

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

The existence of (1) basement apartment built prior to 1945 in an apartment

house with (4) other suites erected prior to 1945 at 2525 Yorkway,

Baltimore County, Maryland 21222. (5 units total)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
Michael I. Gilbert
(Type or Print Name)
Signature _____
1121 Merritt Boulevard
Address
Baltimore County, Maryland 21222
City and State
Attorney's Telephone No.: 282-0600
252-2730

Legal Owner(s): _____
(Type or Print Name)
Signature _____
Address _____
Baltimore County, Maryland 21222
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Contact Attorney
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of March, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of April, 1986, at 10:00 o'clock

Carl J. Jaron
Zoning Commissioner of Baltimore County.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 27, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 27, 1986

THE JEFFERSONIAN,

Publisher
Cost of Advertising

22.20

86-413-SPH

IN RE: PETITIONS SPECIAL HEARING
Anita Cavoures,
Petitioner
OF BALTIMORE COUNTY
Case Nos. 86-412-SPH and
86-413-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a nonconforming use for a multi-family dwelling in both cases, as more particularly described on Petitioner's Exhibits 1, respectively marked in each case.

The Petitioner appeared and testified and was presented by Counsel. Chris Lucas, a long-time resident of Dundalk who is intimately familiar with Yorkway, testified on her behalf. The Reverend Eva O'Diam, Dundalk Church of the Brethren, and Beverly Klein, Dundalk Community Council, appeared as observers. There were no Protestants.

Testimony indicated that the properties owned by the Petitioner, 2516 and 2525 Yorkway, zoned D.R.10.5, were purchased by her in 1949 and 1954, respectively. At the time of purchase, 2516 Yorkway had four units which were expanded to five units in 1952 and six units in 1954. When the Petitioner purchased 2525 Yorkway in 1954, it had five units. Mr. Lucas testified that he remembers when the dwellings on Yorkway were constructed, during World War II, and that they were constructed as four-unit dwellings. Mrs. Cavoures testified that each building has continued with its respective number of units continuously and without interruption since before 1955.

The Petitioner seeks relief from Section 104.1, Baltimore County Zoning Regulations (BCZR).

The uses described here predate the establishment of the first zoning regulations in 1945 and, therefore, are clearly nonconforming inasmuch as such

multi-family dwellings would not be permitted as of right in a D.R.10.5 zone, which was created by the adoption of the 1955 zoning regulations. The lot areas are not sufficient to permit such uses. However, pursuant to the 1945 regulations, inasmuch as the expansion of 2516 Yorkway to include two more apartments and the expansion of 2525 Yorkway to include one more apartment occurred prior to 1955, a nonconforming use was permitted to be expanded "to an extent not more than once again the area of the land used in the original nonconforming use". Section XI, 1945 BCZR.

The uncontroverted testimony, which was amply supported, conclusively indicates that 2516 Yorkway and 2525 Yorkway have been used continuously and without interruption as six apartments and five apartments, respectively, since 1954. After due consideration of the testimony and evidence presented, it is clear that nonconforming uses exist.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions held, and for the reasons given above, the approval prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of June, 1986, that nonconforming uses as a six-apartment dwelling for 2516 Yorkway and a five-apartment dwelling for 2525 Yorkway be approved and, as such, the Petitions for Special Hearing are hereby GRANTED from and after the date of this Order.

Arnold Jaron
Zoning Commissioner of Baltimore County

cc: Michael I. Gilbert, Esquire
The Reverend Eva O'Diam
Ms. Beverly Klein
People's Counsel

The following is a deed description on the 2525 Yorkway property:

BEGINNING for the same at a point on the southwesterly line of Block 8 which is also the northeasterly line of Yorkway, as row laid out, distant one hundred sixty-five and twenty-three one-hundredths feet northwesterly, measured along the said southwesterly line of Block 8, from the northwesterly line of Leeway, as now laid out sixty feet wide, all as shown on said plat; and running thence North thirty-eight degrees twenty-two minutes fifty-eight seconds East one hundred twenty-seven and sixty-five one-hundredths feet, part of which distance is intended to be along the centre line of a party wall there situate, to intersect the southwesterly line of a fourteen-foot alley Northwesterly on a curve to the right with a radius of three thousand seventy-eight and thirty-five one-hundredths feet for a distance of fifty-one and seventy-two one-hundredths feet; thence South forty-two degrees fifty-seven minutes thirty-two seconds West one hundred thirty-seven and forty-one one-hundredths feet to intersect the aforesaid southwesterly line of Block 8; thence binding on the said southwesterly line of Block 8 in a southeasterly direction the two following courses and distances: On a curve to the left with a radius of seven hundred sixty-five and one-hundredths feet for a distance of sixteen and eight-five one-hundredths feet on a curve to the right with a radius of four thousand one hundred twenty-five and no one-hundredths feet for a distance of forty-five and fifteen one-hundredths feet to the place of beginning. The improvements thereon being now known as No. 2525 Yorkway. Containing approximately 6602 square feet in the 12th Election District.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
NE/S Yorkway, 165.23' NW of :
Leeway (2525 Yorkway) : OF BALTIMORE COUNTY
12th District :

ANITA CAVOURES, : Case No. 86-413-SPH
Petitioner(s) :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
(301) 494 - 2188

I HEREBY CERTIFY that on this 26th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Michael I. Gilbert, Esquire, 1121 Merritt Blvd., Baltimore, MD 21222, Petitioner's Attorney.

Peter Max Zimmerman
Peter Max Zimmerman

5304
5305

PETITION FOR SPECIAL HEARING 12th Election District

LOCATION: Northeast Side of Yorkway, 165.23 feet Northwest of Leeway (2525 Yorkway)

DATE AND TIME: Tuesday, April 15, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

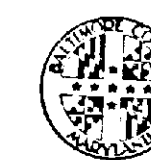
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing for a nonconforming use of a multiple family dwelling (5 apartments)

Being the property of Anita Cavoures, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JARON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 9, 1986

Michael I. Gilbert, Esquire
1121 Merritt Boulevard
Baltimore, Maryland 21222

RE: PETITION FOR SPECIAL HEARING
NE/S Yorkway, 165.23' NW of Leeway
(2525 Yorkway)
12th Election District
Anita Cavoures - Petitioner
Case No. 86-413-SPH

Dear Mr. Gilbert:

This is to advise you that \$65.80 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 018591

ore County, Maryland, and remit
ilding, Towson, Maryland

DATE: 4/9/86 ACCOUNT: 100-11-100
AMOUNT: \$ 65.80
RECEIVED FROM: Anita Cavoures
FOR: Baltimore County, Maryland, Case No. 86-413-SPH
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
13th day of March, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Anita Cavoures
Petitioner's Attorney: Michael I. Gilbert, Esquire

Received by: James E. Dyer, Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

February 11, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 278 Zoning Advisory Committee Meeting are as follows:

Property Owner: Anita Cavoures
Location: NE/S Yorkway, 165.23 feet NW of Leeway
District: 12th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.

3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

4. For any alterations that may be required to comply with the Code, these sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

5. All Use Groups except 3-A Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. 1-A Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 107, Section 106.2 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Use _____. See Section 312 of the Building Code.

9. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

10. Comments: Light-ventilation-exits fire separations, smoke detectors, etc. shall comply with the Code. If additional rental units are being created a separate permit shall be required. If the structure was not listed as an apartment building, a change of occupancy may also be required. See Section 103.1 amended, Table 101 amended, Article 7, Section 809.1 bedroom windows/emergency

11. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark E. Dyer
C. E. Dyer, Chief
Building Plans Review

4/27/86

CC: Capt. J. Kelly

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
NORMAN E. GEMER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

MARCH 24, 1986

Re: Zoning Advisory Meeting of February 11, 1986
Item # 278
Property Owner: ANITA CAVOURES
Location: NE/S Yorkway, 165.23' NW
OF LEEWAY

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

1. There are no site planning factors requiring comment.
2. A County Review Group Meeting is required.
3. This site is part of a larger tract. Therefore it is defined as a subdivision. The plan must show the entire tract.
4. A record plat will be required and must be recorded prior to issuance of a building permit.
5. The access is not satisfactory.
6. The circulation on this site is not satisfactory.
7. The parking arrangement is not satisfactory.
8. Parking calculations must be shown on the plan.
9. This property contains soils which are defined as wetlands, and development on these soils is prohibited.
10. Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-99 of the Development Regulations.
11. Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
12. The amended Development Plan was approved by the Planning Board on _____.
13. Landscaping: Baltimore County with Baltimore County Landscape Manual.
14. The property is located in a deficient service area as defined by Bill 113-79. No building permit may be issued until a Reserve Capacity Line Certificate has been issued. The deficient service area is _____.
15. The property is located in a traffic area controlled by a non-level intersection as defined by Bill 173-79, and its condition change is evaluated annually by the County Council. The Basic Services Area is _____.

CC: James Howell

Eugene A. Guber
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

February 11, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 278 Zoning Advisory Committee Meeting are as follows:

Property Owner: Anita Cavoures
Location: NE/S Yorkway, 165.23 feet NW of Leeway
District: 12th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.
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6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

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9. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

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11. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark E. Dyer
C. E. Dyer, Chief
Building Plans Review

4/27/86

CC: Capt. J. Kelly

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

February 20, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Anita Cavoures

Location: NE/S Yorkway, 165.23' NW Leeway

Item No.: 278 Zoning Agenda: Meeting of 2-11-86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy. Bedroom & living room windows shall be in accordance with Sec. 22.2.2.1

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group
Special Inspection Division

/mb

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 21, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Michael I. Gilbert, Esquire
1121 Merritt Boulevard
Baltimore, Maryland 21222

RE: Item No. 278 - Case No. 86-413-SPH
Anita Cavoures - Petitioner
Special Hearing Petition

Dear Mr. Gilbert:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Silbermann & Associates
1703 East Joppa Road
Baltimore, Maryland 21234

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

February 20, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Anita Cavoures

Location: NE/S Yorkway, 165.23' NW Leeway

Item No.: 278

Zoning Agenda: Meeting of 2-11-86

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EXCEEDS the maximum allowed by the Fire Department.

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- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy. Bedroom & living room windows shall be in accordance with Sec. 22.2.2.1

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group
Special Inspection Division

/mb

PETITIONER'S EXHIBIT 1

NOTE: NO PARKING DATA
DUE TO NON-CONFORMING
USE.

2525 YORKSWAY BALTIMORE COUNTY, MARYLAND
 ● PLAT FOR: ZONING SPECIAL HEARING
 ● ASSYNER: ANITA CASOLITES
 ● ZONE: DR 10.5
 ● SUBDIVISION: PLAT NO. 1 OF DUNDALK@BOOTH C.W.B. 12/63
 ● DATE: JAN. 28, 1980
 ● EXIST. UTILITIES: IN YORKSWAY
 ● SCALE: 1"=50'
 ● DWG BY: CAMPBELL
 ● DISTRICT: 12



HARVEY SILBERMANN
MD. P.E. No. 1210

