

**NORTH EAST BOARD OF APPEALS-
North East Town Hall / 106 South Main Street
Tuesday, August 5, 2014
7:00 P.M.**

Chairman Gabrielle Oldham called the meeting to order at 7:00 p.m. Present for the meeting included members Sue Fye, Maurice Tenney, Marian Martino, and Melissa Cook-MacKenzie, Town Administrator. Also in attendance were Betsy Vennell, Director of Planning and Zoning; and Lisa Rhoades, Planning and Zoning Assistant. Peg Hardin was absent due to a prior engagement.

Meeting called to order 7:01 P.M.

-MINUTES-

June 26, 2014

Mr. Tenney made a motion to approve the minutes as presented with one minor correction. Ms. Martino seconded the motion and the motion was approved by all.

-COMMENTS FROM THE PUBLIC-

None.

-NEW BUSINESS-

1. PUBLIC HEARING: CASE NUMBER: A-2014-06-SE: A Special Exception application from applicant, Greg Feld, K.C. Sign Company, 142 Conchester Highway, Aston, PA for a proposed electronic message sign/reader board ground sign to be located on the property of the North East Fire Company, 210 South Mauldin Avenue, North East, Maryland. Also found on Tax Map 401, Parcel 0017 in the Zoning District 'R-1'. Single Family Residential. The Planning Commission will form a recommendation to the North East Board of Appeals who will hear this Case on August 5, 2014.

Chairman Oldham opened the public hearing at 7:05 p.m.

The Court Reporter Penny Comneau, swore in Mr. Joe Clark of KC Sign Company, Phil Hughes of Nolan Associates and Mr. John Hamilton of the North East Fire Company.

Mr. Clark stated KC Sign Company was hired by North East Fire Company to make an electronic reader board sign. Mr. Clark reported that he believes the proposed sign meets all of the North East Zoning Ordinances. Chairman Oldham inquired how the electronic sign operates and the size of the proposed sign. Mr. Clark replied that computer software can be set to: play messages, run messages for a certain period of time, run an animated or static message, or play nothing. He added that when the sign message is static it can display larger text and the brightness of the text can be adjusted as well. Mr. Clark reported that the proposed sign is 26" x 89".

Ms. Martino inquired if the electronic reader board was only on one side of the proposed sign. Mr. Clark concurred that it was electronic on just one side. Mr. Phil Hughes of Nolan Associates a contractor for the North East Fire Company stated that the previously submitted drawing depicts the non-electronic sign at the top of the page, however it is back lit. Chairman Oldham inquired if the aluminum stationary side of the sign could be changed periodically or was it going to be permanent. Mr. Hamilton confirmed it would be permanent. Mrs. Cook-MacKenzie inquired if the electronic reader board sign would be tied into a generator and could the sign be changed remotely. Mr. Hamilton stated that it would be tied into the generator but at this time the sign could not be changed remotely but that may be possible in the future with some computer programming. Ms. Martino clarified that someone would have to be there at the fire house even in the event of an emergency at this time to program the electronic reader board. Mr. Hamilton replied yes and the sign will be used to display other events in addition to emergency information. Mr. Hamilton stated that the North East Fire Company is designated as a fully functional Emergency Command Center.

Mr. Hamilton stated that the electronic reader board sign would also be used to display anniversary, wedding and special event messages. In addition, if the Department of Emergency services needed a message displayed, they would be able play the message on the sign. Mr. Hamilton added that they would program the sign to start at 6:00 am and stop at 10:00 pm as outlined in the North East Zoning Ordinance.

Chairman Oldham inquired how many lines would be displayed at one time. Mr. Clark stated 1-3 lines, although it could be programmed to display more, the letters would be difficult to see from a distance. Mr. Clark stated that a message will scroll for one hour and the message cannot be changed for 1 hour. Mr. Clark stated that the sign will not use words like "STOP" etc. that would take someone's attention away from driving. Chairman Oldham stated she thinks scrolling signs are distracting.

Mrs. Oldham inquired if there were any comments from the public. Mrs. Vennell stated that adjoining property owners had been notified and the Planning Office had not received any comments. Mrs. Vennell added that the North East Planning Commission recommended conditional approval during their Planning meeting on August 4, 2014; and the Appeals Board has a copy of their recommendations.

Mr. Tenney stated the sign seems to be highly regulated and would like the dialogue to continue and would like a condition that there be continued communication between the Fire Company and the Town regarding the operation of the sign. Mr. Tenney made a motion to approve the North East Fire Company electronic reader board sign with the following conditions:

- Continued dialogue between the North East Fire Company and the Town of North East.
- Mrs. Betsy Vennell letter dated June 12, 2014.

Ms. Martino seconded the motion and the motion was approved by all.

2. PUBLIC HEARING: CASE NUMBER: A-2014-07-SE: A Special Exception application from owner, Hudson Benson, 88 Green Meadow Drive, Elkton, MD 21921 for the purpose of upgrading their current on premise Beer and Wine Alcohol Beverage License to an on premise Beer, Wine and Liquor Alcohol Beverage License at the Port House Grill Restaurant, 15 North Main Street, North East, MD. Also found on Tax Map 400, Parcel 140. Zoning District GC. General Commercial. The Planning Commission will form a recommendation to the North East Board of Appeals who will hear this Case on August 5, 2014.

Ms. Comneau swore in Mr. Hudson Benson and Mr. Kelly Benson, owners of Port House Grill. Mr. Benson stated they would like to upgrade their existing beer/wine alcohol beverage license to a beer, wine and liquor alcohol beverage license. Mr. Benson continued to say in the 2 ½ years they have had the Port House Grill Restaurant in North East, they have earned a reputation as a good restaurant. However, Mr. Benson stated to really be competitive with other restaurants in the area and serve clients the drinks that they would like, they need to upgrade their alcohol beverage license. Mr. Benson stated currently they are losing business to neighboring businesses that serve liquor and can

make the cocktails that some customers are looking for. Chairman Oldham inquired if there was a ratio of business lost. Mr. Hudson replied that if a potential customer calls and inquires if Port House Grill serves liquor/mixed drinks and they have to say no, they never get an opportunity to meet that customer because they go elsewhere. Mr. Benson stated he had already met with the Cecil County Liquor Board regarding the change in license. Chairman Oldham inquired if they were just intending on serving drinks with meals or were they also planning on having a bar. Mr. Benson reported that his customers generally come there to eat. However, they will have to put in a small area to mix drinks with a couple of seats. Mr. Benson stated he does not want to take away from his table seating. Ms. Fye asked if there would be a drink limit. Mr. Benson stated they would like to offer a limited variety of drinks on the menu.

Chairman Oldham inquired if there were any comments from the North East Planning Commission or the public. Mrs. Vennell reported that the adjoining property owners were notified, there were no comments from the public. Mrs. Vennell reported the Planning Commission reviewed this case on August 4, 2014, and recommended approval of the changes to the liquor license. The Appeals Board has a copy of their recommendation. Mr. Kelly Benson stated that he runs the Port House grill with Mr. Hudson Benson and their original idea was that if someone wanted a meal and a beer they wanted to be able to offer it. Mr. Benson added that by upgrading the beverage license they do not want to change the core value of their restaurant. They just want customers to be able to order a meal and a mixed drink if they choose.

Ms. Fye motioned to approve the special exception, for the upgrade of the alcohol beverage license to beer, wine and liquor. Ms. Martino seconded the motion and the motion was approved by all.

-REPORTS-

Mrs. Cook-MacKenzie introduced Ms. Laura Duff from Dennis Clower's office who attended the meeting Board of Appeals meeting in Mr. Clower's place.

Nauti Goose Restaurant

Mrs. MacKenzie reported that the Planning Office had a meeting with Nauti Goose Restaurant Owners. Chief Hamilton suggested that they keep an incident log and they have since implemented this suggestion.

Black Pearl Restaurant

Mrs. Vennell reported that Mr. Covatta, the owner of the Black Pearl Restaurant, has decided not pursue the outside seating at this time. The Special Exception will remain open for one year. If there is no substantial construction within that time period then the Special Exception will be void. Mrs. Vennell stated that she did not know why Mr. Covatta changed his mind.

Proposed Restaurant/Pub at 26 South Main St.

Chairman Oldham inquired about 26 South Main Street, Kevin McDevitt’s proposed restaurant pub. Mrs. Vennell reported that Mr. McDevitt must come before the Planning Commission with a site plan before he can continue with his project. Mrs. Vennell stated that Mr. McDevitt inquired about beginning to renovate the roof and other minor work within the structure. However, Jeff Thorpe from Cecil County Permits stated Mr. McDevitt was not to begin work without an approved site plan and a full set of building plans.

121 Beech Street, New Home Construction

Ms. Martino inquired about 121 Beech Street and the progress of the new home. Mrs. Vennell reported that the bulkhead was installed. Pilings were also installed however, there were some issues with the sub-contractor and work has stopped.

-NEXT MEETING-

August 28, 2014

There will be no meeting for August 28, 2014, as there are no items on the agenda.

-ADJOURNMENT-

Ms. Martino made a motion to adjourn at 7:51 P.M. Ms. Fye seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades

Gabrielle D. Oldham

Planning and Zoning Assistant

Chairman