



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 24, 2008

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

Mr. Howard L. Alderman, Esq.
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

Re: Recovermat Mid-Atlantic, LLC Property
Sprit & Intent Letter dated November 11, 2008
Zoning Case No. 94-135A

Dear Mr. Alderman:

Thank you for your very detailed letter dated November 11, 2008. You have requested my interpretation of both, the Baltimore County Zoning Regulations as well as my previous zoning decision in case No. 94-135A rendered when I was Deputy Zoning Commissioner.

In 1993, this office approved the use of this property, by your client, as "any other industrial or manufacturing use", as that use is listed and permitted in the MH zone pursuant to section 256.3 of the BCZR. At that time, I approved a variance to allow said use to be located within 150 feet of a residential zone and 0 feet from the street abutting a residential zone boundary. The use has continued on this property for the past 15 years.

On May 16, 1995, this office approved the introduction of "white goods" into the manufacturing process that was occurring on the property. This approval was given to your client by way of a spirit and intent letter written to this office and approved by Mr. John J. Lewis on behalf of Mr. Arnold Jablon, then Director. This approval was issued after consultation with me in my previous position as Deputy Zoning Commissioner.

At this time, your client is requesting approval to introduce into the manufacturing process, additional scrap metal in the form of stripped automobile bodies. You have described the manner by which these materials are processed in your letter dated November 11, 2008. I have also gained a better understanding of this scrap metal processing by my site visits to the property and through a meeting held in my office between members of my staff, yourself and representatives from Recovermat Mid-Atlantic, LLC.

It is my opinion, based on the aforementioned, that the introduction of additional scrap metal in the form of stripped automobile bodies, (as described in your letter) is within the spirit and intent of my previous zoning decision and falls within the category of "Any other industrial

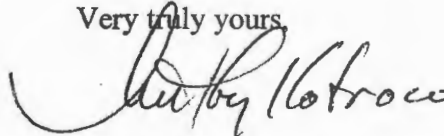
or manufacturing use", as specified in section 256.3 of the Baltimore County Zoning Regulations.

The introduction of this additional type of scrap material, given its size and bulk, causes me to impose additional conditions and restrictions upon this use. I shall require that all automobile bodies/hulks shall be processed within 48 hours from the time they arrive on site. Any scrap bodies/hulks not so processed within that time frame shall be removed from the premises. There shall also be a height limitation on the stockpiling of the scrap bodies/hulks. In no event shall the stacking of this material exceed 35 feet.

Finally, there needs to be additional landscaping and screening on the property, particularly in the area of the property where there once existed a row of mature willow trees. This area of the property, which is now devoid of natural vegetation, is the northern property line of the property and which has its common boundary line with property recently being developed into a new industrial park. Given the bulk and size of this new material, simple pine trees will not provide an appropriate screen. This applicant will have to provide a substantial landscape screen such as tall fencing in conjunction with evergreen trees. Over time, the trees will fill in to provide a nice visual barrier. However, at this time I believe it is appropriate to provide both a fence and evergreen plantings. Accordingly, the applicant shall meet with Avery Harden of my office to work out the details and timing for the installation of this screening.

In addition to the aforementioned, the applicant shall be required to obtain any and all other necessary Federal, State and local permits as are required to perform this function on their property. Should you have any question regarding the contents of this letter, please feel free to contact my office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco", written in a cursive style.

Timothy M. Kotroco, Director

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
4103214640

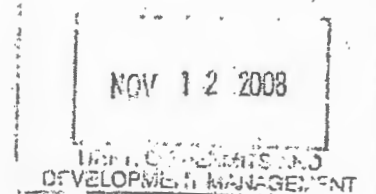
LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
302 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

November 11, 2008

HAND - DELIVERED

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 105
Towson, Maryland 21204



RE: Recovermat Mid-Atlantic, LLC Property
2202 Halethorpe Farms Road
Spirit and Intent Determination

Dear Mr. Kotroco:

I represent Recovermat Mid-Atlantic, LLC, owner and operator of the above-referenced property which is presently zoned MH-IM. Recovermat is the continuing legal entity that grew out of Percontee, Inc. The purpose of this letter is to request an informal determination by your Department that the continuing manufacturing uses, including processing and recycling of materials, conform with prior approvals for this property and the *Baltimore County Zoning Regulations* as now adopted.

In 1993, when you were sitting as the Deputy Zoning Commissioner for Baltimore County, you approved a variance to permit a manufacturing use located on this property within 150 feet of a residential zone and 0 feet from the street abutting a residential zone boundary. Your Order, in Case No. 94-135-A, described the proposed use as taking construction and demolition debris earmarked for landfills and convert them into useable materials "thereby saving landfill space and preserving our environment." The issue in that case was whether or not a variance from otherwise applicable setback requirements from residential areas should be granted for a manufacturing use on the subject property. That variance was granted, was not appealed and runs with the land on which it was granted.

Several years later, the owner requested a similar informal determination that the stream of products to be processed and recycled include land clearing debris and metal, described as "white goods." A favorable determination was given, subject to the condition that white goods and/or debris not be stored on the property for more than five (5) days and that the condition be reflected on all future SWPF Permit Plans.

Timothy M. Kotroco, Director
November 11, 2008
Page 2

Since 1995 construction/demolition and land clearing debris, as well as a wide variety of metals have been processed at the subject property in accordance with the limited storage condition and all applicable permits. Those permits have included a Baltimore County Solid Waste Processing Facility Permit, a MDE Refuse Disposal Permit, and a MDE State Permit to Operate. MDE was the applicable State regulating authority as no automobiles were being processed.

All materials are delivered to the site by truck or individual automobile. The materials are processed by loading them onto a conveyor belt which leads to a super heavy duty wet system, hammermill shredder. After shredding the debris and metals, the ferrous metals are shipped by truck to mills that purchased the shredded metal and the shredder residue shipped by truck for daily cover at landfills. Materials that are not processed pursuant to specific MDE permit conditions included but were not limited to controlled dangerous substances, infectious or special medical wastes, radioactive materials and oil contaminated soil. Additionally, MDE did not permit the processing of automobiles as the processing of those materials is governed strictly by the Motor Vehicle Administration of the State Department of Transportation.

With the decreasing availability of construction/demolition and land clearing debris, the owner requested a modification of the existing permits for the processing of only scrap metals including automobiles. The MVA has strict controls in place for acceptance and processing of automobiles. Unless an automobile is more than eight years old, the person presenting the automobile must have evidence of title, satisfactory to the owner and the MVA. The automobiles must be free from gasoline tanks, refrigerant and batteries, etc.; in other words, a scrap automobile hulk.

The MDE Refuse Disposal Permit has been placed on hold due to the issuance of the Scrap Processor permit by the MVA. The MDE State Permit to Operate is being reviewed for compliance regarding air quality emissions associated with automobiles being introduced into the feedstock. The owner's experience has proved at its other processing facilities that associated noise and air emissions are far less when processing predominantly metal than with the processing of construction/demolition and land clearing debris.

The automobile hulks and acceptable metals are delivered to the property by individuals and corporate vendors, in exactly the same manner as the construction/demolition and land clearing debris and white metals. They are then loaded onto the conveyor and processed through the same hammermill shredder, with the shredder output separated into ferrous materials and the nonferrous materials. The nonferrous materials, from shredding predominantly metals and automobiles, will be trucked to another facility to extract the valuable nonferrous metals from the residue before taking it to landfills. At present, the ferrous materials are shipped via trucks or rail cars for delivery to steel mills. The owner is presently working with CSX Transportation to reactivate the pre-existing rail spur to the subject property. If those efforts are successful, railroad cars owned by Recovermat's parent company will be loaded with the ferrous materials for shipment from the property.

Mr. Kotroco, you have visited the property and viewed, first-hand, the existing processing

Timothy M. Kotroco, Director

November 11, 2008

Page 3

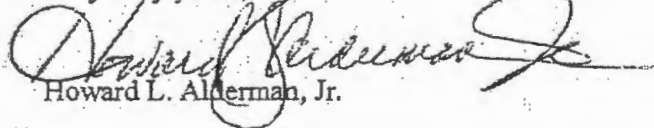
operations, other than the processing of automobile hulks. The surface of the property, specifically all areas of the storage/stacking of materials and the processing operations, is impervious, directing all water to an on-site collection area which is then used in the processing operation. Subsequently, in a meeting in your offices, our client described how the material processing operation would continue in the same manner, but including automobile hulks. Automobile hulks will not remain on the property for more than 48 hours. If, due to machine maintenance or repair that processing time cannot be maintained, those automobile hulks will be removed to the owner's other processing facility in Capitol Heights, Maryland.

It has been suggested by some of our client's competitors that a "junkyard" is being operated on the property. The property is not used for the storage or retail sale of scrap, junk or unlicensed/inoperative motor vehicles or parts. There is no dismantling of vehicles; our client receives the hulk of already dismantled vehicles for processing into reusable materials. No retail sales are conducted on the property. Rather, materials are purchased by our client for use in its processing operations. As noted above and described in our recent meeting, that purchasing is done selectively and excludes materials such as metal funeral urns, beer kegs, catalytic converters, etc. The scrap materials purchased by our client for use in its processing operations are specifically excluded from the BCZR definition of junkyard.

We are, therefore, requesting your informal determination that the long-term processing operations that have been employed on the property since 1994 and the proposed processing of automobile hulks and similar metals as permitted and approved by the State of Maryland conform with prior approvals for this property and the *Baltimore County Zoning Regulations* as now adopted.

In preparing your response to this request, should you or your staff need any additional information or further clarification of any aspect of the processing operations that have and will continue to occur on this property, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk

c: Recovermat Mid-Atlantic, LLC

IN RE: PETITION FOR VARIANCE
W/S Halethorpe Farm Road, 600'S
of the c/l of Trident Court
(2202 Halethorpe Farm Road)
13th Election District
1st Councilmanic District
Iron City Sash and Door
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-135-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Iron City Sash and Door, by Paul T. Slaysman, and the Contract Purchaser, Percontee, Inc., by Wadda Gudelsky. The Petitioners seek relief from Section 256.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a manufacturing use within 150 feet of a residential zone (said residential zone property being part of the Patapsco State Park) and extending to the centerline of the abutting Harbor Tunnel Thruway, in lieu of the required 1,000 feet; from Section 256.5 of the B.C.Z.R. to permit said manufacturing use to be located 0 feet from the street abutting a residential zone boundary, in lieu of the required 150 feet; and from Section 256.5 of the B.C.Z.R. to permit said manufacturing use to be located within 0 feet of the Harbor Tunnel Thruway right-of-way adjacent to the site and without the necessity of screening same from the motorway, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Claude E. Vannoy and Jonathan Genn on behalf of Percontee, Inc., the Contract Purchaser. Also appearing on behalf of the Petitioner were Donald S. Hawkins, on behalf of the Halethorpe Civic Association, Mark Weber, Professional Engineer who prepared the site plan for the subject property, William Bukevich with

Dewberry and Davis, Tom Sadowski on behalf of the Baltimore County Economic Development Commission (EDC), and Wes Guckert with The Traffic Group. The Petitioners were represented by Robert W. Cannon, Esquire. There were no Protestants present at the hearing; however, after the hearing, Mr. Hal Benson, a representative of the Maryland Citizens for the Environment (MCFE), appeared to voice his opposition.

At the onset of the hearing, Counsel for the Petitioner amended the Petition to strike the third variance request as set forth above. Accordingly, the Petition was amended to eliminate the third request and the hearing proceeded on the remaining requests.

Testimony indicated that the subject property, known as 2202 Halethorpe Farm Road, consists of 8.54 acres zoned MH-1M and is unimproved. Said property is located in a heavy industrial area adjacent to the Harbor Tunnel Thruway. The Petitioner is desirous of developing the site with a recycling facility. Said facility would take demolition and construction materials and convert same into a useable product. On behalf of the Petitioners, Mr. Cannon proffered that the end product resulting from this recycling process would be utilized as a landfill cover. He stated that at the end of each day, State law requires that trash and debris which have been added to landfills be covered with a material. At the present time, landfill operations cover the daily deposit of trash and debris with dirt which often must be purchased. The recycling process at the proposed facility would take construction and demolition debris earmarked for landfills and convert same into a useable cover which can be utilized at the end of each day at the various landfills located around the Baltimore Metropolitan area. In essence, this process would take regular waste

products and convert same into a useable material thereby saving landfill space and preserving our environment.

The proffered testimony further revealed that the nearest residence is actually over 1,000 feet from the subject site; however, the residential zone line runs along the Harbor Tunnel Thruway south of the subject site. While this residentially zoned land is part of the Patapsco State Park property and has no development associated therewith, it does remain zoned D.R.1 and therefore, the requested variance is necessary.

As noted previously, Mr. Hal Benson of the Maryland Citizens for the Environment, Inc., appeared to voice his objection to the proposed project. Mr. Benson was delayed in making an appearance at the hearing for traffic reasons and did not actually appear to offer testimony. I advised Mr. Benson to submit a letter outlining his concerns and that I would include his letter in the file. By letter dated December 9, 1993, Mr. Benson submitted a list of various environmental adjectives which he felt may be compromised by the use proposed. It should be noted that while Mr. Benson's letter was included in the file, I did not include the letter as evidence in the case since the hearing was concluded. Furthermore, Mr. Benson's concerns about this project were directed towards the recycling process itself and not necessarily the grant of this variance request. In the opinion of this Deputy Zoning Commissioner, the testimony was clear that there would be no substantial impact upon the health, safety or general welfare of surrounding uses if the variances requested were granted. Furthermore, it should be noted that there were no adverse comments submitted by any County agency as to the use proposed, including the Department of Environmental Protection and Resource Management (DEPRM).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Boley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 27 Md. App. 20 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING
Date 12/15/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 12/15/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 12/15/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 12/15/93
By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of December, 1993 that the Petition for Variance seeking relief from Section 256.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a manufacturing use within 150 feet of a residential zone (said residential zone property being part of the Patapsco State Park) and extending to the centerline of the abutting Harbor Tunnel Thruway, in lieu of the required 1,000 feet, and from Section 256.5 of the B.C.Z.R. to permit said manufacturing use to be located 0 feet from the street abutting a residential zone boundary, in lieu of the required 150 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Pursuant to the comments received from the Development Plan Review Section of the Department of Public Works, the Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/15/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

December 15, 1993

(410) 887-4386

Robert W. Cannon, Esquire
Weinberg & Green
100 S. Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
W/S Halethorpe Farm Road, 600' S of the c/l of Trident Court
(2202 Halethorpe Farm Road)
13th Election District - 1st Councilmanic District
Iron City Sash and Door - Petitioner
Case No. 94-135-A

Dear Mr. Cannon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: Mr. Hal Benson
c/o Maryland Citizens for the Environment, Inc.
3100 Myerson Circle, Baltimore, MD. 21227-4738

People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County 94-135-A

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 Variance (a) from Section (See Attachment)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Strict compliance with the Zoning Regulations would result in practical difficulty and unreasonable hardship because the area regulations would effectively preclude the use of the property in its manufacturing zone. The requested variances are in harmony with the spirit and intent of the zoning regulations and would not result in substantial injury to the public health, safety and general welfare.

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

I, or we, agree to pay expenses of above Variance 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.

Contract Purchaser/Lessee:

Percontee, Inc.
By *Wadda Gudelsky*
Signature

11900 Tech Road
Silver Spring, Maryland 20904
City and State

Attorney for Petitioner:

Robert W. Cannon
By *Robert W. Cannon*
Signature

100 South Charles Street
Baltimore, Maryland 21201
City and State

Attorney's Telephone No.: (410) 332-8816

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.

Legal Owner(s):

Iron City Sash and Door
By *Paul T. Slaysman*
Signature

PAUL SLAYSMAN
City and State

2202 Halethorpe Farm Road (410) 347-6611

Affidavit, Maryland
City and State

Name, address and phone number of legal owner, who must provide or represent to be certified

Robert W. Cannon
100 South Charles Street (410) 332-8816

Notarized by the Notary Public

Notarized by the Notary Public

Notarized by the Notary Public

Notarized by the Notary Public

0081-09/16/93
CW62(63718)

ATTACHMENT TO PETITION FOR VARIANCE 94-135-A

256.3 to locate the manufacturing use within 150 feet from the residential zone extending to the centerline of the abutting Harbor Tunnel Thruway (said residential zone property being part of the existing Patapsco State Park) in lieu of the required 1,000 feet distance, a variance of 850 feet, (b) from Section 256.5 so as to locate the manufacturing use within 00 feet of the street abutting a residential zone boundary in lieu of the required 150 feet distance, a variance of 150 feet, and (c) from Section 256.5 so as to locate the manufacturing use within 00 feet of the right-of-way of the Harbor Tunnel Thruway adjacent to the site without the necessity of screening it from the motorway as required in Section 256.5.

Percontee Manufacturing Facility

94-135-A

Zoning Description

Beginning at a point 850 feet West of Halethorpe Farm Road which is 60 feet wide at the distance of 600 feet South of the centerline of the nearest intersecting street, Trident Court, which is 60 feet wide. Thence the following courses and distances:

1. 108.93 feet along the arc of a curve to the left having a radius of 326.08 feet
2. South 53 31' 23" West 80.74 feet
3. South 20 16' 07" East 340.51 feet
4. South 80 24' 26" West 852.90 feet
5. North 54 35' 34" West 35.36 feet
6. South 85 33' 00" West 50.20 feet
7. South 85 03' 32" West 587.79 feet
8. North 62 29' 41" East 541.63 feet
9. North 69 48' 13" East 923.35 feet

to the point of beginning as recorded in Deed Liber 9332 Folio 030.

Being Lot 3 in the subdivision of Iron City Sash and Door as recorded in Baltimore County Plat Book 65 Folio 55, containing 8.54 acres. Also known as 2202 Halethorpe Farm Road and located in the 13th Election District.

pers

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: 12/13/93
Posted for: V. Cannon
Petitioner: Robert W. Cannon, Esq.
Location of property: 2202 Halethorpe Farm Rd., 600' +/- S of c/l Trident Court to a 25' access easement
Location of Sign: 2202 Halethorpe Farm Rd., 600' +/- S of c/l Trident Court to a 25' access easement
Remarks: None
Posted by: Arnold Jablon
Number of Signs: 1
Date of return: 12/13/93

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/17, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/17, 1993.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON
Publisher

Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21204

9/22/93 94-135-A 133
CODE 020 1 MIN RES. VAR. FILING FEE \$250.00
080 SIGN POSTING FEE 35.00
TOTAL 285.00
OWNER: IRON CITY SASH & DOOR
100' 2202 HALETHORPE FARM RD.
DINWIDJMUZSMICHRU \$285.00
RA C010106AM09-22-93
Please Make Checks Payable To: Baltimore County
Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, the applicant will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 133

Petitioner: IRON CITY SASH & DOOR

Location: 2202 HALETHORPE FARM RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ROBERT CANNON

ADDRESS: 100 S. CHARLES ST.

BALTO. MD. 21201

PHONE NUMBER: (410) 332-8816

AJ:qgs

(Revised 12/29/93)

TO: PUBLISHER PUBLISHING COMPANY
October 7, 1993 Issue - Jeffersonian

Please forward billing to:

Robert W. Cannon, Esq.
100 S. Charles Street
Baltimore, Maryland 21201
410-332-8816

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-135-A (Item 133)
2202 Halethorpe Farm Road
W/S Halethorpe Farm Road, 600' +/- S of c/l Trident Court to a 25' access easement
13th Election District - 1st Councilmanic
Legal Owner(s): Iron City Sash and Door
Contract Purchaser(s): Percontee, Inc.
HEARING: THURSDAY, NOVEMBER 4, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit manufacturing use within 150 ft. of a residential zone in lieu of the required 1,000 ft. distance; to permit the manufacturing use within zero ft. of the street abutting a residential zone boundary in lieu of the required 150 ft.; and to permit the manufacturing use within zero ft. of the right-of-way of the Harbor Tunnel Thruway without screening it from the motorway.

LAWRENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

OCT. 0 4 1993

(410) 887-3353

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ARNOLD JABLON
DIRECTOR

cc: Iron City Sash and Door
Percontee, Inc.
Robert W. Cannon, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 10, 1993

NOTICE OF REASSIGNMENT

CASE NUMBER: 94-135-A (Item 133)
2202 Halethorpe Farm Road
W/S Halethorpe Farm Road, 600' +/- S of c/l Trident Court to a 25' access easement
13th Election District - 1st Councilmanic
Legal Owner(s): Iron City Sash and Door
Contract Purchaser(s): Percontee, Inc.

Variance to permit manufacturing use within 150 ft. of a residential zone in lieu of the required 1,000 ft. distance; to permit the manufacturing use within zero ft. of the street abutting a residential zone boundary in lieu of the required 150 ft.; and to permit the manufacturing use within zero ft. of the right-of-way of the Harbor Tunnel Thruway without screening it from the motorway.

HEARING: FRIDAY, DECEMBER 3, 1993 at 10:00 a.m. in Rm. 106, County Office Building.

ARNOLD JABLON
DIRECTOR

cc: Iron City Sash and Door
Robert W. Cannon, Esq.
Percontee, Inc.
James Michael Brodie
Theresa Lowry

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 10, 1993

NOTICE OF REASSIGNMENT

CASE NUMBER: 94-135-A (Item 133)
2202 Halethorpe Farm Road
W/S Halethorpe Farm Road, 600' +/- S of c/l Trident Court to a 25' access easement
13th Election District - 1st Councilmanic
Legal Owner(s): Iron City Sash and Door
Contract Purchaser(s): Percontee, Inc.

Variance to permit manufacturing use within 150 ft. of a residential zone in lieu of the required 1,000 ft. distance; to permit the manufacturing use within zero ft. of the street abutting a residential zone boundary in lieu of the required 150 ft.; and to permit the manufacturing use within zero ft. of the right-of-way of the Harbor Tunnel Thruway without screening it from the motorway.

HEARING: THURSDAY, DECEMBER 2, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

ARNOLD JABLON
DIRECTOR

cc: Iron City Sash and Door
Robert W. Cannon, Esq.
Percontee, Inc.
James Michael Brodie
Theresa Lowry

JAMES MICHAEL BRODIE
ASSISTANT TO THE
DIRECTOR
STAFF WRITER
410-788-4001
FAX 410-788-4102

10/11/93 FRI 10:01 AM
TEL 410-788-4001
FAX 410-788-4102

NOVEMBER 19, 1993

NOTICE OF REASSIGNMENT

CASE NUMBER: 94-135-A (Item 133)
2202 Halethorpe Farm Road
W/S Halethorpe Farm Road, 600'-/- S of c/l Trident Court to a 25' access easement
13th Election District - 1st Councilmanic
Legal Owner(s): Iron City Sash and Door
Contract Purchaser(s): Percontee, Inc.

Variance to permit manufacturing use within 150 ft. of a residential zone in lieu of the required 1,000 ft. distance; to permit the manufacturing use within zero ft. of the street abutting a residential zone boundary in lieu of the required 150 ft.; and to permit the manufacturing use within zero ft. of the right-of-way of the Harbor Tunnel Thruway without screening it from the motorway.

HEARING: TUESDAY, DECEMBER 7, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Call Jablo

ARNOLD JABLON
DIRECTOR

cc: Iron City Sash and Door
Robert W. Cannon, Esq.
Percontee, Inc.
James Michael Brodie
Theresa Lowry

Post-It brand fax transmittal memo 7671 * of pages 1
To: H. BRODIE From: G. STEPHENS
Cc: PATUXENT Co. ZADM
Date: Phone: 887-3391
Fax: 788-4103 Fax: 887-5708

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

October 22, 1993

Robert W. Cannon, Esquire
100 South Charles Street
Baltimore, Maryland 21201

RE: Case No. 94-135-A, Item No. 133
Petitioner: Iron City Sash and Door
Petition for Variance

Dear Mr. Cannon:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 September 22, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-1-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTIMORE CO.
Item No: +133 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Cannon, Esquire
Percontee, Inc.

SUBJECT: Variance to permit manufacturing use within 150 ft. of a residential zone in lieu of the required 1,000 ft. distance; to permit the manufacturing use within zero ft. of the street abutting a residential zone boundary in lieu of the required 150 ft.; and to permit the manufacturing use within zero ft. of the right-of-way of the Harbor Tunnel Thruway without screening it from the motorway.

HEARING: TUESDAY, DECEMBER 7, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 4, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 130, 133, 134, 135, 136, 137, 139, 140 and 141.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Pat Keller*

PK/JL:lw

ZAC-133/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

October 12, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilsbury
Development Coordinator, DEPRM

SUBJECT: Zoning Item #133 - Iron City Sash & Door
2202 Halethorpe Farms Road
Zoning Advisory Committee Meeting of October 4, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:VK:sp

IRONCITY/DEPRM/TXTSBP

Baltimore County Government
Department of Permits and License

111 West Chesapeake Avenue
Towson, MD 21204

October 8, 1993 (410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

Zoning Agenda: Meeting of October 4, 1993

Joseph Michael Neukam and Audrey E. Neukam
#2001 Codd Avenue
130 (RT)

Paul Goodman
#1002 Reisterstown Road
+131 (RT)

Colonial Village Company
#7002 Reisterstown Road - Colonial Village Shopping Ctr.
+132 (JRA)

Iron City Sash and Door
#2202 Halethorpe Farm Road
+133 (JLL)

David Wayne Johnson and Tera Lee Johnson
#11 Horse Chestnut Court
*8 134 (RT)

Edmund J. Cardoni and Teena L. Cardoni
#232 Antietam Road
+135 (JCM)

Charles D. Lowe and Sharon A. Lowe
#1900 Dineen Drive
136 (JLL)

Elizabeth Hendrickson, Personal Representative for the Estate of
Rita S. Holland
#13224 Fork Road
137 (JJS)

The Pines at Deep Run Limited Partnership
#5,6,7, & 8 Deep Run Court
+ 138 (MJK)

Robin Barbagallo and Francis S. Barbagallo, Jr.
#1381 Green Lane

Printed with Soybean Ink
on Recycled Paper

Jerome Leibowitz and Petye I. Liebowitz
#3510 Gardenview Road
+140 (JLL)

A. LeRoy Metz and Jean L. Metz
#9106 Hines Road
+141 (JRA)

Comments:

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

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

Reviewed: *Robert P. Saurwald* 10/11
Lieutenant Robert P. Saurwald
Fire Prevention Bureau
(887-4880)

BALTIMORE COUNTY DEPARTMENT OF PERMITS & LICENSES
MISCELLANEOUS PERMITS & LICENSES
ROOM 101, COUNTY OFFICE BUILDING, MAIL STOP 1111
TOWSON, MARYLAND 21204
887-3616

EXPEDITING MEMO

DATE

10/25/93

ANIMAL CONTROL/ANIMAL SHELTER _____ LAW OFFICE _____
BUILDINGS ENGINEER _____ PLUMBING INSPECTION _____
CENTRAL SERVICES _____ POLICE DEPARTMENT _____
DEPRM _____ PUBLIC WORKS DEPARTMENT _____
FIRE PREVENTION _____ TRAFFIC ENGINEERING _____
HEALTH DEPARTMENT _____ ZONING ADMINISTRATION _____

Attached is (are) the application(s) listed below:
Solid Waste Processing Facility LICENSE / PERMIT.
This is a NEW/RENEWAL application.

Please review, sign and return to this office as soon as possible. If you are disapproving an application please indicate reasons in the space provided on the application. Thank you for your prompt attention and cooperation in this process.

David L. Kendall, Supervisor
Miscellaneous Permits & Licenses

APPLICATION # 9-93 LICENSE YEAR 993 NAME & ADDRESS
Percontee Manufacturing, Inc.
2202 Halethorpe Farm Rd.

SOLID WASTE PROCESSING FACILITY/SITE PERMIT APPLICATION

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS & LICENSES
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
887-3616

IF REQUIRED BY THE STATE DEPARTMENT OF THE ENVIRONMENT,
A SEPARATE PERMIT MUST BE OBTAINED FROM THE STATE DEPARTMENT OF ENVIRONMENT
BEFORE APPROVAL CAN BE OBTAINED FROM THE BALTIMORE COUNTY.
Maps and technical reports as required in the regulations for solid waste processing
facilities and sites, section 5, adopted by the Baltimore County Department of
Environmental Protection and Resource Management, must accompany this application.

MAKE MONEY ORDER OR CHECK PAYABLE TO "BALTIMORE COUNTY, MD" AND IN THE AMOUNT OF \$75.00.

Type of Facility Manufacturing/Recycling New (X) Renewal () New Owner ()

Trade Name of Facility/Site Percontee Manufacturing Facility Phone # _____

Location 2202 Halethorpe Farm Road, Baltimore, MD Zipcode 21227

Owner's Name Percontee, Inc. Phone # (301) 622-0100

Owner's Address 1190 Tech Road, Silver Spring, MD Zipcode 20904

Responsible Officer's Name Claude E. Vannoy Phone # (410) 792-4030

Responsible Officer's Address 1190 Tech Road, Silver Spring, MD Zipcode 20904

Lessee's Name Recovermat of MD, Inc. Phone # (301) 773-1266

Lessee's Address 2001 Kenilworth Ave., Washington, D.C. Zipcode 20029

Description of Processing Operation (use separate sheet, if necessary)

Manufacture landfill interim cover material by recycling construction and demolition debris. (See attachment)

Signature of Applicant Claude E. Vannoy Applicant's Title Project Officer Telephone Number (410) 792-4030

Signature of Project Officer Claude E. Vannoy Project Officer 1190 Tech Road, Silver Spring, Maryland 20904

Mailing Address _____ Zip Code _____

MUST BE FILLED IN DUPLICATE

TO BE COMPLETED BY THE DEPARTMENT OF PERMITS & LICENSES

Application Date 10/14/93 License Year 93

Application No. 12-93 Cash Receipt No. A20833 Fee: 150.00 Date Paid 10/14/93

Permit No. 12-93 Date Issued _____ Date Entered _____ Initials _____

P&L:3/90

APPROVAL AGENCIES

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

APPROVED: yes no

NAME JOHN LEWIS TITLE PLANNER II DATE 11/94

If disapproved, state reasons why:

REVISAL FOR ZONING BASED ON ZONING CASE 94-135-A AND COMBINED WITH THE REVISIONS IN 5/16/95 LETTER. (COPY ATTACHED)

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS

APPROVED: yes no

NAME _____ TITLE _____ DATE _____

If disapproved, state reasons why:

NAME _____ TITLE _____ DATE _____

BALTIMORE COUNTY FIRE PREVENTION

APPROVED: yes no

NAME _____ TITLE _____ DATE _____

If disapproved, state reasons why:

NAME _____ TITLE _____ DATE _____

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

APPROVED: yes no

NAME _____ TITLE _____ DATE _____

If disapproved, state reasons why:

NAME _____ TITLE _____ DATE _____

BALTIMORE COUNTY DEPARTMENT OF PERMITS & LICENSES
MISCELLANEOUS PERMITS & LICENSES
ROOM 101, COUNTY OFFICE BUILDING, MAIL STOP 1111
TOWSON, MARYLAND 21204
887-3616

EXPEDITING MEMO

DATE

3/21/95

ANIMAL CONTROL/ANIMAL SHELTER _____ LAW OFFICE _____
BUILDINGS ENGINEER _____ PLUMBING INSPECTION _____
CENTRAL SERVICES _____ POLICE DEPARTMENT _____
DEPRM _____ PUBLIC WORKS DEPARTMENT _____
FIRE PREVENTION _____ TRAFFIC ENGINEERING _____
HEALTH DEPARTMENT _____ ZONING ADMINISTRATION _____

Attached is (are) the application(s) listed below:
Solid Waste Processing Facility LICENSE / PERMIT.
This is a NEW/RENEWAL application.

Please review, sign and return to this office as soon as possible. If you are disapproving an application please indicate reasons in the space provided on the application. Thank you for your prompt attention and cooperation in this process.

David L. Kendall, Supervisor
Miscellaneous Permits & Licenses

APPLICATION # 9-95 LICENSE YEAR 1995 NAME & ADDRESS
Percontee, Inc.
2202 Halethorpe Farm Rd.

SOLID WASTE PROCESSING FACILITY/SITE PERMIT APPLICATION

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS & LICENSES
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
887-3616

IF REQUIRED BY THE STATE DEPARTMENT OF THE ENVIRONMENT,
A SEPARATE PERMIT MUST BE OBTAINED FROM THE STATE DEPARTMENT OF ENVIRONMENT
BEFORE APPROVAL CAN BE OBTAINED FROM THE BALTIMORE COUNTY.
Maps and technical reports as required in the regulations for solid waste processing
facilities and sites, section 5, adopted by the Baltimore County Department of
Environmental Protection and Resource Management, must accompany this application.

MAKE MONEY ORDER OR CHECK PAYABLE TO "BALTIMORE COUNTY, MD" AND IN THE AMOUNT OF \$150.00

Type of Facility Solid Waste Processing Facility New (X) Renewal () New Owner ()

Trade Name of Facility/Site Percontee Manufacturing Facility Phone # _____

Location 2202 Halethorpe Farm Road, Baltimore, MD Zipcode 21227

Owner's Name Percontee, Inc. Phone # (301) 622-0100

Owner's Address 1190 Tech Road, Silver Spring, MD Zipcode 20904

Responsible Officer's Name Claude E. Vannoy Phone # (410) 792-4030

Responsible Officer's Address 1190 Tech Road, Silver Spring, MD Zipcode 20904

Lessee's Name _____ Phone # _____

Lessee's Address _____ Zipcode _____

Description of Processing Operation (use separate sheet, if necessary)

Manufacture landfill interim cover material by recycling construction and demolition debris. (See attachment)

Signature of Applicant Claude E. Vannoy Applicant's Title Project Officer Telephone Number (410) 792-4030

Signature of Project Officer Claude E. Vannoy Project Officer 1190 Tech Road, Silver Spring, MD 20904

Mailing Address _____ Zip Code _____

MUST BE FILLED IN DUPLICATE

TO BE COMPLETED BY THE DEPARTMENT OF PERMITS & LICENSES

Application Date 12/14/94 License Year 1995

Application No. 9-95 Cash Receipt No. A241937 Fee: 150.00 Date Paid 11/9/95

Permit No. _____ Date Issued _____ Date Entered _____ Initials _____

P&L:3/90

APPROVAL AGENCIES

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

APPROVED: yes no

NAME JOHN L. LEWIS TITLE PLANNER II DATE 5/14/95

If disapproved, state reasons why:

REVISED
Approval based on approved as revised in the attached 5/16/95 letter.

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS

APPROVED: yes no

NAME _____ TITLE _____ DATE _____

If disapproved, state reasons why:

NAME _____ TITLE _____ DATE _____

BALTIMORE COUNTY FIRE PREVENTION

APPROVED: yes no

NAME _____ TITLE _____ DATE _____

If disapproved, state reasons why:

NAME _____ TITLE _____ DATE _____

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

APPROVED: yes no

NAME _____ TITLE _____ DATE _____

If disapproved, state reasons why:

NAME _____ TITLE _____ DATE _____

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 16, 1995

(410) 887-3353

Mr. Robert Cannon
Weinberg & Green, L.L.C.
100 South Charles Street
Baltimore, MD 21201

RE: Revised Zoning Review for S & I
Proposed Cases
2202 Halethorpe Farm Road
Percontee Manufacturing
Facility
Zoning Case 94-135A

Dear Mr Cannon:

This letter responds to your latest letter dated March 31, 1995
and a subsequent meeting on May 12, 1995 in which you request a zoning
determination that the proposed inclusion of land clearing debris and
white goods be approved by this office as being within the spirit and
intent of Zoning Case 94-135-A.

The proposal has been reviewed in detail by the zoning staff and
the deputy zoning commissioner and it has been determined that the
inclusion of land clearing debris and white goods can be approved
subject to compliance with the following:

1. No stockpiling of debris or white goods will occur. A
maximum of five days for on site storage of these materials
will be permitted.
2. Document this response and restrictions on all future
SWFF Permit Plans.

Should you have any questions, please contact me at 887-3391.

Sincerely,
John J. Lewis
John J. Lewis
Planner II

JJL:mm

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

April 20, 1995

(410) 887-3353

Mr. Robert Cannon
Weinberg & Green, L.L.C.
100 South Charles Street
Baltimore, MD 21201

RE: Zoning Review for S & I of
Proposed Cases
2202 Halethorpe Farm Road
Percontee Manufacturing
Facility
Zoning Case 94-135A

Dear Mr Cannon:

This letter responds to your latest letter dated March 31, 1995
in which you request a zoning determination that the proposed
inclusion of land clearing debris and white goods be approved by this
office as being within the spirit and intent of Zoning Case 94-135-A.

The proposal has been reviewed in detail by the zoning staff and
the deputy zoning commissioner and it has been determined that the
inclusion of land clearing debris and white goods can be approved
subject to compliance with the following:

1. No stockpiling of debris or white goods will occur.
2. A meritorious challenge to this decision will result in a
withdrawal of this approval and require that a zoning special
hearing be held at the owner's expense to allow the use.
3. Document this response and restrictions on all future
SWFF Permit Plans.

Should you have any questions, please contact me at 887-3391.

Sincerely,
John J. Lewis
John J. Lewis
Planner II

JJL:mm



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 16, 1995

The First National Bank of Maryland
c/o Robert W. Cannon, Esquire
Weinberg and Green, LLC
100 South Charles Street
Baltimore, MD 21201-2773

RE: Zoning Verification
2202 Halethorpe Farms Road
Baltimore County, Maryland
13th Election District

Gentlemen:

Attached to this letter is a portion of the zoning map for Baltimore County, which shows the referenced property located in the zoning district M.H.-I.M. (Manufacturing, Heavy - Industrial, Major) under the Baltimore County zoning regulations. We have made a search of the zoning records of Baltimore County, Maryland and find no open zoning violations or zoning matters affecting this property. The proposed use of the subject property for a recycling facility for the manufacture of a product known as Recovermat is a permitted use under these regulations and was the subject matter of an order by the Deputy Zoning Commissioner dated December 15, 1993 granting certain requested variances in case number 94-135-A. This use is also approved under a 1995 solid waste processing facility permit number 9-95 and is subject to the limits of same.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

John L. Lewis
John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure

Printed with Soybean Ink
on Recycled Paper

8605-23

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773
(410) 332-8860
WASHINGTON AREA (301) 470-7400
FACSIMILE (410) 332-8862
FILE NUMBER

30 WEST PATRICK STREET
FREDERICK, MARYLAND 21701-5571
(301) 695-9200

WRITER'S DIRECT DIAL NUMBER

(410) 332-8816

November 1, 1993

VIA HAND DELIVERY

Honorable Arnold Jablon
Director
Zoning Administration and Development
Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 94-135-A (Item 133)
2202 Halethorpe Farms Road
Percontee, Inc.

Dear Director Jablon:

This will confirm the telephone conversation I had earlier today with Don Rascoe. He reported to me that a representative of the community has requested a postponement of the hearing scheduled for Thursday, November 4, 1993 at 10:00 a.m. After consulting with our clients, we consent to the postponement of this hearing. We will consult with the community representative and be back in touch shortly.

Sincerely yours,
Robert W. Cannon
Robert W. Cannon

0165p/0081/ksa

cc: Mr. Claude Vannoy
Ms. Theresa Lowry

RECEIVED
NOV 1 1993
ZADM

WEINBERG & GREEN LLC

100 South Charles Street
Baltimore, Maryland 21201
410/332-8600 / FAX 410/332-8862

3/31/95 1452-95
To: JLL
See me when
4/3/95 at 10:00 am
aka to rank

FACSIMILE TRANSMITTAL

To: Mr. Carl Richards, Jr. From: Robert Cannon

Company: Direct No. 410/332-8816

City: State: Date: 3/31/95

Fax No.: () 881-5708 Time:

Phone No.: () 887-3391 Hand Copy will follow by mail: Yes No

No. of Pages, including Cover: 10

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE 410/332-8600 IMMEDIATELY

Client/Matter No.: 410-880-222 Return to Station No.: 15-16

Confirmed by: Time:

Message:

CONFIDENTIALITY NOTICE

This facsimile transmission contains confidential information belonging to the sender, which may be legally privileged and/or otherwise confidential. It is intended solely for the use of the individual or entity named above. If you are not the named recipient, you should not disseminate, distribute or copy this facsimile. If you have received this facsimile by mistake, please notify the sender immediately by telephone. If you are not the named recipient, you should not disseminate, distribute or copy this facsimile. If you have received this facsimile by mistake, please notify the sender immediately by telephone. If you are not the named recipient, you should not disseminate, distribute or copy this facsimile.

WEINBERG & GREEN LLC

100 South Charles Street
Baltimore, Maryland 21201
410/332-8600 / FAX 410/332-8862

VIA FACSIMILE

Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
Zoning Administration and Development
Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Mr. W. Carl Richards, Jr.
Zoning Supervisor
Zoning Administration and Development
Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Mr. John Lewis
Zoning Administrator and Development
Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Recycle Center
Percontee, Inc.
2202 Halethorpe Farms Road

Gentlemen:

Our clients submitted a request for amendment to the Solid Waste Permit previously issued to Baltimore County for the proposed facility. A copy of the permit was submitted to the County on October 15, 1994. The amendment request is for the addition of land clearing activities as part of the materials accepted at this site. The permit is being submitted to the County for review and approval. We request that the County please review the permit and approve it as soon as possible.

WEINBERG & GREEN LLC

Honorable Timothy Kotroco
March 31, 1995
Page 2

process separately and not mixed with the end product. It was always envisioned that the metals from the white goods would be extracted and not included in the end product.

I believe a history of the public process that has taken place with respect to this project would be appropriate.

Public Hearings and Formal Notices

- Proceedings before Baltimore County Zoning Commissioner
 - Publication and Notice - The Jeffersonian - October 7, 1993
 - Posting of Sign on the Property - Approx. October 25, 1993
 - Public Hearing - November 4, 1993
- Baltimore County Solid Waste Permit
 - Publication and Notice - Arbutus Times - January 20, 27 and February 3, 1994
 - Public Hearing Meeting - February 17, 1994 - Arbutus Library
- State of Maryland Air Quality Permit
 - Publication and Notice - The Jeffersonian - December 9 and 16, 1993
 - Arbutus Times - January 26 and February 3, 1994
 - Public Hearing Meeting - February 7, 1994 - Arbutus Library
- State of Maryland Solid Waste Permit
 - Publication and Notice - Arbutus Times - September 28, 1994
 - Public Hearing Meeting - None requested

Briefings

Starting in March of 1993, a series of briefings took place as follows:

- A briefing of Baltimore County department heads took place in order to discuss the project and evaluate its acceptance as a project desired by Baltimore County. We were informed that the Baltimore County Solid Waste Plan affirmatively expresses the County's desire and intention to encourage the establishment of environmentally-acceptable recycling operations.

WEINBERG & GREEN LLC

Honorable Timothy Kotroco
March 31, 1995
Page 3

- A briefing of Councilwoman Berchle Manley and her aide
- A briefing of representatives of four community associations in the area as recommended by Councilwoman Berchle Manley. This briefing was held at Lansdowne United Methodist Church in Arbutus. (A copy of the attendance roster of those attending this briefing is attached as Exhibit B.)
- Written briefings of the four representatives of the area in the State legislature have taken place.
- Communications with community representatives taking the form of informal meetings, formal meetings, written communications and offers to provide further information.
- A briefing of Councilman Sam Moxley and representatives of the various community organizations on January 25, 1995. The topic of this meeting was the requested amendment. A copy of the attendance roster of those attending this briefing is attached as Exhibit C.

As stated in the request for amendment, the reason for the amendment is to conform the terms of the Baltimore County Solid Waste Permit with the terms of the State of Maryland Solid Waste Permit.

At the time of the hearing before the Deputy Zoning Commissioner on the Petition for Variance, no protests or members of the public appeared to object until after the proceedings were concluded and after the Petitioner with all of its expert witnesses had departed. Nonetheless, the Deputy Zoning Commissioner transmitted the concerns expressed by members of the public who appeared after the proceedings had been concluded and these concerns were the subject of considerable discussions, meetings and communications with those community representatives. The extended public processes associated with the Baltimore County Solid Waste Permit and the two State of Maryland permits took place with full participation involving representatives from the same community organizations. The subject matter of the amendment to the Solid Waste Permit does not effect the basic purpose for which the original zoning variance request was made. The process will still use the same equipment which was planned to be used at the time of the hearing before the Zoning Commissioner and its original purpose to provide a recycling operation consistent with the Baltimore County Solid Waste Management Plan remains. Baltimore County acknowledged how this project would complement its Solid Waste Management Plan in a communication written to the representatives of the State of Maryland.

WEINBERG & GREEN LLC

Honorable Timothy Kotroco
March 31, 1995
Page 4

We respectfully suggest that the public has received full and complete information through all of the briefings, publications, notices, public hearings and public meetings and that no further hearings are necessary with respect to the zoning variances. The community representatives were full participants in the recent meeting in the district office of Councilman Sam Moxley. To repeat, the subject of this meeting was the requested amendment to the Solid Waste Permit.

We respectfully request an opportunity to meet with you if you have any different thoughts from those expressed in this letter.

Respectfully yours,
Robert W. Cannon
Robert W. Cannon

0165p/0081/ksa

Enclosures

WEINBERG & GREEN LLC

Honorable Timothy Kotroco
March 31, 1995
Page 5

October 22, 1994

Mr. David H. Filbert
Chief
Bureau of Air Quality and
Waste Management
Baltimore County Department of
Environment Protection and
Resource Management
401 Bayley Avenue
Towson, Maryland 21204

Re: Percontee 2202 Halethorpe Farms Road

Dear Mr. Filbert:

Our clients have provided us with the Baltimore County Solid Waste Permit and the State of Maryland Solid Waste Permit. They have also provided us with background explanations. Please consider this letter as a written request for an amendment to the Baltimore County Permit #17-93. The purpose of the amendment is for approval of white goods and land clearing debris. The explanations and rationale behind these requests are different and will be dealt with separately.

White Goods

The request for the County Solid Waste Permit referred to construction and demolition debris and referred to the need to salvage ferrous materials. As you are aware, the definition of demolition and construction debris in COMAR includes white goods. Additionally, during the public hearing on the County Solid Waste Permit held on February 17, 1994 at the Arbutus Public Library, there were express statements presented, including statements made by me personally, that it was contemplated that construction and demolition materials and other non-organic commercial waste would be utilized. I am certain that the tapes of this hearing will confirm these facts.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 16, 1995

The First National Bank of Maryland
c/o Robert W. Cannon, Esquire
Weinberg and Green, LLC
100 South Charles Street
Baltimore, MD 21201-2773

RE: Zoning Verification
2202 Halethorpe Farms Road
Baltimore County, Maryland
13th Election District

Gentlemen:

Attached to this letter is a portion of the zoning map for Baltimore County, which shows the referenced property located in the zoning district M.H.-I.M. (Manufacturing, Heavy - Industrial, Major) under the Baltimore County zoning regulations. We have made a search of the zoning records of Baltimore County, Maryland and find no open zoning violations or zoning matters affecting this property. The proposed use of the subject property for a recycling facility for the manufacture of a product known as Recovermat is a permitted use under these regulations and was the subject matter of an order by the Deputy Zoning Commissioner dated December 15, 1993 granting certain requested variances in case number 94-135-A. This use is also approved under a 1995 solid waste processing facility permit number 9-95 and is subject to the limits of same.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

John L. Lewis
John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure

WEINBERG AND GREEN

ATTORNEYS AT LAW

100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

(410) 332-8800

WASHINGTON AREA (301) 470-7400

FACSIMILE
(410) 332-8862

10480 LITTLE PATENT PARKWAY
COLUMBIA, MARYLAND 21046-3508
(410) 740-8500

WRITER'S DIRECT DIAL NUMBER
(410) 332-8816

30 WEST PATRICK STREET
FREDERICK, MARYLAND 21701-8571
(301) 895-8400

FILE NUMBER

November 1, 1993

VIA HAND DELIVERY

Honorable Arnold Jablon
Director
Zoning Administration and Development
Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 94-135-A (Item 133)
2202 Halethorpe Farms Road
Percontex, Inc.

Dear Director Jablon:

This will confirm the telephone conversation I had earlier today with Don Rascoe. He reported to me that a representative of the community has requested a postponement of the hearing scheduled for Thursday, November 4, 1993 at 10:00 a.m. After consulting with our clients, we consent to the postponement of this hearing. We will consult with the community representative and be back in touch shortly.

Sincerely yours,

Robert W. Cannon
Robert W. Cannon

01696/0081/1m

cc: Mr. Claude Vannoy
Ms. Theresa Lowry

RECEIVED
NOV 1 1993
ZADM

WEINBERG & GREEN LLC

100 South Charles Street
Baltimore, Maryland 21201
410/332 8600 • FAX 410/332 8862

FACSIMILE TRANSMITTAL

To: Mr. Carl Richards, Jr. From: Robert Cannon

Company: Direct No. 410/332-8816

City: State: Date: 8/31/95

Fax No.: () 833-5708 Time:

Phone No.: () 837-3391

Hand Copy will
follow by mail: Yes _____ No _____

No. of Pages Including Cover: 10

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE 410/332 8640 IMMEDIATELY.

Client/Matter No.: 411680-2 Return to Station No.: 15-15

Confirmed by: Time:

Message:

CONFIDENTIALITY NOTICE

This facsimile transmission contains confidential information belonging to the sender, which may be legally privileged information. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or an employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of the facsimile document is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately to arrange for return of the original facsimile document to us. Weinberg & Green LLC 1993

WEINBERG & GREEN LLC

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

TELEPHONE: 410/332 8600
WASHINGTON AREA: 301/470 7400
FACSIMILE: 410/332 8862

10480 LITTLE PATENT PARKWAY
COLUMBIA, MARYLAND 21046-3508
(410) 740 8500

FILE NUMBER

ROBERT W. CANNON
410-332-8816

March 31, 1995

VIA FACSIMILE

Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
Zoning Commissioner's Office
400 Washington Avenue
Towson, Maryland 21204

Mr. W. Carl Richards, Jr.
Zoning Supervisor
Zoning Administration and Development
Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Mr. John Lewis
Zoning Administration and Development
Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Recycling Center
Percontex, Inc.
2202 Halethorpe Farms Road

Gentlemen:

Our clients submitted a request for an amendment to the Solid Waste Permit previously issued by Baltimore County for their proposed project. A copy of the request dated October 25, 1994 is attached as Exhibit A. The amendment requested approval for the inclusion of land clearing debris as part of the materials accepted at this site for production into the Recovermat end product and also requested that the white goods be run through the

WEINBERG & GREEN LLC

Honorable Timothy Kotroco
March 31, 1995
Page 2

process separately and not mixed with the end product. It was always envisioned that the metals from the white goods would be extracted and not included in the end product.

I believe a history of the public process that has taken place with respect to this project would be appropriate.

Public Hearings and Formal Notices

- Proceedings before Baltimore County Zoning Commissioner
 - Publication and Notice - The Jeffersonian - October 7, 1993
 - Posting of Sign on the Property - Approx. October 25, 1993
 - Public Hearing - November 4, 1993
- Baltimore County Solid Waste Permit
 - Publication and Notice - Arbutus Times - January 20, 27 and February 3, 1994
 - Public Hearing/Meeting - February 17, 1994 - Arbutus Library
- State of Maryland Air Quality Permit
 - Publication and Notice - The Jeffersonian - December 9 and 16, 1993
 - Arbutus Times - January 26 and February 3, 1994
 - Public Hearing/Meeting - February 7, 1994 - Arbutus Library
- State of Maryland Solid Waste Permit
 - Publication and Notice - Arbutus Times - September 28, 1994
 - Public Hearing/Meeting - None requested

Briefings

Starting in March of 1993, a series of briefings took place as follows:

- A briefing of Baltimore County department heads took place in order to discuss the project and evaluate its acceptance as a project desired by Baltimore County. We were informed that the Baltimore County Solid Waste Plan affirmatively expresses the County's desire and intention to encourage the establishment of environmentally acceptable recycling operations.

WEINBERG & GREEN LLC

Honorable Timothy Kotroco
March 31, 1995
Page 3

- A briefing of Councilwoman Betchie Manley and her aide
- A briefing of representatives of four community associations in the area as recommended by Councilwoman Betchie Manley. This briefing was held at Lansdowne United Methodist Church in Arbutus. (A copy of the attendance roster of those attending this briefing is attached as Exhibit B.)
- Written briefings of the four representatives of the area in the State legislature have taken place.
- Communications with community representatives taking the form of informal meetings, formal meetings, written communications and offers to provide further information.
- A briefing of Councilman Sam Moxley and representatives of the various community organizations on January 25, 1995. The topic of this meeting was the requested amendment. A copy of the attendance roster of those attending this briefing is attached as Exhibit C.

As stated in the request for amendment, the reason for the amendment is to conform the terms of the Baltimore County Solid Waste Permit with the terms of the State of Maryland Solid Waste Permit.

At the time of the hearing before the Deputy Zoning Commissioner on the Petition for Variance, no protestants or members of the public appeared to object until after the proceedings were concluded and after the Petitioner with all of its expert witnesses had departed. Nonetheless, the Deputy Zoning Commissioner transcribed the concerns expressed by members of the public who appeared after the proceedings had been concluded and these concerns were the subject of considerable discussions, meetings and communications with those community representatives. The extended public processes associated with the Baltimore County Solid Waste Permit and the two State of Maryland permits took place with full participation involving representatives from the same community organizations. The subject matter of the amendment to the Solid Waste Permit does not effect the basic purpose for which the original zoning variance request was made. The process will still use the same equipment which was planned to be used at the time of the hearing before the Zoning Commissioner and its original purpose to provide a recycling operation consistent with the Baltimore County Solid Waste Management Plan remains. Baltimore County acknowledged how this project would complement its Solid Waste Management Plan in a communication written to the representatives of the State of Maryland.

WEINBERG & GREEN LLC

Honorable Timothy Kotroco
March 31, 1995
Page 4

We respectfully suggest that the public has received full and complete information through all of the briefings, publications, notices, public hearings and public meetings and that no further hearings are necessary with respect to the zoning variances. The community representatives were full participants in the recent meeting in the district office of Councilman Sam Moxley. To repeat, the subject of this meeting was the requested amendment to the Solid Waste Permit.

We respectfully request an opportunity to meet with you if you have any different thoughts from those expressed in this letter.

Respectfully yours,

Robert W. Cannon
Robert W. Cannon

20643/0081/022-1/0081/kan

Enclosures

EXHIBIT "A"

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

TELEPHONE: 410/332 8600
WASHINGTON AREA: 301/470 7400
FACSIMILE: 410/332 8862

10480 LITTLE PATENT PARKWAY
COLUMBIA, MARYLAND 21046-3508
(410) 740 8500

FILE NUMBER

WRITER'S DIRECT DIAL NUMBER
(410) 332-8816

October 25, 1994

Mr. David H. Filbert
Chief
Bureau of Air Quality and
Waste Management
Baltimore County Department of
Environment Protection and
Resource Management
401 Bosley Avenue
Towson, Maryland 21204

Re: Percontex - 2202 Halethorpe Farms Road

Dear Mr. Filbert:

Our clients have provided us with the Baltimore County Solid Waste Permit and the State of Maryland Solid Waste Permit. They have also provided us with background explanations. Please consider this letter as a written request for an amendment to the Baltimore County Permit #12-93. The purpose of the amendment is for approval of white goods and land clearing debris. The explanations and rationale behind these requests are different and will be dealt with separately.

White Goods

The request for the County Solid Waste Permit referred to construction and demolition debris and referred to the need to salvage ferrous materials. As you are aware, the definition of demolition and construction debris in COMAR includes white goods. Additionally, during the public hearing on the County Solid Waste Permit held on February 17, 1994 at the Arbutus Public Library, there were express statements presented, including statements made by me personally, that it was contemplated that construction and demolition materials and other non-organic commercial waste would be utilized. I am certain that the tapes of this hearing will confirm these facts.

WEINBERG AND GREEN

Mr. David Filbert
October 25, 1994
Page 2

Part of the rationale behind the desire to accept white goods is so that the haulers who are engaged in demolition can make one stop in the disposal of the materials which are generated in the demolition of residential property. This obviously includes brick, wood, cabinets and appliances, etc. If white goods must be dealt with separately, by these haulers, it likely will reduce the amount of recycling taking place and place a burden on landfills. It would not seem that this is in the best interests of the public.

Land Clearing Debris

The request to include land clearing debris arises because it has been used as an incoming product in the production of the Recovermat landfill cover. During the State Solid Waste Permit process from the application until its issuance, discussions took place with representatives of the State from time-to-time. At one time, Percontee representatives were advised that land clearing debris would not be included in the State Permit. Based on that information, they communicated to you that land clearing debris would not be included. On reflection, the State reconsidered this question and approved the use of the land clearing debris in the State Permit which was ultimately approved and issued. Percontee desires to have the County Permit amended to permit the use of land clearing debris.

In your correspondence, you have expressed an interest in having conformity between the County Permit and the State Permits. Both the State Air Quality Permit and the State Solid Waste Permit authorize the use of white goods and land clearing debris. We respectfully request that the County Permit be amended to approve the use of these materials.

Our clients would be pleased to supply you with whatever additional information, explanations or answers to questions you may desire. Please provide us with an opportunity to meet with you as part of this request.

Sincerely yours,

Robert W. Cannon

cc: Mr. Claude Vannoy

EXHIBIT "B"			
ATTENDANCE REGISTER			
Name	Organization	Address	Phone Number
CLAUDE E. VANNOY	PERCONTEE INC.	11900 TECH RD. SILVER SPRING MD 20904	301-622-0100
ROBERT W. CANNON	WEINBERG AND GREEN	100 SOUTH CHARLES ST. BALTIMORE, MARYLAND 21201	410-332-8811
Mr. Steven...	Balt County Landfill Dept	410 WASHINGTON AVE Baltimore, MD 21204	410-807-8870
DONALD HAWKINS	Hal Thorpe Civic Assoc	119 WOODSIDE AVE HAL THORPE MD 21227	410-247-1379
Mark Weber	Chubb's Water Assoc	1054 CATHY BLVD Suite 17 Crofton MD 21114	410-721-6869
Hal Benson	Diet One Com Soc	46 Riva Rossman Dr Baltimore Co. 21227	410-247-9251
Theresa Lowry	Maryland Citizens	2517 Hommonds Ferry Rd Lansdowne, MD 21227	247-2325
Elizabeth Phillips		2114 Highland Ave Baltimore, MD 21227	247-2325
Jafer Miller	Lansdowne Imp Assoc	210 Hillside Ave Lansdowne, MD 21227	247-4147

EXHIBIT "B"			
ATTENDANCE REGISTER			
Name	Organization	Address	Phone Number
James H. Brubaker	Hal Thorpe Civic Assoc	405 Frederick St Baltimore, MD 21228	410-247-1379
William H. Brubaker	Hal Thorpe Civic Assoc	405 Frederick St Baltimore, MD 21228	410-247-1379

WEINBERG AND GREEN

Attended by:

Robert W. Cannon
Claude E. Vannoy
Hal Benson
Theresa Lowry
Jonathan Gann
Donald S. Hawkins
Elizabeth Phillips
Jafer Miller
David Filbert
Jerry Schwartz

332-8816
622-0100
247-9256
823-3399
792-4030
247-1391
636-2186
247-2325
747-1670
887-3775
887-3745

MARYLAND CITIZENS FOR THE ENVIRONMENT

FAX COVER SHEET

Fri Oct 29 1993 7:41 am

To: Baltimore County Executive / R. Hayden
Attn: Roger Hayden / Planning & Zoning and
Fax #: 887-5791

From: T. Lowry
Voice #: (410) 247-2325

Fax: 1 page and a cover page.

October 28, 1993
Maryland Citizens for the Environment
2517 Hommonds Ferry Road
Lansdowne, Maryland 21227
(410) 247-2325

Arnold Jablon, Director
Zoning Administration & Development Management
c/o Roger Hayden, County Executive
Court House
Towson, Maryland 21204

RE: Percontee, Inc.
Halethorpe Industrial Park, Lot 3
Zoning Hearing scheduled for 4 November 1993

Dear Mr. Hayden:

This letter is a request to reschedule the zoning hearing scheduled for Thursday 4 November 1993.

Due to a delay because I have a family situation which requires me to be out of the State, I will call you so that Baltimore County, Percontee, Inc and all interested parties select an alternative date.

Thank you for your cooperation.

Respectfully,

CERTIFIED ELECTRONIC SIGNATURE
AUTHORIZATION AVAILABLE UPON REQUEST

Theresa Lowry
President

OCT 29 1993
RECEIVED OFFICE

MARYLAND CITIZENS FOR THE ENVIRONMENT

COVER SHEET

10/29/1993 12:00

To: Balto Co Planning
Attn: R. Hayden
Fax #: 887-5862

From: (410) 247-2325
Voice #: (410) 247-2325

Fax: 4 pages and a cover page

December 7, 1992

Timothy M. Motrono, Deputy Zoning Commissioner
c/o Roger Hayden, County Executive
Baltimore County Government
1111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-4306 voice
(410) 296-8931 data



REFERENCE: CASE # 94-135-A
LEGAL OWNER: IRON CITY SASH AND DOOR
CONTACT OWNER: PERCONTEE, INC.
2282 HALETHORPE FARM ROAD
HALETHORPE INDUSTRIAL PARK

Dear Mr. Motrono:

Thank you for an opportunity to provide testimony and express community concerns regarding the proposed solid waste handling facility proposed by Percontee, Incorporated to be located in the Halethorpe Industrial Park.

Currently, Baltimore County's experiences and "clean-up" expenses associated with solid waste management include the Parkton Landfill and the Granite Stump Dump. Because of Baltimore County's past experiences, and the burden upon public funds for environmental "clean-up" and liability, we encourage you to apply appropriate and reasonable deed restrictions, special conditions, and dedicate performance bond fund requirements on any and all administrative, regulatory "approvals" provided to Percontee, Incorporated. The imposition of deed restrictions, special conditions, and a performance bond requirement will provide:

1. Some level of health, safety and welfare protection for existing and future Baltimore County residents and government administrations.
2. Consistency with Baltimore County's Office of Economic Development projections of monetary and employment benefits to the councilmanic First District.
3. Dedicated private industrial funds to ensure environmental, administrative and criminal compliance for an experimental and "unregulated" unapproved process and product.

4. A demonstration of environmental sensitivity, compliance and commitment to the community by our elected, appointed and existing government officials.
5. An opportunity to Percontee, Incorporated to extend a "show of good faith and commitment" to the existing neighborhoods as well as the current Baltimore County administration.
6. An incentive to Percontee, INC. to initiate and execute long-term contracts with ultimate disposal sites willing to accept their solid waste product. Currently, Percontee and Baltimore County Economic Development is proposing transporting and processing 100 tons per day of solid waste into this community. Neither Percontee, Inc nor Baltimore County Economic Development have identified neither a municipal solid waste landfill nor hazardous waste site to accept Percontee's product. If you bring 100 tons into this neighborhood every day, you need to export 100 tons every day, neither Percontee nor Economic Development have adequately addressed this issue.

A partial list of our concerns is attached and submitted as Maryland Citizens for the Environment (MCFE) Exhibit #1. MCFE Exhibit #1 is an alphabetical list of our concerns. Maryland Citizens for the Environment will provide elaboration and specific information on each of the topics listed. Please contact us should you require further consultation.

Concerning Percontee's plea for a zoning variance to locate in a designated industrial area, we submit the following for your review and consideration:

1. Although this request now appears a simple regulatory and administrative "housekeeping" effort, we MUST remind you that Baltimore County received federal disaster funds to purchase private residential properties and relocate families away from homes only associated with flooding in the lower Patapsco River area. Percontee's intention to pour critical absorption areas near the lower Patapsco River appears inconsistent with federal and state flood control efforts.

2. On Sunday 28 November 1993, both state and local emergency units responded to flooding of the Patapsco River at Hammond's Ferry Road. This location is approximately 2.6 miles downstream of the proposed Percontee site. Maryland Citizens for the Environment (MCFE) Exhibit #2 is a photograph of a flooded Hammond's Ferry Road at Interstate 695 where Hammond's Ferry crosses the Patapsco River.
3. Baltimore County currently lacks sufficient resources to adequately address existing traffic safety and enforcement, as well as the environmental needs of the First Councilmanic District. The Police Department is unable to respond to existing truck traffic violations complaints and the Baltimore County Department of Environmental Resources and Protection staff has been decimated.

Concerning Percontee's plea requesting a zoning variance to provide landscaping and tree screening, we submit the following for your consideration:

1. Percontee, Incorporated has aggressively identified this project as an environmental recycle facility. Percontee's custom from investment for landscaping and tree planting is inconsistent with currently recognized environmental policies and practices. Percontee's request requires us to suspect their sincerity and commitment to our environment and the public's health, safety, and welfare.

In the event that final approval for the proposed RECOVERMAT product is withheld, what is Percontee's and Baltimore County's Office of Economic Development's contingency plan for this environmentally sensitive area?

Respectfully,

Board of Directors

MARYLAND CITIZENS FOR THE ENVIRONMENT

MCFE - EXHIBIT #1

PERCONTEE RUMBLE DUMP
First District, Baltimore County
Twelfth Legislative District

PARTIAL LIST OF CONCERNS

Air Pollution - Point Source
Air Pollution - Vehicular
Animal Husbandry
Community "Right-to-Know"
Decontamination for Biologics and Biohazards
Decontamination for Hazardous Materials and Chemicals
Decontamination for Explosives
Decontamination for Radioactive Materials
Demolition waste management
Deed special restrictions
Environmental impact statements
Environmental Inspector (Baltimore Co.)
Environmental Inspector (Contractual)
Fire safety - Baltimore County Fire Company #5
Food fish safety in the adjacent lakes and streams
Infectious and medical waste management
Landscaping
Liability compensation
Litter
Noise Abatement
Noise Pollution - Point Source
Noise Pollution - Vehicular
Nuisance law
Open green space
Patapsco River wetlands development
Patapsco River water quality
Public Hearings
Public safety - daily
Recreational regulations
Recycle regulations
Reporting and recordkeeping
Research business flooding
Sediment control
Soil erosion
Soil stabilization
Solid waste management
Storm water management
Stress
Stump and wood management
Trash and rubbish management
Traffic control
Truck restrictions on Hollins Ferry Road
Truck manifests
U.S. Army Corp of Engineers
U.S. Environmental Protection Agency
Water supply
White goods

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Robert W. Cannon
CLAUDE E. VANNOT
JONATHAN GINN
DEBRA S. HAWKINS
Frank Weber
William Bukavica
Tom Suponski
WES GUNECIT

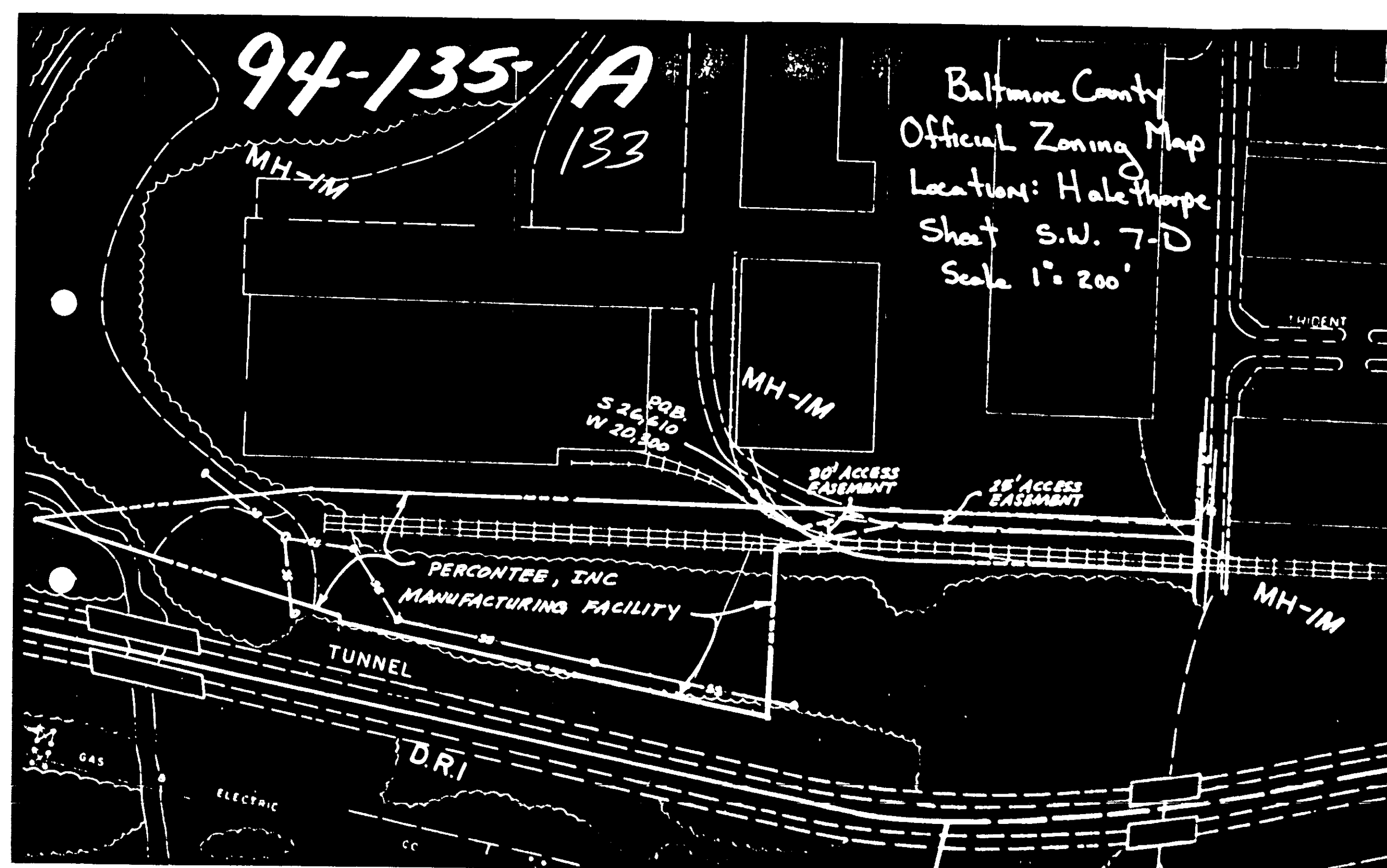
ADDRESS
100 S. CHARLES ST. 31201
PERCONTEE, INC.
1100 TECH AS SILVER SPRING, MD 20901
PERCONTEE, INC.
11400 TECH RD. Silver Spring, MD 20901
1919 LAND SIDE AVE HALETHORPE, MD 21227
1234 CATHY BLVD Suite 17
Cathie MD 21114
DENNIS S. DAVIS
2001 HANCOCK RD. FORT BELVOIR, VA 22061
BOLT (BOW) CO. LTD
401 E. EIGHTH ST. S.W. 33600
TOMBASCO, MD 21224

Protestant

Hal Benson
Maryland Citizens
for the Env., Inc

c/o
3100 Ryerson CE
Balto Md
21227-4738

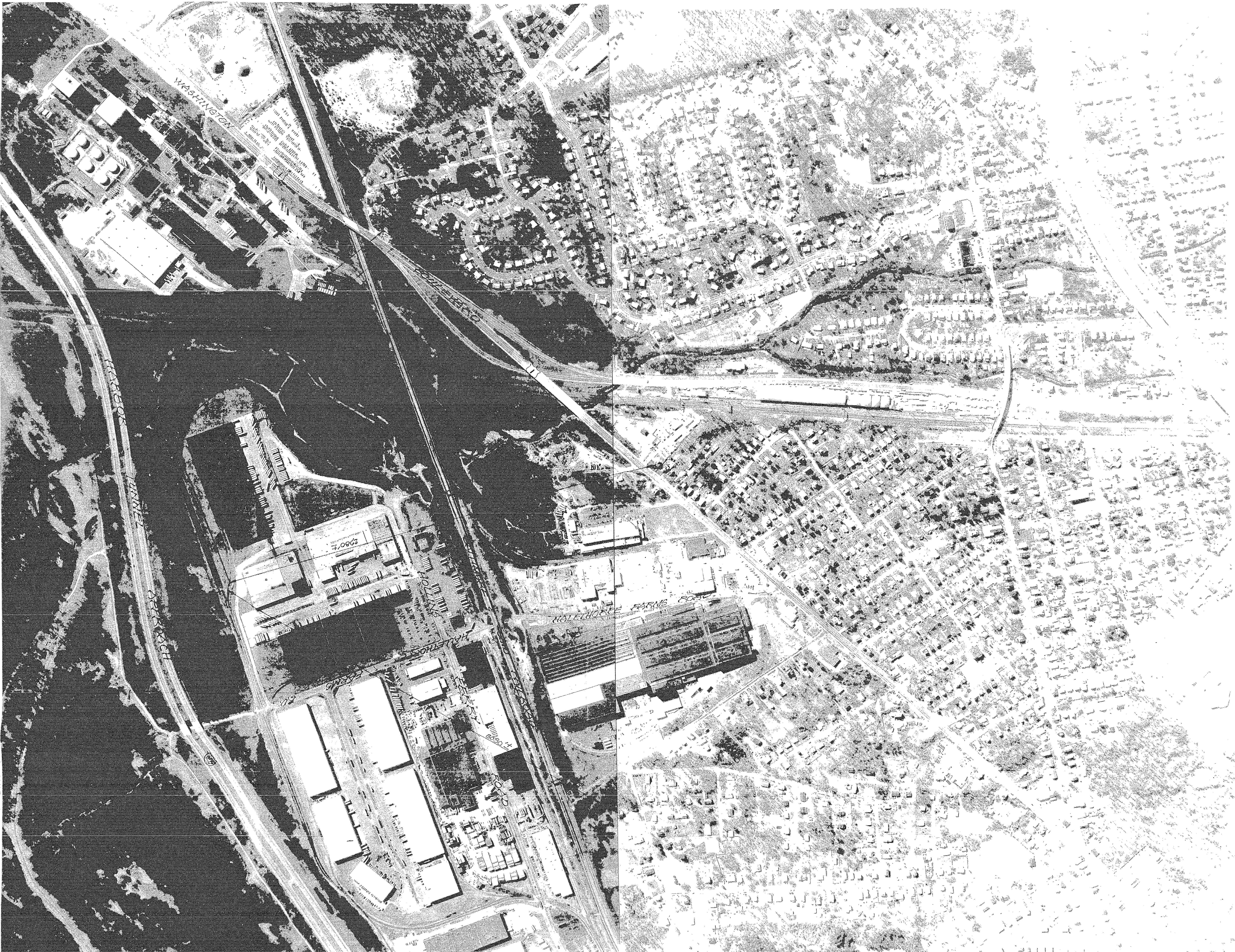
IMPORTANT MESSAGE	
DATE	TIME
NAME YOU WERE NOT	NAME YOU WERE NOT
PHONE	PHONE CALL
TO SEE YOU	WILL CALL AGAIN
TO SEE YOU	URGENT
RETURNED YOUR CALL	



94.135-A



133



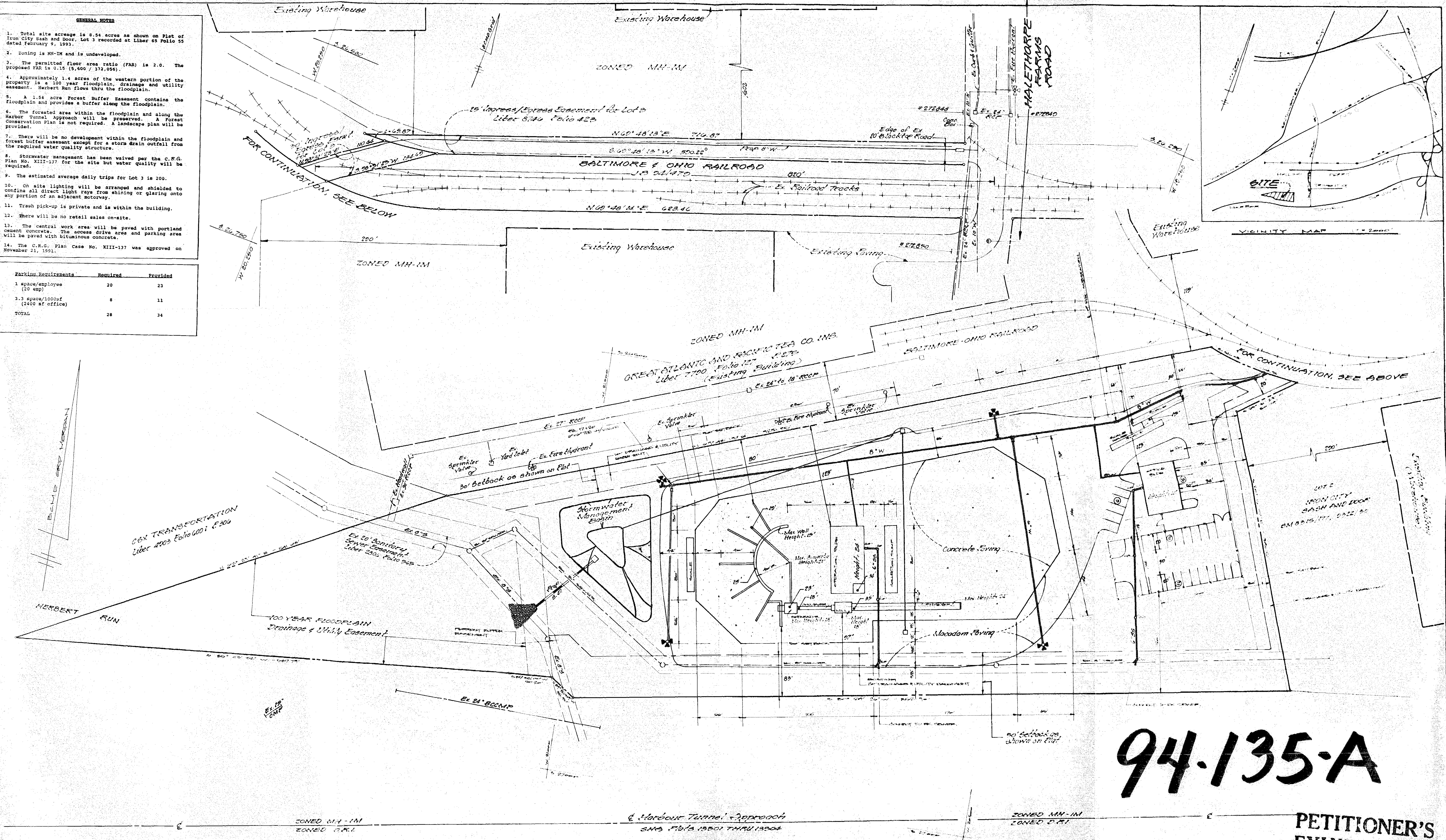
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PERCUTEE, INC.
MANUFACTURING
FACILITY
PETTITONER'S
EXHIBIT 2

SCALE		LOCATION	SHEET
1" = 200'	1:200'		
DATE	HALETHORPE		
PHOTOGRAPHY	1		
JANUARY 1986			SW 7-0

- GENERAL NOTES**
1. Total site acreage is 0.54 acres as shown on Plat of Iron City Dash and Door, Lot 3 recorded at Liber 65 Folio 55 dated February 9, 1993.
 2. Zoning is MH-IM and is undeveloped.
 3. The permitted floor area ratio (FAR) is 2.0. The proposed FAR is 0.15 (5,600 / 372,056).
 4. Approximately 1.4 acres of the western portion of the property is a 100 year floodplain, drainage and utility easement. Herbert Run flows thru the floodplain.
 5. A 1.54 acre Forest Buffer Easement contains the floodplain and provides a buffer along the floodplain.
 6. The forested area within the floodplain and along the Harbor Tunnel Approach will be preserved. A Forest Conservation Plan is not required. A landscape plan will be provided.
 7. There will be no development within the floodplain and forest buffer easement except for a storm drain outfall from the required water quality structure.
 8. Stormwater management has been waived per the C.R.G. Plan No. XIII-137 for the site but water quality will be required.
 9. The estimated average daily trips for Lot 3 is 200.
 10. On site lighting will be arranged and shielded to confine all direct light rays from shining or glaring onto any portion of an adjacent motorway.
 11. Trash pick-up is private and is within the building.
 12. There will be no retail sales on-site.
 13. The central work area will be paved with portland cement concrete. The access drive area and parking area will be paved with bituminous concrete.
 14. The C.R.G. Plan Case No. XIII-137 was approved on November 21, 1991.

Parking Requirements	Required	Provided
1 space/employee (20 emp)	20	23
3-3 space/1000sf (2400 sf office)	8	11
TOTAL	28	34



94.135-A

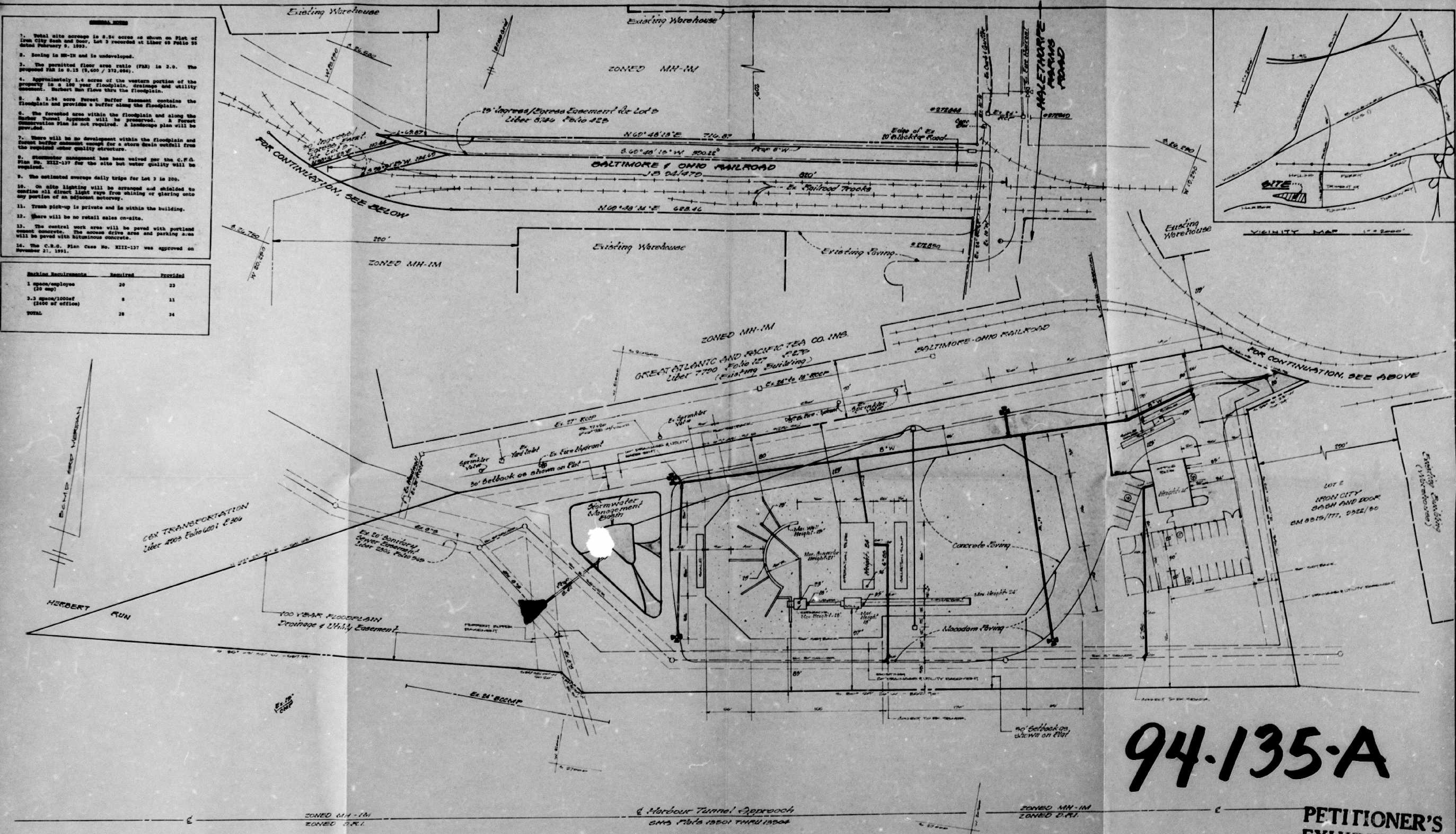
PETITIONER'S EXHIBIT 1

133

CHISHOLM - WEBER, ASSOCIATES LAND DEVELOPMENT CONSULTANT ENGINEERING • PLANNING • SURVEYING 1854 CROFTON BOULEVARD, SUITE 117 CROFTON, MARYLAND 21114 PHONE (410) 781-6880 FAX (410) 721-2098		PERCONTEE INC. MANUFACTURING FACILITY 2025 HALETHORPE FARM ROAD, BALTIMORE, MD CONUS TRACT AND WATER SHED BY SUBSEVER SUBD 75 BALTIMORE COUNTY, MD COUNCILMANS DISTRICT 1		ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY ZONING ORDINANCE, CHAPTER 21.01. THE PROPOSED DEVELOPMENT SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE BALTIMORE COUNTY ZONING BOARD.
NO.	BY	DATE	REVISION	APPROVED: _____ SCALE: _____ FILE: _____

1. Total site acreage is 4.94 acres as shown on Plot of Iron City Dash and Door, Lot 3 recorded at Liber 60 Folio 95 dated February 9, 1993.
2. Zoning is MH-1M and is undeveloped.
3. The permitted floor area ratio (FAR) is 2.0. The proposed FAR is 0.13 (5,600 / 372,084).
4. Approximately 1.4 acres of the western portion of the property is a 100 year floodplain, drainage and utility easement. Herbert Run flows thru the floodplain.
5. A 1.34 acre Forest Buffer Easement contains the floodplain and provides a buffer along the floodplain.
6. The forested area within the floodplain and along the Herbert Run approach will be preserved. A Forest Conservation Plan is not required. A landscape plan will be provided.
7. There will be no development within the floodplain and forest buffer easement except for a stone drain outfall from the proposed water management facility.
8. Stormwater management has been waived per the C.R.G. Plan No. XIII-137 for the site but water quality will be required.
9. The estimated average daily trips for Lot 3 is 200.
10. On site lighting will be arranged and shielded to confine all direct light rays from shining or glaring onto any portion of an adjacent roadway.
11. Trash pick-up is private and is within the building.
12. There will be no retail sales on-site.
13. The central work area will be paved with portland cement concrete. The access drive area and parking area will be paved with bituminous concrete.
14. The C.R.G. Plan Case No. XIII-137 was approved on November 21, 1991.

Building Requirements	Required	Provided
1 space/employee (20 emp)	20	23
3.3 spaces/1000sf (2400 sf office)	8	11
TOTAL	28	34



94.135-A

PETITIONER'S
EXHIBIT 1

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SITE LAYOUT

CHISHOLM - WEBER, ASSOCIATES
LAND DEVELOPMENT CONSULTANT
ENGINEERING • PLANNING • SURVEYING

1654 CRISTON BOULEVARD, SUITE 17
CRISTON, MARYLAND 21114

PHONE (410) 721-9988
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PLAN TO ACCOMPANY VARIANCE HEARING
PERCONTEE INC.
MANUFACTURING FACILITY
2002 MALLETT FARM ROAD, BALTIMORE, MD

GENUINE TRACT AND
WATER, GAS, AND
SEWER LOTS 75

SECTION EXEMPTED IN
BALTIMORE COUNTY, MD
COUNCILMAN'S DISTRICT 1

OWNER/DEVELOPER
PERCONTEE INC.
1000 E. JEFFERSON ST., BALTIMORE, MD 21201
TELEPHONE (410) 551-1111
FAX (410) 551-1112

DESIGN: LHM
DATE: 10/1/94
JOB: 94-135-A

SHEET 1 OF 1

APPROVED: [Signature]
FILE: 94-135-A

NO.	BY	DATE	REVISIONS