp into an ascending ramp incorporated into the building allowing for vehicles to enter the structure. An opaque fence with gates is proposed to separate and screen the vehicle storage area from the parking lot and the public street. Additionally, evergreen trees are proposed along the southeastern property line to screen the vehicle storage area from view for travelers along Gateway Drive. A screened dumpster area is incorporating into the screening fence with the evergreen trees providing screening from view by the adjoining building to the south. Stormwater management water quality treatment is required for the new impervious areas. The applicant proposes to utilize rain barrels at gutter downspouts to satisfy this requirement.

Mr. Small advised that an application for the Building Permit to allow the exterior and interior modifications to the existing building is under review.

Mr. Small advised that comments from the Harford County Fire Department, the Harford County Health Department and the Harford County Soil Conservation District have been included in the package.

David Taylor of David G. Taylor & Associates (163 Spruce Woods Court, Abingdon, MD) advised that the applicant is proposing some small expansions on the northwest side including a mechanical room, covered patios and a roof over the concrete ramp to facilitate the use as an automotive service and repair facility. He stated that there will be minimal increase in impervious area and minimal requirements for water quality. Mr. Taylor advised that there is an underground water stormwater facility beneath the parking lot, which is adequately sized to handle these increases. He advised that the only increases to the impervious area are three (3) bump-outs. The applicant will be gating the service area for the vehicles, which is where the dumpster will be placed.

Mr. Schlehr inquired if there are any plans to alter the exterior. Mr. Taylor advised that there are no plans to alter the exterior other than power washing.

Mr. Schlehr inquired about the hours of operations. Mr. Taylor advised that hours of operation are Monday-Friday 8:00 a.m.-5:30 p.m. and Saturday 8:00 a.m.-1:00 p.m., and there are 7-10 employees.

Mr. Coates inquired about the proposed fence. Mr. Taylor stated that the fence will be an impervious privacy fence that will not allow anyone to see through it. He advised that the fence will cover the front of the service area and will screen the dumpster.

Ms. Kissinger-Kelly inquired about the height of the fence. Mr. Taylor stated that they are proposing a 6-foot fence.

Mr. Coates moved, and Mr. Raub seconded the motion to approve the Special Development for the Motor Service Use (Bel Air Autobody) based upon the findings of fact as listed in items [a]-[j] in the Staff Report.

Ayes: Mr. Coates, Mr. Powell, Mr. Raub, Mr. Schlehr and Ms. Kissinger-Kelly

Nays: none

The motion carried.

Mr. Raub moved and Mr. Coates seconded the motion to approve the Site Plan conditioned on the applicant's compliance with item 1 (a-d) and item 2 (a) as listed in the Staff Report.

Ayes: Mr. Coates, Mr. Powell, Mr. Raub, Mr. Schlehr and Ms. Kissinger-Kelly

Nays: none

The motion carried.

### 2021 Comprehensive Plan Review

Mr. Small advised that many of the Goals and Objectives of the previous Comprehensive Plan in 2016 will remain. He advised that two-thirds of the Goals and Objectives have been modified based on what the Town has encountered over the last six (6) years and what the Town anticipates over the next 10 years. This proposed Comprehensive Plan will be in place until 2032 and will be revisited in 2027, at which time, the Planning Commission will be tasked with reviewing the Plan and making modifications if needed.

### **Sensitive Areas**

Mr. Small advised that the Town will try to purchase some of the floodplain areas that are currently being impacted by development, including the section of Plumtree Run between the former Pete's Cycle and the car wash.

Mr. Coates inquired if daylighting streams increase the chances of flooding. Mr. Small advised that water traveling through a pipe will back up with flooding, but daylighting should be done in such a way to have water backfill in a designated area.

### **Historic Preservation**

Mr. Small advised that several properties designated as landmarks in Harford County have not been designated as landmarks in the Town, and the Town staff will coordinate designating these landmarks.

Mr. Small advised that the Town staff would like to revive the designations and inventories of historic properties by increasing the current 10% property tax rebate.

### **Community Facilities**

Mr. Small advised that the new Bel Air Police facility will incorporate an emphasis on community policing.

Mr. Small advised that the Town staff want to ensure that the Town's recreation areas are coordinated with the County to ensure that all standards are met, with an emphasis on equity and facilities near underserved populations.

Ms. Kissinger-Kelly noted that on page IV-13 "books on tap" should be corrected to "books on tape."

Ms. Kissinger-Kelly inquired when recycling for items such as batteries will be available. Mr. Small stated that he did speak with the County representative today about expanding the fall community collection event to include items such as batteries and ink cartridges.

Ms. Kissinger-Kelly noted that she visited Vermont over the holidays, and there is a cost of \$2.00 per bag of regular trash, which creates an incentive to recycle.

### **Water Resources**

Mr. Small advised that the Town staff will be filling in information next week with replies recently received from Maryland American Water.

### **Housing**

Mr. Small advised that the Town staff would like to address Cottage Housing, or Accessory Dwelling Units (ADUs). He stated that the Town staff may ask the Planning Commission to consider relaxing the requirement that the occupant of an ADU be a close relative.

Ms. Kissinger-Kelly inquired if there are requirements for maintenance and property upkeep of businesses and rental properties in Bel Air. Mr. Small advised that there are, and the Town staff will be looking at property maintenance code and making it more aggressive.

### **Transportation**

Mr. Small advised that the Town partnered with the County to complete a study, and one of the recommended improvements is to have the two (2) lanes as you are going onto Churchville Road go straight and have two (2) receiving lanes on Baltimore Pike. He explained that this would mean the southwest bound lane in front of the church and KFC would no longer exist, and there would only be northbound movement there. He advised that this would make it much easier to maneuver through town and would make the crossing at Bond and Baltimore Pike shorter, and the pedestrian would only have to look one (1) way.

Mr. Raub inquired about the meaning of the "shared-use path." Mr. Small advised that shared-use paths are bicycle and pedestrian paths, such as the Ma and Pa Trail. Mr. Raub

inquired how this applies at East and West Macphail Roads. Mr. Small advised that the Town will be pushing for a road there, but at minimum the Town would like to see a shared-use path there for bicycles, pedestrians and possibly emergency vehicles.

Ms. Kissinger-Kelly advised that the Ma and Pa Trail is not wide enough to accommodate pedestrians and bicyclists. She advised that several people have been knocked down by bicyclists, and she suggested that there be a speed limit for bicyclists. Mr. Raub advised that Harford County needs to address this as the Ma and Pa Trail is their responsibility.

Ms. Kissinger-Kelly advised that there should be education for pedestrian crossing safety. Mr. Small advised that the Town has reached out to State Highway to get some pavement markings that state "Ped Xing."

Mr. Schlehr inquired where the intersection of Fulford and Hickory Avenue is located as stated on page VI-4. Mr. Small stated that this should be changed to Fulford and Maitland on page VI-4.

### **Economic Development**

Mr. Small advised that the Town will try to push for a bed and breakfast.

Mr. Small stated that the following are **priorities**:

1. Harford Mall and the four (4) corners
2. Bond Street
3. Ellendale area
4. UM Upper Chesapeake
5. Baltimore Pike

Ms. Kissinger-Kelly noted that the black windows at AutoZone are unattractive. Mr. Small advised that he does not believe the tinted windows meet the underlying zoning requirements.

### **Land Use**

Mr. Small advised that there are areas around Barr Automotive and on Archer Street where the Town would like to address the expansion of commercial.

Mr. Small advised that the Planning Commission likely will be reviewing submissions for comprehensive rezoning behind ShopRite and along Hickory Avenue.

Mr. Small advised that the Town staff will be recommending rezoning the parking garage from B-2A to B-2, which would make the garage conform to height requirements.

Mr. Small advised that the Town staff would like the Planning Commission to look at building height allowances.

### **Municipal Growth and Development Regulations**

Mr. Small advised that the Town will send a letter this year to inquire if Trails at Gleneagles would like to come into the Town of Bel Air.

Ms. Kissinger-Kelly suggested that the Town residents should be informed about what benefits they receive from paying their taxes to the Town of Bel Air.

Ms. Kissinger-Kelly inquired about the status of the *Bel Air Bond*. Mr. Small stated that it had been available digitally, but he does not believe it is being published any longer.

Mr. Schlehr advised that the appearance of political campaign signs is getting out of hand as they are not allowed to be posted until 90 days before the election. Mr. Small advised that the Town is not allowed to regulate signage based on content, but any property may put up a sign with a permit. He stated that the sign on Bond and Churchville must come down by January 15. Mr. Small stated that he spoke with Mr. Miele and informed him that all of his signs in the Town must come down, but he can have his signs at his headquarters. Mr. Small advised that he has provided a cheat sheet about signage in the Town of Bel Air to the Harford County Board of Elections.

Mr. Powell moved and Mr. Coates seconded the motion to approve the Comprehensive Plan subject to the corrections made by the Planning Commission this evening.

Ayes: Mr. Coates, Mr. Powell, Mr. Raub, Mr. Schlehr and Ms. Kissinger-Kelly

Nays: none

The motion carried.

### **MISCELLANEOUS:**

#### Time Change for Planning Commission Meeting

Ms. Kissinger-Kelly proposed that the Planning Commission meet each month at 6:30 p.m. rather than 7:00 p.m. The Planning Commission members were all in favor of changing the Planning Commission monthly meeting time to 6:30 p.m.

### **ADJOURNMENT:**

The meeting was adjourned at 8:34 p.m.