

NORTH EAST PLANNING COMMISSION

North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Wednesday, September 2, 2015
7:00 PM

Chairman Brian Morgan called the Public Hearing to order at 7:00 P.M. Present included Vice Chairman Mark Dobbins and Commissioner Eric Braley. Also present were Steve Nolan, Town's Engineer from CNA; Melissa Cook-MacKenzie, Town Administrator, Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant.

-MINUTES-

August 5, 2015

The Planning Commission accepted the minutes as presented.

-COMMENTS FROM THE PUBLIC-

None.

-NEW BUSINESS-

Case A-2015-05-SE: Restaurant/Pub at 26 South Main Street: Applicant, Kevin McDevitt, 8 Mauldin Avenue, North East, Maryland, is requesting a special exception for the purpose of opening a Pub/Restaurant at 26 South Main Street, North East, Maryland. Property owner: Main Street Properties, LLC, 1304 Business Center Way, Edgewood, Maryland. Also found on Tax Map 400, Parcel 0270 in the General Commercial Zoning District.

Mr. McDevitt stated he would like to open "Station 26", restaurant/pub at 26 South Main Street, North East, which will be similar to his current establishment the Pickled Herring Pub (currently located at 32 South Main Street). Mr. McDevitt reported that the new location is the former Laundromat. The proposed restaurant/pub will have a similar menu to the Pickled Herring Pub's menu. Mr. McDevitt stated he plans to serve light dinner and lunch pub fare with lite entertainment. Mr. Mc Devitt stated he would like to capitalize on the Town of North East's heritage and decorate the proposed establishment with 1922 historical décor. Mr. McDevitt would like to provide a nice dining experience. Mr. McDevitt stated he came in for the same special exception applications in 2014, but neglected to request extensions for the approvals, and the special exceptions lapsed.

Mrs. Vennell reported that if Mr. McDevitt would like an extension added to his application he would need to amend the application during this meeting. Mrs. Vennell also stated that the plans which were submitted with the applications were not clear as to whether or not there would be two phases to the proposed project. Mr. McDevitt stated he would like to amend application to include an extension. Mr. McDevitt stated he intends to begin construction as soon as possible upon all approvals. Mr. Mike

Kuzman, owner of 26 South Main Street, North East, MD reported that he would like to complete Phase 1 as soon as possible, get the business open, operational and then start Phase 2 (a roof top deck) hopefully in the spring or summer of 2016. Mrs. Cook-MacKenzie stated that if Mr. McDevitt is amending the application he needs to be sure to request enough time to complete the proposed project. After some discussion between the Planning Commission, Mr. Kuzman and Mr. McDevitt, Mr. McDevitt stated he would like a three year extension of both applications, with the expiration date being September 30, 2018.

Mr. McDevitt stated the interior renovations of 26 South Main Street will be done in a year but exterior renovation may extend beyond a year. Mr. Kuzman stated the extension will also help with the financing of Phase 2 and inquired while under the extension of three years, whether he would still be able to open and operate the business while the Special Exception is active, acknowledging he understands that approval is pending approvals from the Board of Appeals. Mrs. Vennell confirmed the extension requested would allow Phase 1 and Phase 2 to open or be substantially complete, independently, until September 30, 2015. Phase 1 would open under one building permit application, and Phase 2's building permit could be applied for at a later date, conditioned upon the extension deadline. Water and Sewer Allocations could be looked at independently for Phase 1 and Phase 2. Each phase would have its own occupancy permit requirement.

Chairman Morgan invited members of public to speak in favor of or opposition to the proposed restaurant/pub. There were no comments from the public.

Case A 2015-06-SE: On Premise Alcohol Beverage License at 26 South Main Street: Applicant, Kevin McDevitt, 8 Mauldin Avenue, North East, Maryland, is requesting a special exception for the purpose of obtaining an on premise alcohol beverage license for 26 South Main Street, North East, Maryland in conjunction with a proposed Pub/Restaurant. Property owner: Main Street Properties, LLC, 1304 Business Center Way, Edgewood, Maryland. Also found on Tax Map 400, Parcel 0270 in the General Commercial Zoning District.

Mr. Mc Devitt stated that he proposes to serve on-premises alcohol beverages at 26 South Main Street, "Station 26" in the a proposed restaurant/pub. Mr. McDevitt stated he would like to serve craft beer and plans to have 26 taps on hand including local and regional beers as well as 2 unique beers. Mr. McDevitt also stated he will serve standard alcoholic mixed beverages as well. Mrs. Cook-MacKenzie inquired would the liquor license be transferred from Mr. McDevitt's current establishment, Pickled Herring Pub at 32 South Main Street, to 26 South Main Street "Station 26". Mr. McDevitt stated he intends to transfer his current liquor license. Mr. McDevitt stated he will be closing the Pickled Herring Pub once "Station 26" is operational. Mr. McDevitt stated he will be speaking with the Cecil County Liquor Board to coordinate the closing of his existing business and the opening of the new business.

Chairman Morgan stated he has read the correspondences and inquired if the Planning Office had any comments.

Mrs. Vennell reported that Kevin Wagner, Maryland Department of the Environment, suggested that this property may be eligible for a Letter of Map Amendment (LOMA) which would remove the structure from the floodplain requirements. Mr. Wagner indicated that the floodplain map shows the edge of the floodplain stops at the curb in front of 26 South Main Street. Mrs. Vennell reported that if a LOMA application is submitted by Mr. McDevitt's Engineer, the expected turnaround time from MDE is 30-60 days. Stan Granger, American Engineering, reported that he will be updating the Flood Elevation Certificate with the most current datum, and will submit to MDE for a LOMA. Mr. McDevitt reported he will be elevating his main floor approximately 4 inches and will most likely use some waterproofing materials.

Phase 1- First floor restaurant: Phase 1 will include the renovation and opening of the restaurant on the first floor of 26 South Main Street. There will be 12 seats provided on the new front porch area, as shown on the architectural drawings submitted with the site plan. Phase 1, first floor, will also include inside seating for 93 patrons, provided the Fire Marshall grants approval of that number of patrons.

Phase 2 -Roof Top Deck portion of the restaurant: Mr. McDevitt confirmed that Phase 2 of the restaurant proposes the extension of the restaurant to a roof top deck. Commissioner Braley inquired if Mr. McDevitt was still intending to install a fire pit. Mr. McDevitt clarified that the fire pit is actually a gas raised fireplace similar to a gas grill but the flame will be between two pieces of tempered glass. In addition the roof top deck will be seasonal. Mr. McDevitt stated he may put up a tent pending the weather.

Mrs. Vennell inquired if the Planning Commission had any comments regarding the September 28, 2015 letter from Steve Nolan, CNA, the Towns Engineer, who was also present for this meeting. Mr. McDevitt stated that any plantings in the rear of 26 South Main Street would require the removal of asphalt to install the plantings. In addition, plantings along the side of the building may not survive, as this area is only 2 feet wide. Mr. Nolan stated that the site plan submitted appeared to have a pervious area behind the building and if there is not, he would not want Mr. McDevitt to remove asphalt. The Planning Commission concurred and did not believe there was adequate opportunity to provide additional landscaping.

Mr. Dobbins inquired about handicapped parking and a handicap entrance to the establishment. Chairman Morgan commented that if Mr. McDevitt wished to comply with the ADA Regulations only one handicapped space would be required. Mr. McDevitt stated the main entrance to the restaurant is fronting South Main Street, and the entrance will be handicapped accessible. Mr. McDevitt stated that the parking area associated with this address is located at the rear of the structure and he did not believe it is conducive to install a handicapped parking spot in the rear of the facility. However, Mr. McDevitt stated he will install a handicapped space in the rear of the building if the Planning Commission states it is necessary. The Planning Commission concurred that a handicapped space in the rear of the establishment is not conducive, therefore, would not be required.

Mr. McDevitt stated he will be screening the dumpsters and propane tanks. Mrs. Vennell inquired what the Fire Marshall requires for emergency exits Mr. McDevitt

stated he is required to have two exits, and he is providing three exits. The rooftop deck will have two exits.

Mr. McDevitt stated he would like to open as soon as possible, approximately 120 days after receiving his approvals. Mr. McDevitt and Mr. Kuzman are working on the budget, equipment, HVAC and sprinkler system. Mrs. Vennell inquired if the Planning Commission wants to see a final site plan for this project. Chairman Morgan stated he doesn't see any significant changes required that would warrant Mr. McDevitt coming back to the Planning Commission. Mrs. Vennell stated that CNA can review the Final Site Plan to ensure all conditions are met.

Case 2015-05-SE-Restaurant/Pub at 26 South Main Street:

Commissioner Braley made a motion to recommend to the North East Board of Appeals that Case 2015-05-SE, special exception for a Pub/Restaurant at 26 South Main Street, North East, Maryland, be approved, subject to the following conditions:

1. CNA letter dated August 28, 2015 and other agency letters and comments including Kevin Wagner's, Maryland Department of the Environment and Julie Roberts, Critical Area Commission.
2. Landscaping shall not be required as there is little remaining pervious area.
3. Dumpster shall be enclosed and may be located at the rear of 32 South Main Street (current location) if property owner agrees and Cecil County Health Department agrees.
4. Handicapped parking space shall not be required, due to the location of the rear parking lot in relation to the "Station 26" entrance.
5. An extension was requested by the applicant during the Public Hearing and accepted by the North East Planning Commission. The extension was granted with the condition that all phases shall be completed by September 30, 2018.

Mr. Dobbins seconded the recommendation and the motion was approved by all.

Case 2015-06-SE-On-Premise Alcohol Beverage License at 26 South Main Street:

Mr. Dobbins made a motion to recommend to the North East Board of Appeals that Case 2015-06-SE, special exception for an on premise alcohol beverage license associated with the pub/Restaurant at 26 South Main Street, North East, Maryland, be approved, subject to the following conditions:

1. CNA letter dated August 28, 2015 and other agency letters and comments including Kevin Wagner's, Maryland Department of the Environment and Julie Roberts, Critical Area Commission.
2. Landscaping shall not be required as there is little remaining pervious area.
3. Dumpster shall be enclosed and may be located at the rear of 32 South Main Street (current location) if property owner agrees and Cecil County Health Department agrees.

4. Handicapped parking space shall not be required, due to the location of the rear parking lot in relation to the "Station 26" entrance.
5. An extension was requested by the applicant during the Public Hearing and accepted by the North East Planning Commission. The extension was granted with the condition that all phases shall be completed by September 30, 2018.

Commissioner Braley seconded the motion, and the motion was approved by all.

-OLD BUSINESS-

None.

-REPORTS-

None.

-MISCELLANEOUS-

The next Planning Commission meeting is scheduled October 7, 2015.

-ADJOURNMENT-

With no further business, Mr. Dobbins made a motion to adjourn at 7:43 p.m. Commissioner Braley seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Mark Dobbins
Chairman