3600 Georgetown Corp. 01-544-SPHX
3600 Georgetown Rd., Balto. MD 21227

01-544-SPHX

1/22/2003 @ 10 am

January 10, 2003

01-544-SPHX

20010544 'A'

supplemental

ORDERS
OPINIONS
MEMORANDA

1

01-544-SPHX

1/16/03

IN THE MATTER OF THE APPLICATION OF NEW ENGLAND MOTOR FREIGHT, INC.; 3600 GEORGETOWN ROAD FOR SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE W/S OLD GEORGETOWN ROAD, 200' SE OF C/L HALL AVE (3600 GEORGETOWN ROAD) 13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 01-544-SPHX

* * * * * * * * *

ORDER OF DISMISSAL OF PETITIONS

This case comes to the Board on an appeal filed by Theresa Lowery, Brenda Armstrong, Maryland Citizens for the Environment, Inc., and Greater Bloomfield Community and an appeal filed by the Office of People's Counsel from the April 3, 2002 Order on Motion for Reconsideration of the Deputy Zoning Commissioner (DZC), including the approval of the Petitions for Special Exception and Special Hearing in the DZC's October 12, 2001 Order.

WHEREAS, the Board is receipt of a letter of withdrawal of the Petitions filed January 9, 2003 via facsimile by Jennifer R. Busse, Esquire, and WHITEFORD, TAYLOR & PRESTON, L.L.P, Counsel for New England Motor Freight, Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the Petitions filed in the above-referenced matter be withdrawn as of January 9, 2003,

IT IS THEREFORE. this 16th day of January, 2003, by the County Board of Appeals of Baltimore County

ORDERED that said Petitions filed in Case No. 01-544-SPHX are **WITHDRAWN AND DISMISSED,** and that the Deputy Zoning Commissioner's Order on Motion for Reconsideration dated April 3, 2002 and the Order of the Deputy Zoning Commissioner dated October 12, 2001 as modified in the Order on Motion for Reconsideration, including any and all relief granted therein, are rendered **null and void.**

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Charles L. Marks

Lawrence S. Wescott

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 16, 2003

Peter Max Zimmerman, People's Counsel
for Baltimore County
Carole S. Demilio, Deputy People's Counsel
Room 48, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: New England Motor Freight, Inc. / 3600 Georgetown Road* –Petitioners /Case No. 01-544-SPHX

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the subject matter in which the subject Petitions have been withdrawn and dismissed.

Very truly yours,

Kathleen C. Bianco/kts

Kathleen C. Bianco
Administrator

Enclosure

c: Theresa Lowry and Brenda Armstrong and
Maryland Citizens for the Environment, Inc.,
Greater Bloomfield Community
G. Scott Barhight, Esquire
Jennifer R. Busse, Esquire
Myron Shevell /3600 Georgetown Corp.
Peter Filipowicz, NEMF
David Martin /G.W. Stephens Jr.
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
James H. Thompson, Code Enforcement /PDM **[Enforcement Case # 00-7138]**
Arnold Jablon, Director /PDM

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JENNIFER R. BUSSE
DIRECT NUMBER
410 832-2077
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January 9, 2003

TRANSMISSION BY FAX - (410) 887-3182

Ms. Kathleen C. Bianco
Administrator
County Board of Appeals of Baltimore County
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Board of Appeals Case No. 00-544-SPHX
New England Motor Freight, Inc. - 3600 Georgetown Road

Dear Ms. Bianco:

As you are aware, this office represents New England Motor Freight ("NEMF"), the Petitioner in the above-referenced matter. NEMF hereby withdraws its Petition in this matter. As a result, there is no need for the hearing which was scheduled to take place on January 22, 2003 at 10:00 a.m.

Thank you for your assistance in this matter. Please feel free to contact me with any questions or concerns.

Sincerely,

Jennifer R. Busse

JRB:sll
Enclosure
cc: Peter Max Zimmerman, Esquire
Mr. Myron P. Shevell

270719

4/3/02

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION – W/S Old Georgetown Road, 200' NE of the c/l Hall Avenue (3600 Georgetown Road) 13th Election District 1st Council District	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 01-544-SPHX
3600 Georgetown Corporation *Petitioner*	*	

* * * * * * * * * * * * *

ORDER ON MOTION FOR RECONSDIERATION

This matter comes before this Deputy Zoning Commissioner on separate Motions for Reconsideration filed by the New England Motor Freight Company/Georgetown Corporation, through their attorneys, G. Scott Barhight, Esquire and Jennifer R. Busse, Esquire, and by the Office of People's Counsel for Baltimore County, through Peter Max Zimmerman, Esquire and Carole S. Dimeleo, Esquire; and, the Lansdowne Improvement Association, the Greater Bloomfield Association, Inc., and the Maryland Citizens for the Environment, Inc., through Theresa Lowry and Brenda Armstrong, The parties seek a reconsideration of the Order issued by me in the above-captioned matter on October 12, 2001. Therein, I approved Petitions for Special Hearing and Special Exception filed by the New England Motor Freight Company and the Georgetown Corporation, owners of the subject property, to permit an expansion of the existing Class I trucking facility located at 3600 Georgetown Road, and approval of vehicle parking on property located in Baltimore City as supporting the trucking facility, subject to certain conditions and restrictions. As noted within my Opinion and Order, a portion of the subject property is located in Baltimore City.

Thereafter and within 30 days from the date of the issuance of my decision, the parties previously identified filed Motions for Reconsideration asking that my decision be modified. Specifically, the Office of People's Counsel, the Maryland Citizens for the Environment, and the Community Associations identified above all asked that the approvals granted the Petitioner be reconsidered and denied. The Petitioner, by and through their counsel, requested that certain

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conditions and restrictions imposed within the Order be rescinded, in that those conditions and restrictions render the Petitioner's property useless as a trucking facility.

In order to address all of the issues raised within the Motions, a public hearing was held on February 27, 2002, whereupon testimony and evidence was provided, both by the Petitioner and the Protestants who appeared at the hearing. The Petitioner called Myron P. Shevell, Chairman of the Board and Chief Executive Officer of the New England Motor Freight Company, to testify. Mr. Shevell testified that he started in the trucking industry when he was 12 years old and that he has worked in all aspects of the trucking business. In fact, as of this day, he still maintains his CDL license. Mr. Shevell testified that he purchased the predecessor of the New England Motor Freight Company in 1963, and that the New England Motor Freight Company was formed in 1977 and has been in existence since that time. Mr. Shevell currently resides in New Jersey where he oversees the operation of this trucking company, which has facilities over the entire North American continent.

Mr. Shevell testified that the Baltimore operation is an important component of his trucking company and is responsible for the transportation of goods and materials up and down the East Coast corridor. He indicated that New England Motor Freight Company would be unable to comply with certain of the conditions and restrictions that I imposed upon the company by virtue of my Order dated October 12, 2001. Particularly problematic to the Petitioner were the following requirements: the relocation of the 27 parking spaces proposed for the southern portion of the subject property; the use of a stair-stepped retaining wall adjacent to those parking spaces; an 8 ft. board-on-board screened fence to be located on top of the proposed retaining wall; and, the restrictions placed on the utilization of the 27 parking spaces in question.

In support of his Motion, Mr. Shevell testified that the 27 parking spaces in question have been specifically designed to accommodate the most critical component of this trucking facility. He testified that the trucks coming and going from this facility must utilize this area to load and unload their goods. The 27 spaces in question are to be used on a routine basis in order to accommodate trailers entering and exiting the warehouse building. Mr. Shevell testified that

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modifying and altering this area of the Petitioner's property would have a tremendous adverse impact on his trucking operations and asks that this restriction be lifted.

Mr. Shevell further testified that the installation of an 8-foot board-on-board fence around the parking perimeter causes him great concern. He testified regarding newly imposed security measures that are now applicable to the trucking industry. These security measures have evolved since the tragedies which occurred on September 11, 2001. As a result of our heightened sensitivity to terrorist attacks, trucking facilities are now required to install additional security measures, and trucks themselves are closely monitored while traveling on our highways around the country. Mr. Shevell indicated that a solid board-on-board fence would run contrary to the security measures applicable to his business and that it would not be possible for security guards on his property to see what, if any, activity is taking place on the opposite side of this screened fence. He, therefore, believes that a chain link fence would be more appropriate.

On a more practical note, both Mr. Shevell and Mr. Martin, on behalf of G. W. Stephens, Jr. and Associates, the engineering firm who prepared the site plan, indicated that a solid 8-foot board-on-board fence cannot withstand strong winds and could easily be damaged or blown down. These wooden fences simply do not have the structural integrity to withstand the constant effects of winds and other weather elements that can cause damage to them. The Petitioner, therefore, asks that the restriction be modified to permit the installation of a chain link fence around this perimeter.

As stated previously, many residents from the surrounding community, all of who appeared and participated in the original hearing before me, offered testimony and evidence in support of their Motions for Reconsideration. These citizens asserted that the operations of this trucking facility have had a negative impact on their residential homes and that the approvals previously granted to this Petitioner should be rescinded. These neighbors strongly object to the expansion proposed by the Petitioner and believe that same will continue to erode and impose upon the tranquility of their neighborhood.

In addition to the testimony and evidence offered by the citizens in attendance, Mr. Peter Zimmerman, appeared on behalf of the Office of People's Counsel. Mr. Zimmerman argued at the

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hearing, as well as in his memorandum, that the Petitioner's proposal should be treated as a new Class I Trucking Facility and not as a non-conforming trucking facility. This distinction is critical in that a different set of regulations would be applicable to the Petitioner's request.

In addition to the testimony and evidence offered at the hearing and the arguments presented by Counsel, the parties also offered into evidence as Exhibits the previous zoning decisions of Commissioner Lawrence E. Schmidt in Cases Nos. 98-260-SPHX and 99-208-SPH. In addition to moving those decisions into evidence, the parties also submitted the site plans that were entered into evidence in those cases. Suffice it to say that this property is no stranger to the zoning process. The documentation submitted in the course of this case clearly evidenced that a trucking facility has operated on the subject property since the original special exception approval was granted on October 11, 1961 in Case No. 48-90-RX. Thereafter, the Baltimore County Council rezoned the subject property during the 1976 Comprehensive Zoning Map process from ML to MLR-IM. As a result of the passage of Bill No. 18-76, which is now codified in Section 410 of the Baltimore County Zoning Regulations (B.C.Z.R.), the use of the subject property as a trucking facility was found to be in existence prior to April 18, 1976. By his Order, dated June 16, 1981, then Deputy Zoning Commissioner James E. Dyer approved the use as being in compliance with the provisions of that new trucking legislation.

Of particular interest to me are two recent zoning cases heard by Zoning Commissioner Lawrence E. Schmidt. Commissioner Schmidt first entertained the Petitioner's use of the subject property in Case No. 98-260-SPHX. By Order dated February 25, 1998, Commissioner Schmidt approved an amendment to the site plan approved in 1981 by Deputy Commissioner Dyer, allowing the Petitioner to expand and construct certain additions and improvements to the trucking facility. Specifically, Commissioner Schmidt approved the expansion of the warehouse terminal on the property, the addition of new office space thereon, and the construction of a new one-story service garage. Commissioner Schmidt also approved additional macadam-paved areas where trucks and trailers may be parked and stored. The site plan accompanying that decision was entered into evidence at the hearing on the Motions as Protestant's Reconsideration Exhibit No. 4.

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It is to be noted that the approval given by Commissioner Schmidt allowed the trucking facility to expand even closer to the property line bordering the adjacent residential homes than does the Petitioner's proposal before me. The plan approved by Commissioner Schmidt allows trailer storage to occur as close as 50 feet from the edge of the Petitioner's property.

It should also be noted that a second public hearing was held by Commissioner Schmidt for this same property. In Case No. 99-208-SPH, Commissioner Schmidt extended the time within which to utilize the special exception granted in prior Case No. 98-260-SPHX from 2 years to 5 years on January 15, 1999. Commissioner Schmidt noted in his decision that the Petitioner was negotiating to acquire an adjacent parcel of land for the purpose of expanding its business operations; however, that land needed to be rezoned. Thus, the extension was necessary to accommodate the Petitioner through the County Council's Comprehensive Zoning Map process, which allows citizen participation and public deliberation. Pursuant to that process, the property was rezoned by the County Council so as to permit the trucking facility to operate on that newly acquired parcel. Commissioner Schmidt noted within his decision that there were no adverse Zoning Advisory Committee (ZAC) comments in that case. However, he acknowledged that there was an active zoning violation case pending for this property. That violation case was the subject of much testimony provided at the original hearing before me. It also caused the citizens who filed that violation case to question why they were not notified about the public hearing held before Commissioner Schmidt.

The zoning history of this property is significant in that it demonstrates the longstanding use thereof as a trucking facility. It also represents the many times that representatives of Baltimore County, be it Zoning Commissioners or the County Council itself, have given their stamp of approval for this use. I am particularly guided by the most recent decisions rendered by Commissioner Schmidt in 1998 and 1999 and the site plan accompanying those decisions. Within their Motion, the Office of People's Counsel has asked me to render a decision that is contrary to those decisions rendered by Commissioner Schmidt. I do not believe it is appropriate to do so and, more importantly, I do not believe the testimony and evidence supports such a ruling. Therefore, I

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find that the proposed expansion of the subject trucking facility is appropriate and that the Motion for Reconsideration filed by the Office of People's Counsel relative to that issue should be denied.

Turning my attention next to the Petitioner's request for modification of the conditions and restrictions imposed by my Order of October 12, 2001, I find that their motion should be granted. It was never my intention in the granting of the Petitioner's request to impose upon them such conditions and restrictions that would ultimately render the operation of their business on the subject property ineffective. It was not my intention to put this Petitioner out of business or cause him to relocate from this property. There have been other cases where such conditions and restrictions have had that effect. However, the fact that a trucking facility has been operating on this property since 1961 is persuasive. I also relied upon on the decisions rendered by Commissioner Schmidt and the approvals that he gave to this Petitioner. It should be noted that the site plans entered into evidence in Commissioner Schmidt's case allow the Petitioner to expand their use even closer to these residential homes than the proposal before me. In addition, the buffer area proposed before me is more extensive than that which was approved previously by Commissioner Schmidt. If I were to retract my previous approval, then New England Motor Freight would still be permitted to implement the improvements depicted on the site plan approved in Case No. 98-260-SPHX. The right to proceed with those improvements cannot be taken away at this time as they were properly approved in that case. Therefore, my rescinding the previously imposed conditions yields little additional impact on the adjacent community over and above that which was previously granted by Commissioner Schmidt in Case No. 98-260-SPHX.

Furthermore, I shall not disturb the Petitioner's proposal to expand their trucking facility onto the newly acquired adjacent parcel of property. As stated previously, the County Council voted to rezone that adjacent property in a fashion that would permit the Petitioner to expand their operation thereon. This rezoning occurred with that particular use in mind and was subject to public participation and debate. Therefore, the expansion of the Petitioner's business, as was represented on the site plan filed before me, shall be once again approved.

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Date 1/3/12
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It was made clearly evident at the hearing before me, by the parties in attendance, that regardless of my decision on these Motions, an appeal will be filed to the Board of Appeals for Baltimore County. The hearing before the Board shall be a *de novo* hearing, at which the participating parties shall be permitted to reassert their respective positions and have this matter once again ruled upon by this Board.

Once an appeal is filed to the Baltimore County Board of Appeals, the Department of Permits and Development Management (DPDM) should consider withholding the issuance of grading and building permits to this Petitioner until such time as this matter may be fully litigated before the County Board of Appeals. This would preserve the property in its present condition while allowing the Petitioner to continue to operate its business in its current fashion until a decision is rendered by the Board of Appeals. Allowing the Petitioner to proceed with the construction of the retaining wall in question and the amount of grading necessary for this project would be difficult to reverse. It may not be possible to return this property to its original condition once those improvements are made in the event the County Board of Appeals should issue a decision denying the Petitioner's expansion plans. This, of course, is within the discretion of DPDM and this paragraph should be considered as advisory in nature only.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of April, 2002, that Restrictions 1 through 4 of my Order, dated October 12, 2001, shall be RESCINDED, and as such, the Motion for Reconsideration filed by the New England Motor Freight Company and the 3600 Georgetown Corporation, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner shall submit to Avery Harden, Landscape Architect for Baltimore County, a landscape plan for review and approval, prior to the issuance of any permits.

IT IS FURTHER ORDERED that all other conditions and restrictions of my previous decision dated October 12, 2001, shall remain in full force and effect; and,

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IT IS FURTHER ORDERED that the Motion for Reconsideration filed by the Office of People's Counsel, the Greater Bloomfield Association, and the Maryland Citizens for the Environment, Inc., be and are hereby DENIED.

Any appeal of this decision must be filed within thirty (30) days from the date of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 4/3/02
By bjs

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 3, 2002

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: MOTIONS FOR RECONSIDERATION
(3600 Georgetown Road)
3600 Georgetown Corporation - Petitioner
Case No. 01-544-SPHX

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Peter Filipowicz, NEMF, 3600 Georgetown Road, Baltimore, Md. 21227
Bruce A. Blakeman, Esquire, 108 S. Franklin Avenue, Valley Stream, NY 16580
Mr. David Martin, G.W. Stephens, 1020 Cromwell Bridge Road, Towson, Md. 21286
Ms. Vickie Fultonberger, 3323 Bero Road, Baltimore, Md. 21227
Ms. Teresa Lowry, 2517 Hammond Ferry Road, Baltimore, Md. 21227
Mr. Paul Byrd & Ms. Brenda Armstrong, 3416 Hopkins Avenue, Baltimore, Md. 21227
Messrs. Donald & Howard Clifford, 3415 Georgetown Road, Baltimore, Md. 21227
Ms. Michelle Carmichael, 1706 Hall Avenue, Baltimore, Md. 21227
Mr. Chris Douglas, 1700 Rittenhouse Avenue, Baltimore, Md. 21227
Ms. Jennifer Kohlhaus, 1706 Hall Avenue, Baltimore, Md. 21227
Messrs. Lorna & Camille Rudnikas, 1727 Hall Avenue, Baltimore, Md. 21227
Ms. Sandy Smith, 3412 Hopkins Avenue, Baltimore, Md. 21227
Mr. Bill Moxley, 1702 Rittenhouse Avenue, Baltimore, Md. 21227
Ms. Heather Kesner, 3406 Hopkins Avenue, Baltimore, Md. 21227
Mr. John Baggett, 1709 Rittenhouse Avenue, Baltimore, Md. 21227
Mr. Thomas Mauk, 1702 Hall Avenue, Baltimore, Md. 21227
Mr. & Mrs. William McCarren, 1704 Hall Avenue, Baltimore, Md. 21227
Ms. Elizabeth Qualls, 1704 Hall Avenue, Baltimore, Md. 21227
Mr. & Mrs. John Eide, 1719 Wilson Avenue, Baltimore, Md. 21227
Mr. Roger Wright, 3512 Old Georgetown Road, Baltimore, Md. 21227
Mr. S. Burgess, 1720 Hall Avenue, Baltimore, Md. 21227
Mr. Paul Hughes, 3406 Hopkins Avenue, Baltimore, Md. 21227
People's Counsel; Case File

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2/25/02

In re:	*	
PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING FOR AN AMENDMENT TO AND EXPANSION OF A CLASS I TRUCKING FACILITY OF:	*	BEFORE THE DEPUTY ZONING
	*	COMMISSIONER
NEW ENGLAND MOTOR FREIGHT at 3600 Georgetown Road W/S Old Georgetown Road, 200' NE centerline of Hall Avenue 13th Election District 1st Councilmanic District	*	OF BALTIMORE COUNTY Case No.: 01-544-SPHX
3600 Georgetown Corporation Legal Owner of Parcel 121, And Contract Purchaser of Parcel 115 Petitioner	*	

* * * * * * * * * * *

MEMORANDUM OF PETITIONER IN REPLY TO PEOPLE'S COUNSEL'S RESPONSE MEMORANDUM

Petitioner, 3600 Georgetown Corporation, by and through their attorneys, G. Scott Barhight, Jennifer R. Busse, and Whiteford, Taylor & Preston L.L.P., file this Memorandum in Reply to People's Counsel's Memorandum dated February 8, 2002, filed in Response to Petitioner's Memorandum of Law dated November 14, 2002, filed in Support of its Motion for Reconsideration of the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law dated October 12, 2001.

ARGUMENT

1. People's Counsel's Memorandum violates Rule 2.K of Appendix G of the Baltimore County Zoning Regulations ("BCZR") which limits the parties with regard to testimony and/or argument "to that which is the subject matter of the motion." Petitioner is the party who filed the Motion for Reconsideration and therefore People's Counsel is limited to the issues raised in Petitioner's Memorandum of Law in Support of its Motion for Reconsideration.

2. The attacks within People's Counsel's Memorandum on the Petitioner's previously obtained approval in Case No. 98-260-SPHX are moot, not only because Petitioner's 1998 approval is not a part of the instant Motion for Reconsideration, but also because the appeal period for that case has long since passed. Case No. 98-260-SPHX is *res judicata*, and cannot now be re-litigated.

3. People's Counsel's assertion that the Floor Area Ratio ("F.A.R.") was miscalculated on Petitioner's 1981 and 1998 site plans is flawed. The BCZR does not require that where a property straddles the Baltimore County / Baltimore City line, only the area within Baltimore County can be taken into account in computing the F.A.R.

The BCZR definition of F.A.R., found in Section 101, is : "The total adjusted gross floor area of buildings on a site divided by the gross area of the site." Notwithstanding this definition, there was no need to take into account the entire property in order to comply with the .1 ratio limit. Therefore, Petitioner utilized only the area in Baltimore County in computing the F.A.R. simply in the interest of avoiding any potential conflict on this issue.

Petitioner's decision to utilize only the Baltimore County area in computing the F.A.R. on this most recent site plan does not invalidate the previous F.A.R. calculations and nothing prevents Petitioner from utilizing the entire property area in future F.A.R. computations.

4. People's Counsel's assertion that Petitioner is attempting to illegally expand is based on an incorrect reading of BCZR Section 410. A clear understanding of the applicability of this Section is necessary. Section 410.1 applies to trucking facilities existing on April 18, 1976, the date that Bill 18-1976 became effective. The trucking facility at this

site has been in existence since at least 1961, thus it is subject to the requirements within Section 410.1, and specifically Section 410.1.E as to the proposed expansion. Sections 410.2 and 410.3 apply to trucking facilities established after the effective date of Bill 18-1976. Section 410.1.F specifically permits expansion by special exception, as was done in the instant case.

5. Nevertheless, Petitioner has voluntarily subjected the area relating to the proposed expansion (the "Weiner property") to the requirements of Sections 410.2 and 410.3 in an effort to show respect for the adjacent property owners' and nearby residential community's concerns. Legally, Petitioner is entitled to seek approval for the proposed expansion onto the Weiner property through compliance with Section 410.1.E, which is not as restrictive as the requirements of Sections 410.2 and 410.3.

6. People's Counsel misstates the application of Section 410.1.E.1 regarding dwellings within 300 feet. Sections 410.1.E.1 and 410.1.F permit expansion as described in the instant case. Only Section 410.2 prohibits Class I trucking facilities established after 1976 from being located within 300 feet of a dwelling or a residential zone.

7. Additionally, Section 104 does not apply to the expansion of trucking facilities. Simply because Section 410 utilizes the word "non-conforming" with regard to trucking facilities in existence prior to April 18, 1976 does not mean that Section 104 applies. If Section 104 applied, it would be referenced within Section 410. Additionally, if Section 104 applied, it could be interpreted to override the restrictions in Section 410, which was obviously not the intent of the County Council since they enacted specific legislation for the expansion of trucking facilities. Section 410.1.F clearly states that amendments to existing trucking facilities are by special exception.

WHEREFORE, for the foregoing reasons, the Petitioner respectfully request that the Deputy Zoning Commissioner reconsider his Findings of Fact and Conclusions of Law dated October 12, 2001, and grant Petitioner the relief requested herein. Petitioner has fully complied with the law in seeking the subject expansion, and for the reasons more fully explained in Petitioner's Memorandum of Law in Support of its Motion for Reconsideration, respectfully requests that Mr. Kotroco reconsider Restrictions # 1 - 4 in order to allow Petitioner to operate its facility at 3600 Georgetown Road.

Respectfully submitted,

G. Scott Barhight /jb

G. Scott Barhight
Jennifer R. Busse
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515
(410) 832-2000
Attorneys for Petitioners

245778

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of February, 2002, a copy of the Petitioner's Memorandum in Support of its Motion for Reconsideration was mailed first class, postage prepaid to:

Theresa Lowry
2517 Hammond Ferry Road
Baltimore, Maryland 21227

Mr. Paul Bud
Ms. Brenda Armstrong
3416 Hopkins Ave
Baltimore, Maryland 21227

Donald & H.E. Clifford
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Michelle Carmichael
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Carole S. Demilio, Esquire
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400 Washington Avenue, Room 47
Towson, MD 21204

G. Scott Barhight /jb
G. Scott Barhight

245778

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FAX 202 331-0573

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TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

February 25, 2002

DELIVERY BY HAND

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Motion for Reconsideration for Case No. 01-544-SPHX
New England Motor Freight, Inc. - 3600 Georgetown Road

Dear Mr. Kotroco:

In preparation for the Motion for Reconsideration hearing in this matter scheduled for Wednesday, February 27, 2002 at 9:00 a.m., enclosed please find Petitioner's Memorandum in Reply to People's Counsel's Response Memorandum.

Please feel free to contact me with any questions or concerns.

Sincerely,

G. Scott Barhight

GSB:sll
Enclosure
cc: Mr. Paul Bud
Ms. Brenda Armstrong
Ms. Theresa Lowry
Donald & H.E. Clifford
Michelle Carmichael
Jennifer Kohlhaus
Chris Douglas
Jennifer Kohlhaus
Bill Moxley
Sandy Smith
Heather Kesner

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John Baggett
Thomas Mauk
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Peter Max Zimmerman, Esquire
Carol DeMelio, Esquire
Mr. Myron P. Shevell
Mr. Robert F. (Nob) Walker
Bruce A. Blakeman, Esquire
Mr. Peter J. Filipowicz
David L. Martin, L.A.
Paul M. Nussbaum, Esquire

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2/8/02

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION 3600 Georgetown Road (**New England Motor Freight**) W/S Georgetown Rd, 200' NE of c/l Hall Ave 13th Election District, 1st Councilmanic	*	BEFORE THE ZONING COMMISSIONER FOR
Legal Owner: 3600 Georgetown Corp. Petitioner	*	BALTIMORE COUNTY
	*	**Case No. 01-544-SPHX**

* * * * * * * * * * * * * *

MEMORANDUM OF PEOPLE'S COUNSEL

The relief requested in this case for a Class I Trucking Facility is yet another example of this Petitioner's disregard for the requirements of BCZR 410. The Petitions for Special Exception and Special Hearing in this case must be denied. Additionally, the relief granted in Case 98-260 is illegitimate and cannot stand.

The history of the trucking facility use under BCZR is significant to both cases.

Truck uses have long been permitted in the zoning regulations for Baltimore County. While legislative changes occurred in 1955 and 1967, none were as drastic as the 1976 legislation codified as BCZR 410.

The Planning Board and the County Council recognized in 1976 the need to deal with existing trucking facilities that offend, if not shatter, the nearby residential areas. They were not content to make prospective changes for future trucking facilities but wanted to change the status quo for existing facilities. Unlike other new zoning laws, there was no automatic "grandfathering" under BCZR 410.

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By GDZ

The Final Report of the Baltimore County Planning Board, adopted February 19, 1976, as prelude to the current trucking facility law, pinpoints in the introductory remarks the innate incompatibility between trucking facilities and residences:

> **"Unfortunately, the facilities that serve and are served by the trucking industry are frequently incompatible with other business and industrial establishments. And, needless to say, they are totally inappropriate in or near residential areas: while most citizens have probably come to accept the noise and fumes of large tractor-trailers driving along major highways, they cannot find it so easy to accept the concentration of these factors at a truck terminal or truck yard operating day and night close to their homes. . . .**
>
> **It is the purpose of the regulations proposed here to remedy those deficiencies, both in terms of control over the development of new facilities and in terms of remedial measures applicable to existing ones."**

Their solution was two-fold: (i) require significant changes to the current facilities; and (ii) avoid past errors by requiring expansion of existing facilities as well as new facilities to follow strict standards, especially setbacks, to avoid further intrusion into surrounding residential neighborhoods. The resulting legislation may be the most detailed, most comprehensive, and most stringent for any principal use under the Baltimore County Zoning Regulations.

BCZR 410 sets the requirements for Class I trucking facilities. The law establishes substantive requirements in two main categories: Location (410.2) and Site and Development Standards, Plans, and Operation (410.3). Because many existing facilities were nonconforming, the law provided a procedure for the filing of plans (410.1A). These facilities, subject to approval at a public hearing, would have to be brought up to 410.3 site and development standards unless a variance were granted under

410.1B. Properly approved nonconforming facilities would not have to meet the location requirements of 410.2.

The trucking facility statute provides many incentives for existing trucking facilities to conform to the current standards. Those that did not could continue as nonconforming uses, but were on a short leash. Restrictions on nonconforming uses under BCZR 410 are greater than under common law and BCZR 104.

* * *

Petitioner's requested relief is a prohibited expansion of a non-conforming use. Local zoning regulations control whether an expansion is prohibited, or permitted under a very narrow set of restrictions. For trucking facilities in Baltimore County, both the general non-conforming use statute, BCZR 104, and the trucking facility statute, BCZR 410, address expansion.

BCZR 104 states:

> **"No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25% of the ground floor area of the building so used."**

The limit is two-fold: (i) an existing nonconforming structure cannot be enlarged by more than 25% of the ground floor area of the structure; and (ii) an existing nonconforming use cannot be expanded by more than 25% of the ground floor area of the structure. Expansion of the nonconforming use beyond the original "parcel of land" is prohibited except to the extent permitted to enlarge the building within the 25% limitation.

BCZR 410E further limits expansion to three scenarios:

(i) The site, structures and paved areas can be expanded if doing so will result in compliance with all zoning regulations, including the trucking facility legislation; or

(ii) Within the confines of BCZR 104, expansion is permitted (after public hearing) to the extent necessary to comply with the site and development standards, plans and operations under BCZR 410.3, and, the expansion is found to be in the interest of the general welfare of the community, particularly for those dwellings already within 300 feet.

(iii) Expansion beyond the 25% limit of BCZR 104 is permitted to enclose the facility within expanded or new buildings, if the trucking facility is in an M.L. or M.H. zone, and it is found that enclosure would "lessen the net overall environmental impact and improve the general welfare of the community."

Furthermore, unless the facility is a Class II in an M.H. zone, any amendment to the mandatory plans filed under this legislation, requires a special exception. BCZR 410F.

Additionally, 410.4A requires County officials to heed the purposes set out in 410.4B, including "achieving an optimum level of compatibility between such facilities and nearby uses, especially dwellings. . ." while attempting "to accommodate" trucking activities.

* * *

These regulations must be strictly construed. In County Council of P.G. Co. v. E.L. Gardner, Inc., 443 A.2d 114, 119, Judge Davidson of the Court of Appeals

emphasized the legitimate zoning goal of "the ultimate elimination of nonconforming uses through economic attrition and physical obsolescence." To achieve the "earnest aim" of reducing "nonconformance to conformance as speedily as possible . . . ordinances forbid or limit expansion of nonconforming uses. . ." "These local ordinances and regulations must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses." (Citations omitted).

Nor can Petitioner's activities be approved under the erroneous characterization of a permitted "intensification" of the use. While the Courts have distinguished between a prohibited expansion and a permitted intensification, the relief here involves expansions that do not comply with the restrictions of both BCZR 104 and 410.

The Court of Appeals distinguished between "expansion" and "intensification" in Johnigen v. Stanley, 245 Md. 130 (1967). There, a small non-conforming use marina with a 90 ft pier, a 24 ft. "T" pier, 10 slips, and 7 rental rowboats, was expanded with a second 104 ft. pier, 25 slips and additional rowboat rentals. The Court held the construction of the new pier with additional slips was a prohibited expansion, while the increase in the number of rental rowboats on the original pier was permitted. The Court held a nonconforming use is relegated to the same "building area," the same "ground area," and the same "water area" as existed on the effective date of the new ordinance. Thereafter, there can be no expansion beyond the original areas, nor can there be a substitution of one area for another.

See also County Commissioners of Carroll County v. Zent, 86 Md.App 745 (1981), where Judge Cathell in a footnote distinguishing expansion and intensification stated:

> "We said in Prince George's Co. v. E.L. Gardiner, Inc., 47 Md.App. 471 (1981), rev'd. on other grounds, 293 Md. 259 (1982), that: 'A distinction is to be drawn between enlargement or extension of non-conforming uses and an intensification of such lawful uses. An increase in floor space . . . an increase in the area of a lot used for nonconforming uses; or a change in business methods or the provision of new accessory facilities with the resulting extension of the use involved have all been held to be proposals for the enlargement of a non-conforming use. Conversely, an increase in the volume of an existing business is usually referred to as an intensification rather than an enlargement and such intensification has been permitted under a valid non-conforming use.'" (Citation omitted).
>
> * * *

Petitioner's expansions in 1998 and under the current Petition for Special Hearing extend the trucking facility, respectively, to an area of the original lot not previously used for the nonconforming use, and onto a new lot altogether. While these expansions admittedly allow for more trucks to use the site, the changes are first and foremost illegal expansions, enlargements and extensions of the non-conforming use. More pointedly, every expansion by its nature would involve some intensification of the use; every intensification may not involve an expansion. Here, the changes to the site are not permitted intensifications, merely because the expansion of the trucking bays may result in an increase in the "number" of trucks using the site. The key is new areas will be utilized and the structures will be expanded beyond 25%.

The rationale to permit an increase in volume per se is likely based on pragmatics. How does a business owner turn away customers to the same site after a certain volume

has been reached? Must an owner downgrade quality and service in order to limit customers or clientele? How is the volume or number of customers monitored? On the other hand, extension of the physical facilities beyond a measurable point is a deliberate expansion of the non-conforming business, with the concomitant expectation of greater volume.

It is extremely significant that Petitioner's expansion here disregards altogether BCZR 410.2 prohibiting a trucking facility within 300 feet of residences. Petitioner not only violates this important setback, but fails to even seek a variance under BCZR 307.

Petitioner's expansions are not mere parking expansions. The nature of the trucking facility use involves first and foremost, the parking of vehicles, whether for the purpose of transferring goods from one truck to another or as a truck yard. This is clear from the definition in BCZR 101:

> **"TRUCKING FACILITY** – a structure or land used or intended to be used primarily (a) to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types, in order to facilitate the transportation of such goods or chattels; or (b) for truck or truck-trailer parking or storage. A trucking facility may include, as incidental uses only, sleeping quarters and other facilities for trucking personnel, facilities for the service or repair of vehicles, or necessary space for the transitory storage of goods or chattels. The term 'trucking facilities' includes facilities for the storage of freight-shipping containers designed to be mounted on chassis for part or all of their transport, but not include a warehouse, moving and storage establishment or truck stop. Land used for the parking, storage or repair of trucks used as an accessory to a lawful business or industrial use of the land that such parking or storage area forms a part of shall not be considered a trucking facility within the meaning of this definition. As used in this definition, the terms 'trucks,' 'truck trailers,' and 'truck tractors' do not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration. [Bill Nos. 18-1976; 218-1980]"

Truck parking here is the principal use. It is not an "accessory" use permitted as ancillary to other principal industrial, business or residential uses. An expansion of the area for truck parking at a trucking facility, whether or not enclosed, is tantamount to the physical expansion of a restaurant, an office building, a factory. As a nonconforming use, truck parking expansions here are limited by the restriction in BCZR 410, and the nonconforming use statute, BCZR 104.

* * *

The zoning history of the site has been documented on the site plan and in prior opinions. Our office reviewed 4 separate site plans for this site, filed from 1978 to 2001. They are:

- Wilson Freight at 3600 Georgetown Road dated 12-6-78 and revised 4-27-81.
- Amended Class I Trucking Facilities Plan of New England Motor Freight revised 1-1-98.
- Amended Class I Trucking Facilities Plan of New England Motor Freight revised 11-10-98.
- Amended Class I Trucking Facilities Plan of New England Motor Freight revised 6-13-01.

To highlight the expansion of this facility over the years, a comparison of 6 features is helpful. The site plans are identified by the aforesaid dates:

	4-27-81	1-1-98	11-10-98	6-13-01
# trucks using site:	60	100	100	300
# trailers parked:	85	131	131	260
# employees:	20	70	70	200
# parking spaces:	106	90	90	171
F.A.R. [1]	20,319 / 414,909	32,563 / 9.5230	32,563 / 9.5230	36,589 / 609.025
	.049 (should be **.07**)	.078 (should be **6.25**)	.078 (should be **6.25**)	.06
# acres:	9.525	9.525	9.523	17.5133

Although trucking facilities are now permitted by special exception in the M.L. zone and by right in the M.H. zone if 300 feet from a residence zone, the use here remains nonconforming because it does not conform to the standards in BCZR 410, and does not qualify for special exception relief. The prior Special Exception granted in 1961 is mooted by BCZR 410, which requires a review of all trucking facilities and conformance to the standards in the statute.

* * *

[1] The floor area ratio shows the increase in structure size over the 20 year span of the site plans. However, it was miscalculated in 1981 and 1998. If the structure size in square feet is the numerator and the square feet of the land in Baltimore County only is the denominator, as Petitioner calculated in 2001, the 4-27-81 Plan and the 1-1-98 Plan are incorrect, and exceed the .1 permitted. In those Plans, the denominator was both the Baltimore City and Baltimore County acreage.

In summary, our office opposes the relief granted in the current case, **01-544-SPHX** (Special Exception and Special hearing) because it is an unlawful expansion of the nonconforming use, and brings the use within the prohibited 300 feet of residences. The specific objections are as follows:

Trailer Bays

1. The trailer bays on the southern side of the original site fail to comply with the 300-foot distance requirement from residences as required by 410.2.
2. Petitioner failed to seek a variance under 307 for these bays as required, assuming a variance is even available for reduction of this setback under 410.2.
3. Petitioner cannot expand as a nonconforming use under 410.E. because it cannot satisfy the requirements stated in 410.E.1. This subparagraph permits expansion for purposes of compliance with the trucking facilities law only.

Structures

1. Petitioner cannot expand the structures beyond the 25% permitted for nonconforming uses under BCZR 104 because, although now zoned M.L., the relief fails to meet the second standard – the additional structures do not enclose the trucking operations so as to "lessen the net overall environmental impact and improve the general welfare of the community;" rather, the purpose of the proposed buildings is to add additional office space and another service garage.
2. Petitioner cannot expand the structures beyond the 25% if that part of the site is within the B.M.-I.M. and D.R. 5.5 zone.

Additional Site

1. Expansion of the trucking facility onto the newly acquired parcel is prohibited as an expansion of a nonconforming use greater than 25%.
2. The expansion does not satisfy the requirements of 410.E.1 permitting an expansion for the limited purpose of compliance.

* * *

In addition, our office believes the relief granted in the prior case, **98-260 SPHX,** is an unlawful expansion of a nonconforming use, and is void for failure to prove a variance is permitted to reduce the 300 foot setback, and if so, to obtain a variance under BCZR 410.2 and 307. The specific objections are as follows:

Trailer Truck Bays

1. The expansion of approximately 120 trailer bays is prohibited by the nonconforming use statute.
2. The expansion permitted by 410.1.E.1 is for the limited purpose of compliance.
3. The trailer bays are located within 300 feet of residences which is prohibited.
4. Petitioner failed to seek a variance for these bays as required by BCZR 307.1 or prove the site qualifies for variance relief.

Structures

1. The additional structures exceed the 25% limit for a nonconforming use.
2. Petitioner cannot expand the structures under 410.1.E.2. At the time, the site was zoned M.L.R.-I.M. and this subparagraph requires the site to be zoned M.L. or M.H. to expand beyond 25%. Also, the structures do not "lessen the

net overall environmental impact and improve the general welfare of the community" even if properly zoned.

3. The floor area ratio ("F.A.R.") is incorrectly calculated and exceeds the permitted F.A.R.

* * *

The Court of Special Appeals did not hesitate to prohibit a long standing trucking facility use in the eastern portion of Baltimore County for failure to heed the registration requirements of BCZR 410. People's Counsel v. Umerley, 108 Md.App. 497, (1996), cert. denied 342.

Likewise here, Petitioner has a pattern of disregarding both the specific requirements and the spirit and intent of the trucking facility legislation. Moreover, Petitioner is unwilling to accept any limitation on its operation, impudently fanning out onto every inch of the original site, and expanding onto surrounding property. Such activities must be halted, and Petitioner's operation, like all trucking facilities in Baltimore County, must be conducted within the limits of BCZR 410.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. DeMilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February, 2002 a copy of the foregoing Memorandum of People's Counsel was mailed to G. Scott Barhight, Esq. and Jennifer R. Busse, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorneys for Petitioner, and to Ms. Teresa Lowry, Lansdowne Community Association, 2517 Hammonds Ferry Road, Baltimore, MD 21227.

Carole S. Demilio

CAROLE S. DEMILIO

11/14/01

In re:	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING FOR AN AMENDMENT TO AND EXPANSION OF A CLASS I TRUCKING FACILITY OF:	*	DEPUTY ZONING
	*	COMMISSIONER
	*	OF BALTIMORE COUNTY
NEW ENGLAND MOTOR FREIGHT at 3600 Georgetown Road W/S Old Georgetown Road, 200' NE centerline of Hall Avenue 13th Election District 1st Councilmanic District	*	Case No.: 01-544-SPHX
	*	
	*	
3600 Georgetown Corporation Legal Owner of Parcel 121, And Contract Purchaser of Parcel 115 Petitioner	*	
* * * * *	*	* * * * *

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MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION

1. Petitioner, 3600 Georgetown Corporation, by and through their attorneys, G. Scott Barhight, Jennifer R. Busse, and Whiteford, Taylor & Preston L.L.P., files this Memorandum in Support of its Motion for Reconsideration of the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law dated October 12, 2001, and respectfully request that the Deputy Zoning Commissioner reconsider his decision to impose the restrictions summarized below and listed as restrictions 1 – 4 on pages 6 and 7 of his Findings of Fact and Conclusions of Law:

1) the relocation of the 27 parking spaces proposed for the southern portion of the subject property;

2) the use of a "stair stepped approach" for the retaining wall adjacent to the subject 27 parking spaces;

3) the use of an 8 ft. board of board, screened fence, located on top of the portion of the retaining wall adjacent to the subject 27 parking spaces and continuing "along the top of the proposed retaining wall immediately to the rear of the 27 proposed trailer parking spaces and

... continu[ing] in an easterly fashion on top of the retaining wall so as to provide a buffer to the rear of the homes located along Hopkins Avenue", in lieu of the 6 ft. chain link fence proposed;

4) restricting that the subject 27 parking spaces "be the least utilized parking spaces", and restricting that no "trailer units be placed on or taken away from the 27 parking spaces after the hours of 10:00 p.m. on any given evening."

2. Petitioner respectfully requests an evidentiary hearing be held regarding this Motion for Reconsideration.

3. Petitioner respectfully requests that it be allowed to notify all those interested persons who appeared at the hearing in this matter on August 22, 2001 in writing, of the date of the hearing regarding this Motion for Reconsideration, within 15 days of the hearing. Petitioner requests that it not be required to advertise or post the date of the hearing regarding this Motion for Reconsideration.

ARGUMENT

1. NEMF cannot accommodate Restrictions 1 - 4 imposed by Mr. Kotroco in his Findings of Fact and Conclusions of Law. It is both not practically feasible and not economically feasible for NEMF to construct the proposed expansion as limited through Restrictions 1 - 4.

Restriction #1 :

In order to operate the site, the distance between the docking doors on the southern side of the terminal building and the subject 27 trailer parking spaces (the "dock approach length") must be at least 120', the dock approach length proposed. Attached hereto as **Exhibit A** is a copy of the Dock Design and Specifications Section from the Dock Planning

Manual for Trucking Terminals. The chart showing the Minimal Dock Approach Length is particularly instructive.

At the 3600 Georgetown Road Facility, a number of different size tractor-trailers will be utilized. Although tractor-trailer combinations continue to lengthen and industry standards are constantly responding to these changes, currently the overall length of the longest tractor-trailers that will be using this site is 70'. That figure is composed of a trailer length of 53' and a tractor length of 17' when attached to the trailer.

The spaces on both the north and south sides of the terminal building will be filled with tractor-trailers loading and unloading from the terminal. Both the subject 27 parking spaces (south side) as well as the parking spaces at the north end of the property (across from the north side of the terminal building) will be used for trailer parking (trailers detached from their tractors).

The dock approach length on the north side of the terminal building is only 70' because the size of the parcel so limits NEMF. The property line and the building location are set. In order to utilize that area, NEMF is forced to dock only the smaller tractor-trailers on the north side of the terminal. Additionally, for the smaller sized trailers, NEMF can employ the use of special jockeying equipment that assists in maneuvering the trailers.

On the south side of the terminal building, the plan shows a proposed dock approach length of 120', with 27 trailer parking spaces located south of that. The 70' tractor-trailers will have to dock along this south side of the terminal. As demonstrated within the chart attached as Exhibit A, the 120' dock approach length is actually less than that which is recommended for 60' or longer tractor-trailers. The chart calls for a dock approach length of 129' for 60' tractor-trailers. The physical constraints of the site force

NEMF to sacrifice many of the operational conveniences it would be afforded elsewhere. Since NEMF is severely limited by the physical constraints of this site, they will be expertly managing the facility in order to make it functional.

The dock approach lengths on both sides of the terminal are simply less than recommended for such a facility. NEMF's ability to deal with the site's constraints will only work if the site can be expanded as proposed. There simply is not another inch that can be sacrificed and still allow the facility to operate efficiently and productively. For NEMF to operate, it has to accommodate the growing and changing industry, and the facility must be able to dock 70' long tractor-trailers. The site restrictions are such that 70' tractor trailers will only be able to be docked on the south side.

Section 2 of the Dock Design and Specifications provides that "[a]s a general rule the dock approach should be at least twice the length of the longest tractor-trailer combination." The proposed expansion actually provides for less dock approach length than recommended since the chart within Exhibit A explains that tractor-trailer combinations of even 60' call for a 129' dock approach length. It simply is not feasible for NEMF to reduce the dock approach as required within Mr. Kotroco's Order. These lengths have been reduced as much as possible.

In reality, the only way the dock approach lengths proposed for both sides of the terminal will work is for the facility's manager to constantly jockey where trailers are stored in the spaces to the north and south of the terminal so that additional dock approach length can be accommodated when needed. Although this creates an operational challenge, NEMF is willing to proceed in this fashion. Any less space will hinder operations such that the site expansion will not be feasible.

Additionally, the subject 27 parking spaces cannot be relocated. There is nowhere else on the site that can accommodate these 27 spaces without impeding on various zoning or environmental setbacks.

Restriction #2 :

In restriction #2 of his Findings of Fact and Conclusions of Law, Mr. Kotroco requires NEMF construct a "stair stepped approach" retaining wall adjacent to the subject 27 parking spaces. NEMF can construct a "stair stepped approach" type of retaining wall so long as the horizontal distance of the wall does not impact the paved area NEMF requires to operate the site.

For example, NEMF can construct, as recommended by Mr. Kotroco, two 6 ft. to 8 ft. high walls separated by an approximately 5 ft. wide landscaped area. However, the additional 5 ft. must be placed on the south side of the originally proposed retaining wall. Therefore, the first retaining wall will necessarily be located 5 ft. closer to the community.

As explained above, NEMF must have at least a 120' dock approach length between the subject 27 parking spaces and the dock doors, and cannot operate the site without the 27 trailer parking spaces.

Restriction #3 :

The use of an 8 ft. board on board, screened fence is not practical and runs completely contrary to the federal government's demands that trucking facilities protect against security breaches. As a result of the September 11, 2001 terrorist attacks, Secretary of Transportation Norman Y. Mineta has declared that "[n]ew regulations will have to be issued for all modes of transportation." *See*, Reiskin, J. & Whitten, D., "Mineta Warns Security May Slow Shipments", *Transport Topics*, November 5, 2001, a copy of which is

attached hereto as **Exhibit B**. The anti-terrorism law that President Bush signed on October 26, 2001, has already imposed additional security requirements on the trucking industry. The proposed regulations currently before the House of Representatives will without a doubt, and understandably so, also work to tighten security regulations for trucking facilities. *Id.* *See also,* Wislocki, J. & Reiskin, J., "Security is MC&E Watchword", *Transport Topics*, November 5, 2001, a copy of which is also attached hereto as **Exhibit B**.

Specifically, a board on board fence would compromise security by making it easier for an intruder to enter the facility undetected. Simply stated, we need to be able to see through the fence to see what is on the other side. Obviously, it would be against the community's' interest for the facility to be designed in such a way as to make it more attractive to criminals.

In light of the terrorist activities that began on September 11, 2001, the federal government is in the process of imposing additional security requirements on trucking companies and facilities in order to protect this nation. *See*, Exhibit B. Trucking companies such as NEMF provide Americans with staples such as food and medical supplies. Safe and reliable transportation by truck is now even more important than before as a result of the risks now related to air travel since September 11, 2001.

A board on board fence would compromise the security of the facility since it would impede the visibility necessary to adequately protect the facility and the community. It is impossible to see what is on the other side of a board on board fence. This can not occur.

Furthermore, from an engineering standpoint, because of reinforcement issues it is not practical to place a razor wire on top of a wood board on board fence. The use of a razor wire is a necessity for safety reasons.

Finally, a typical board on board fence is approximately 5' high, and is typically made of pressure treated wood mounted between 4' x 4' pressure treated posts which are mounted into the ground. The windload for such a 5' high structure is acceptable. For an 8' fence, however, the posts that would be required to carry the windloads would have to be steel which would be necessarily reinforced in such a way that the aesthetic value normally associated with a board on board fence would be lost.

Importantly, the community will be afforded with more than adequate screening through the use of the landscaping NEMF proposes to place between the security fence and the neighboring properties.

Restriction #4 :

A limitation as to when the subject 27 parking spaces could be utilized would be an operational nightmare for NEMF. Additionally, such a limitation would create the possibility of endless zoning violation complaints from the community that the County inspectors would have to attempt to investigate.

Finally, it is not economically feasible for NEMF to invest the amount of money that it proposes to invest at this facility and then to limit the facility's use through restricting when trailers can be placed on or taken away from the subject 27 parking spaces. NEMF wants to operate a state of the art facility at this site. That can only happen at this site through the construction of the expansion as proposed by NEMF. Without being able to expand the facility as proposed, NEMF will be forced to relocate.

2. The existing NEMF facility currently supports 112 jobs, and the investment NEMF is prepared to make through the proposed expansion of this facility would create approximately 200 additional jobs, including warehouse workers, truck drivers, clerical

workers, and facility maintenance workers. If NEMF is unable to construct the facility as proposed on its Plan to Accompany Petition for Special Exception and Special Hearing, NEMF will be forced to relocate the existing facility to Virginia. In fact, NEMF has already engaged the services of the McKenzie Commercial Real Estate Companies to locate potential other properties for this facility.

3. The International Association of Machinists and Aerospace Workers, the union to which NEMF employees belong, has made every effort to assist NEMF in obtaining the necessary approvals for this site's expansion. The Union is, of course, strongly in support of the proposed expansion as it would create approximately 200 additional jobs. Attached hereto as **Exhibit C** is a letter from Vicki L. Fultonberger, the Directing Business Representative for the Union's District Lodge 12. As Ms. Fultonberger explains, the loss of jobs that will occur if NEMF is forced to relocate will serve as a great detrimental impact on the Union.

The Baltimore County Office of Economic Development has continually been supportive of NEMF's efforts to expand the existing facility. Attached hereto as **Exhibit D** is a letter from Robert L. Hannon of the Baltimore County Office of Economic Development respectfully requesting Mr. Kotroco "grant a balanced consideration to both the community issues and the potential impacts provided by the proposed expansion." Undeniably, the events of September 11, 2001 have damaged this nation's economy. NEMF is providing Baltimore County with a positive opportunity for economic growth. In addition to the over $2.5 million dollars NEMF has already invested in this site, NEMF is prepared to invest a total of $8 million to this project. The approximately 312 total jobs that are anticipated for this site will offer salaries ranging from approximately $20,000 a year for maintenance

workers to $50,000 a year for truck drivers, and the benefits these employees enjoy include paid vacations and holidays, health insurance and pension plans. Of course, the expansion will benefit other businesses as well, such as construction and retail companies. Additionally, NEMF's operations benefit Baltimore County's economy through substantial tax dollar contributions. A substantial amount of the tax dollars used to pay for capital improvement projects throughout Baltimore County come from industry and business.

4. Prior to NEMF's purchase of this site, the site was plagued with criminal activity, including drug use and prostitution. Since NEMF has occupied the site, the community has been benefited by the substantial improvement to the property. The property is clean and no longer inviting to criminal activity. Nevertheless, there have been recent attempts to break into the facility and NEMF has had to contact the police. NEMF is in the process of installing an electrified fence, and will need to install a similar fence around the proposed expansion as well. The importance of ensuring the safety of this site cannot be emphasized enough. NEMF is responsible for the safe shipment of much of the food for the region. Especially in light of the recent terrorism this country has suffered, it is vital that every step possible be taken to protect trucking facility operations such as NEMF's.

5. Should NEMF's proposed expansion not be approved, NEMF will be forced to re-locate their operations, most likely to Virginia. The loss of NEMF's trucking operations will incur a serious detrimental impact on Baltimore County economically, and will cause a deficit to the entire economic engine that fuels this region. The Baltimore-Washington corridor is instrumental in the transportation of materials and products, including staples such as food and medicine. The 3600 Georgetown Road facility is ideally located for the

successful operation of both NEMF and the related businesses which rely on trucking companies for work.

Since the terrorist activities of September 11, 2001, numerous materials that previously were shipped via airplanes now must be transported via tractor-trailers. Therefore, there is an urgent need for a high service carrier such as NEMF to fill the shoes of airplanes in order to ensure that Americans continue to have access to food, medicine and other staples. As explained above, NEMF is willing to operate this facility although the property imposes severe physical limitations. There is no other high service carrier that is going to be able to make this site work as a top of the line facility without expanding it as proposed by NEMF.

WHEREFORE, for the foregoing reasons, the Petitioner respectfully request that the Deputy Zoning Commissioner reconsider his Findings of Fact and Conclusions of Law dated October 12, 2001, and grant Petitioner the relief requested herein. NEMF has fully complied with the law in seeking the subject expansion and respectfully requests that Mr. Kotroco reconsider Restrictions # 1 - 4 in order to allow NEMF to operate its facility at 3600 Georgetown Road.

Respectfully submitted,



G. Scott Barhight
Jennifer R. Busse
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515
(410) 832-2000
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November, 2001, a copy of the Petitioner's Memorandum in Support of its Motion for Reconsideration was mailed first class, postage prepaid to:

Theresa Lowry
2517 Hammond Ferry Road
Baltimore, Maryland 21227

Mr. Paul Bud
Ms. Brenda Armstrong
3416 Hopkins Ave
Baltimore, Maryland 21227

Donald & H.E. Clifford
3415 Georgetown Road
Baltimore, Maryland 21227

Michelle Carmichael
1706 Hall Avenue
Baltimore, Maryland 21227

Chris Douglas
1700 Rittenhouse Ave
Baltimore, Maryland 21227

Jennifer Kohlhaus
1706 Hall Avenue
Baltimore, Maryland 21227

Sandy Smith
3412 Hopkins Ave
Baltimore, Maryland 21227

Bill Moxley
1702 Rittenhouse Avenue
Baltimore, Maryland 21227

Heather Kesner
3406 Hopkins Avenue
Baltimore, Maryland 21227

John Baggett
1709 Rittenhouse Avenue
Baltimore, Maryland 21227

Thomas Mauk
1702 Hall Avenue
Baltimore, Maryland 21227

Pat & William McCarren
1704 Hall Avenue
Baltimore, Maryland 21227

Elizabeth Qualls
1704 Hall Avenue
Baltimore, Maryland 21227

John & Debra Eide
1719 Wilson Ave
Baltimore, Maryland 21227

Roger Wright
3512 Old Georgetown Road
Baltimore, Maryland 21227

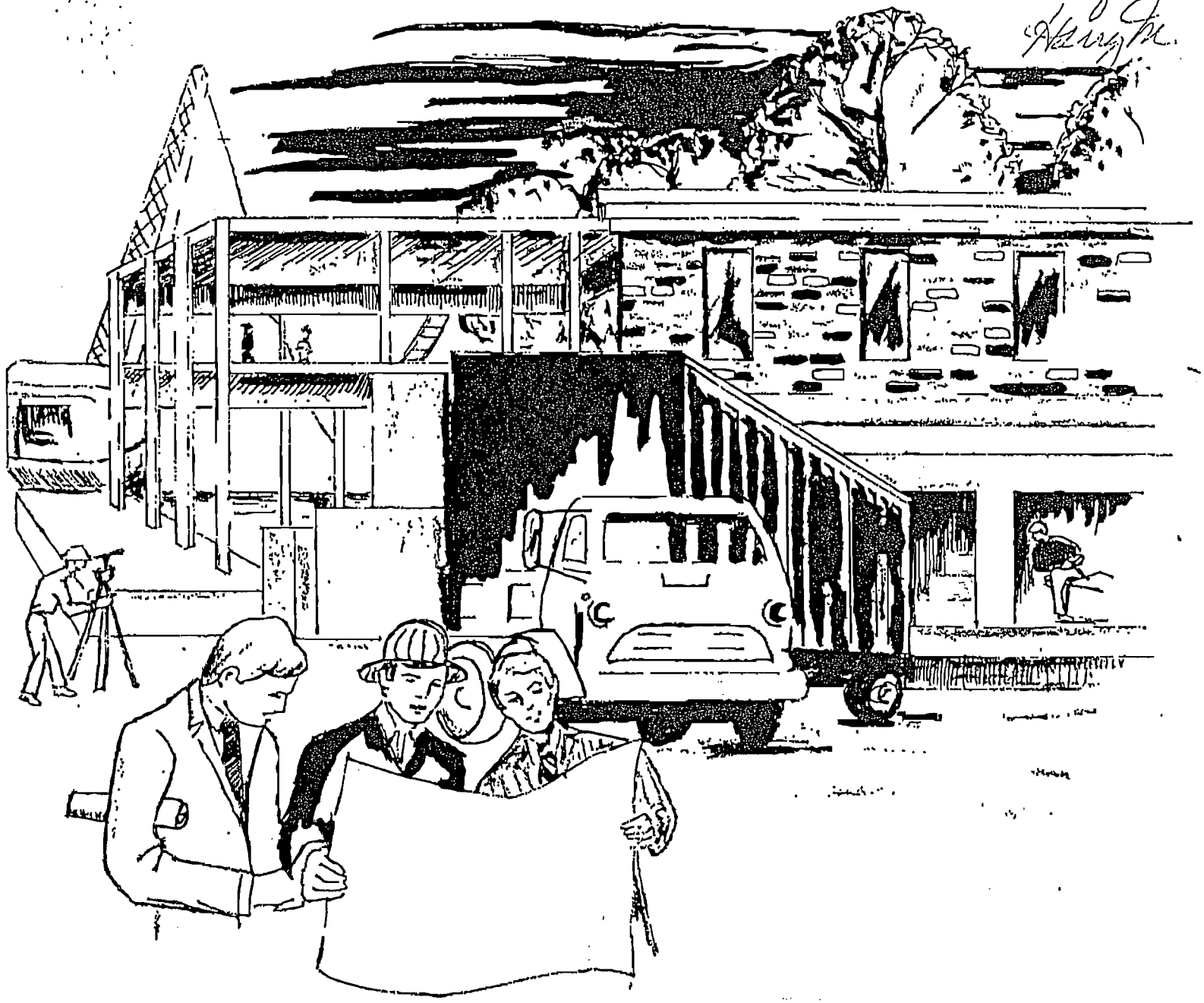
S. Burgess
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Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
400 Washington Avenue, Room 47
Towson, MD 21204

G. Scott Barhight

237024

MH8.1-1973
Approved January 1973
American National Standards Institute



Shipper-Motor Carrier Dock Planning Manual

EXHIBIT A

Cover Price $4.95
$5.95 Outside U.S.

Transport Topics

THE NATIONAL NEWSPAPER OF THE TRUCKING INDUSTRY

Week of November 5, 2001

Mineta Warns Security May Slow Shipments

By Jonathan S. Reiskin and Daniel L. Whitten
Staff Reporters

Secretary of Transportation Norman Y. Mineta said last week that all modes of transportation systems in the United States are at risk, both as targets of terrorists and as weapons against Americans, and spoke of "strategic gaps" in the levels of transportation security.

He also told truckers that they may have to sacrifice some of their mobility in order to increase the security of key assets.

Mineta's statements followed on the heels of the U.S. attorney general's latest warning, Oct. 29, that another terrorist attack on the nation may be imminent.

Speaking to American Trucking Associations' Management Conference in Nashville, Tenn., by satellite link Oct. 30, Mineta asked all carriers, shippers and truck drivers to be on high alert and urged them to exercise patience. He called trucks "the engines of the economy" and said increased security is necessary to keep them from becoming "engines of destruction."

New regulations will have to be issued for all modes of transportation, Mineta said. As for those that will affect trucking, he said he was eager to hear recommendations from ATA.

While security-related precautions may restrict the mobility of trucking in the short term, Mineta urged truckers

(See MINETA, p. 72)

Gov. Graves Tapped to Head ATA

Canary Will Continue as President, CEO Until January 2003



Michael James—Transport Topics

ATA President William Canary (left) with outgoing Chairman Duane W. Acklie (center) and Yellow Corp.'s William Zollars.

By Eric Kuliseh
Staff Reporter

NASHVILLE, Tenn. — American Trucking Associations announced a two-tiered management team to direct its operations, naming William J. Canary to run ATA until the middle of January 2003, to be followed by the current governor of Kansas, Bill Graves.

ATA Chairman Duane Acklie announced the surprise moves at the group's 2001 Management Conference & Exhibition here.

Acklie, who led the presidential search committee, said at an Oct. 30 news conference ATA had dropped the "interim" title and named Canary its president and CEO through Jan. 13, 2003, when Graves would take over.



Michael James—Transport Topics

Gov. Bill Graves

"I envisioned in the '70s when I got out of graduate school, I was going to run a trucking company," Graves told TRANSPORT TOPICS. "But my father got a good opportunity to sell the business. So now I'm coming in the back door."

Graves personally announced his plans at a press conference at the state capital in Topeka and immediately flew to

(See NEW PRESIDENT, p. 74)

Security Is MC&E Watchword

By John Wislocki and Jonathan S. Reiskin
Staff Reporters

NASHVILLE, Tenn. — Trucking executives attending the 2001 Management Conference & Exhibition received a sobering wake-up call from top Bush administration officials to protect their businesses and the American public from the possible use of trucks in terrorist attacks.

Assembling only seven weeks after suicide terrorists crashed three airliners into the World Trade Center and the Pentagon, killing some 5,000 people, the American Trucking Associations' members were alerted to new legislation and regulations being developed in Washington to protect the country from future attacks.

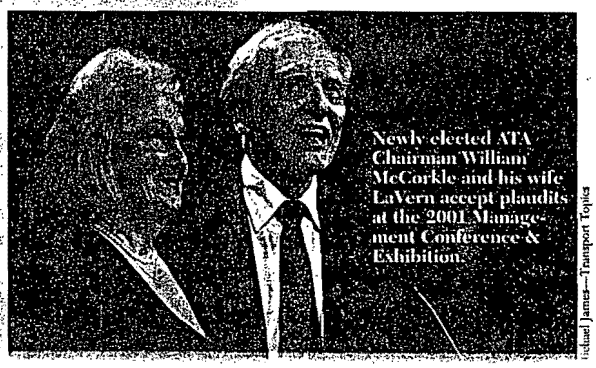
The topic of security was never far from people's minds during the four-day conference, and was at least one of the topics in virtually every speech and seminar.

The convention's theme was

(See MC&E, p. 73)

MC&E Inside

- Complete MC&E coverage begins on page 16.
- New chairman to launch "Drive for One" unity campaign. Page 75.
- Kansas Gov. Bill Graves says he always wanted a career in trucking. Page 74.
- William Canary's retention as ATA chief executive assures continuity of management. Page 73.



Michael James—Transport Topics

Newly elected ATA Chairman William McCorkle and his wife LaVern accept plaudits at the 2001 Management Conference & Exhibition.

New Chairman Says State Involvement Is Essential to Keeping ATA Strong

By Daniel P. Bearth
Senior Features Writer

OKLAHOMA CITY

Even before being confirmed last week as American Trucking Associations' chairman for 2001-02, David G. McCorkle was already at work on one of his top priorities — re-forging relationships that some felt had been strained by the restructuring of the national federation.

During his year as the industry's top elected official, McCorkle, who is also chairman of a bulk hauler that bears the family name, intends to keep ATA leading the way on trucking's "money" issues, ranging from reform of hours-of-service regulations to the volatility of fuel prices. But to ensure that is determined to enlist the full power of the state organizations and their 40,000 members.

And he has already been riding the circuit.

"One thing we hear a lot [from the states] is, 'We're not sure what ATA is doing,' " he said during an interview at McCorkle Truck Line's headquarters. "We're trying to remedy that in terms that are tangible to their

EXHIBIT B

DISTRICT LODGE No. 12

Local Lodges No. 174, 186, 193, 605, 1486, 1561, 1784, 2135, 2424

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

AFFILIATED WITH THE A.F. of L. - C.I.O.

3006 HAMILTON AVENUE :: BALTIMORE, MARYLAND 21214

PHONE: (410) 426-0516 :: FAX: (410) 426-6664

November 9, 2001

Honorable C. A. Dutch Ruppersberger
County Executive, Baltimore County
400 Washington Avenue
Towson, Maryland 21204

Reference: New England Motor Freight, Inc.
3600 Georgetown Road, Baltimore

Dear County Executive Ruppersberger:

I would first like to thank you for all your help and support pertaining to CZMP Issue Nos. 1-031 and 1-032 Case No. 0071-38 on New England Motor Freight, Inc. ("NEMF"). As you are aware, NEMF is seeking approval for an expansion of its facility at 3600 Georgetown Road. We understand that the Deputy Zoning Commissioner Timothy Kotroco's October 12, 2001 Findings of Fact and Conclusion of Law imposes some conditions that are not possible for NEMF to accommodate. NEMF has filed a Motion for Reconsideration with Mr. Kotroco. Please accept this letter as our request for any assistance possible in resolving this situation.

Should NEMF's plan for expansion at the 3600 Georgetown Road facility fail to be approved as proposed, NEMF will be forced to vacate the property and relocate its facility, most likely to Virginia. The facility currently employees' 112 people and the proposed expansion would allow for an additional 200 jobs. Should NEMF be forced to relocate the Union and its members would be seriously detrimentally impacted by the loss of these jobs.

Trucking companies such as NEMF provide an essential service to all Americans and the trucking business is an integral part of our nation economy. Since the terrorist attacks of September 11, 2001, the trucking industry serves a more important role than ever before – the food on all American's tables is brought to them safely because of the success of the trucking industry. The need for safe and secure trucking facilities is now paramount to All-American's safety. The economy is in such a fragile state, and NEMF's proposed expansion at the 3600 Georgetown Road facility provides Baltimore County with an opportunity to not only ensure the extremely positive economic influence NEMF offers, but also for an additional 200 jobs that are much needed by our Union members.

EXHIBIT C

Baltimore County
Department of Economic Development

400 Washington Avenue
Towson, Maryland 21204
410-887-8000
Fax: 410-887-8017
econdev@co.ba.md.us
www.co.ba.md.us

November 8, 2001

Mr. Timothy M. Kotroco
Hearing Officer
Zoning Commissioner's Office
401 Bosley Avenue
Towson, MD 21204

Dear Mr. Kotroco:

The Department of Economic Development understands that a Special Exception for the proposed expansion of New England Motor Freight, located at 3600 Georgetown Road, has been approved with conditions. It is also understood that some of these conditions, as stated, prove to be a hardship for the company's operations.

New England Motor Freight has filed a motion to reconsider these conditions. The department respectfully requests that the hearing officer grant a balanced consideration to both the community issues and potential impacts provided by the proposed expansion.

New England Motor Freight has stated the proposed expansion would generate 200 new jobs with investment of $8 million of private capital. Upon completion of the expansion, total employment will reach 312 with a salary range of $20,000 - $50,000.

The department thanks you in advance for your consideration of these issues.

Regards,

Robert L. Hannon
Executive Director

RLH/sls

EXHIBIT D

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
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JENNIFER R. BUSSE
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1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

November 14, 2001

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, MD 21204

Re: Case No. 01-544-SPHX
New England Motor Freight, Inc.
3600 Georgetown Road

Dear Commissioner Kotroco:

Enclosed please find Petitioner's Memorandum in Support of its Motion for Reconsideration filed with your office on Wednesday, October 24, 2001.

The Petitioner is requesting an evidentiary hearing on its Motion. Thank you for your consideration in this matter. Please do not hesitate to contact me with any question or concerns.

Sincerely,

Jennifer R. Busse

JRB:jar

Enclosure

cc: Mr. Myron P. Shevell
Robert F. (Nob) Walker
Bruce A. Blakeman, Esquire
Mr. Peter J. Filipowicz
David L. Martin, L.A.
Paul M. Nussbaum, Esquire
Peter Max Zimmerman, Esquire
Carol DeMelio, Esquire
G. Scott Barhight, Esquire

238869

11/8/01

Re: Petition For Special Hearing Petition For Special Exception 3600 Georgetown Road, W/S Georgetown Rd, 200' NE of c/l Hall Ave (New England Motor Freight) 13th Election District, 1st Councilmanic	*	Before The Zoning Commissioner For
3600 Georgetown Corp. Petitioner	*	Baltimore County
	*	**Case No. 01-544-SPHX**

* * * * * * * * * * * * * *

LANSDOWNE IMPROVEMENT ASSOCIATION, INC., MARYLAND CITIZENS FOR THE ENVIRONMENT, INC., AND GREATER BLOOMFIELD ASSOCIATION'S MOTION FOR RECONSIDERATION

Pursuant to Zoning Commissioner Rule 2K, As Zoning Chairman for LIA, Inc., MCE, Inc., and GBA moves for reconsideration of the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law dated October 12, 2001 in this case. We submit that there is not legally sufficient evidence to approve the requested Special Exception and Special Hearing for amendment concerning a trucking facility at 3600 Georgetown Road. We further submit that the approval conflicts with the relevant legal standards applicable to Special Exceptions and to trucking facilities under Baltimore County Zoning Regulations Sections 502 and 410.

Because of the legal insufficiency, Petitioner's Motion for Reconsideration should be denied at the same time that the Petitions are denied.

We reserve the right to supplement this Motion to the extent necessary and appropriate, and/or to submit on the record. Pursuant to Rule 2K, it is our understanding that the filing of a Motion for Reconsideration stays all proceedings and that any appeal of the case must be filed within 30 days of the date of the ruling on the Motion for Reconsideration.

Teresa Lowry

Teresa Lowry
Zoning Chairman for LIA, Inc., MCE, Inc., and GBA
2517 Hammonds Ferry Road
Lansdowne, MD 21227
410-247-2325

Brenda Armstrong

Brenda Armstrong
Member of LIA, Inc., Secretary for MCE, Inc., President for GBA
3416 Hopkins Avenue
Baltimore, MD 21227
410-242-8595

Maryland Citizens For The Environment, Inc.
2517 Hammonds Ferry Road
Lansdowne, MD 21227
410-247-2325

Board Members:
Teresa Lowry-Director **Brenda Armstrong-Secretary** **Donald Clifford-Member**
Catherine Owens-Co-Director **Paul Bird- Treasurer**
Marge Miller-Co-Director **Bill Coleman-Member at Large**
Dixie Wankulov-Co-Director **Dawn Lowry-Member**

November 8, 2001

Timothy M. Kotroco, Esq.
Baltimore County Deputy Zoning Commissioner
County Courts Building - 4th Floor
401 Bosley Avenue
Towson, MD 21204

Hand-delivered

Re: Petitions for Special Hearing/Special Exception
3600 Georgetown Road, 13th Election Dist.
1st Councilmanic
3600Georgetown Corp.
Case No.: 01-544-SPHX

Dear Mr. Kotroco:

Enclosed for filing please find Lansdowne Improvement Association, Inc., Maryland Citizens for the Environment, Inc., and Greater Bloomfield Association's Motion for Reconsideration of your October 12, 2001 order in the above case. Please notify us of any hearings scheduled in this case.

Respectfully yours,

Teresa Lowry
Teresa Lowry
Zoning Chairman for LIA, Inc., MCE, Inc., and GBA

Brenda Armstrong
Brenda Armstrong
Member of LIA, Inc., Secretary for MCE, Inc., President for GBA

-8 2001

11/2/01

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION 3600 Georgetown Road, W/S Georgetown Rd, 200' NE of c/l Hall Ave **(New England Motor Freight)** 13th Election District, 1st Councilmanic	*	BEFORE THE ZONING COMMISSIONER FOR
3600 Georgetown Corp. Petitioner	*	BALTIMORE COUNTY
	*	**Case No. 01-544-SPHX**

* * * * * * * * * * * * * * *

PEOPLE'S COUNSEL'S MOTION FOR RECONSIDERATION

Pursuant to Zoning Commissioner Rule 2K, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY moves for reconsideration of the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law dated October 12, 2001 in this case. PEOPLE'S COUNSEL submits that there is not legally sufficient evidence to approve the requested Special Exception and Special Hearing for amendment concerning a trucking facility at 3600 Georgetown Road. PEOPLE'S COUNSEL further submits that the approval conflicts with the relevant legal standards applicable to Special Exceptions and to trucking facilities under Baltimore County Zoning Regulations Sections 502 and 410.

Because of the legal insufficiency, Petitioner's Motion for Reconsideration should be denied at the same time that the Petitions are denied.

PEOPLE'S COUNSEL reserves the right to supplement this Motion to the extent necessary and appropriate, and/or to submit on the record. Pursuant to Rule 2K, it is our understanding that the filing of a Motion for Reconsideration stays all proceedings and

that any appeal of the case must be filed within 30 days of the date of the ruling on the Motion for Reconsideration.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of November, 2001 a copy of the foregoing People's Counsel's Motion for Reconsideration was mailed to G. Scott Barhight, Esq. and Jennifer R. Busse, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner, to Theresa Lowry, 2517 Hammonds Ferry Road, Baltimore, MD 21227, Protestant, and to Brenda Armstrong, 3416 Hopkins Avenue, Baltimore, MD 21227, Protestant.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 2, 2001

Timothy M. Kotroco, Esq.
Baltimore County Deputy Zoning Commissioner
County Courts Building – 4th Floor
401 Bosley Avenue
Towson, MD 21204

Hand-delivered

Re: Petitions for Special Hearing/Special Exception
3600 Georgetown Road, 13th Election Dist.
1st Councilmanic
3600 Georgetown Corp.
Case No.: 01-544-SPHX

Dear Mr. Kotroco:

Enclosed for filing please find People's Counsel's Motion for Reconsideration of your October 12, 2001 order in the above case. Please notify us of any hearings scheduled in this case.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/caf

cc: G. Scott Barhight, Esq. and Jennifer R. Busse, Esq., Attorneys for Petitioner
Mr. George Zahner, Dept. of Permits and Development Mgmt. (for File No. 01-544-SPHX)
Ms. Theresa Lowry, Protestant
Ms. Brenda Armstrong, Protestant

10/24/01

In re:	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING FOR AN AMENDMENT TO AND EXPANSION OF A CLASS I TRUCKING FACILITY OF:	*	DEPUTY ZONING
	*	COMMISSIONER
	*	OF BALTIMORE COUNTY
NEW ENGLAND MOTOR FREIGHT at 3600 Georgetown Road W/S Old Georgetown Road, 200' NE centerline of Hall Avenue 13th Election District 1st Councilmanic District	*	Case No.: 01-544-SPHX
3600 Georgetown Corporation Legal Owner of Parcel 121, and Contract Purchaser of Parcel 115 Petitioner	*	

* * * * * * * * * * *

PETITIONER'S MOTION FOR RECONSIDERATION

Petitioner, 3600 Georgetown Corporation, by and through their attorneys, G. Scott Barhight, Jennifer R. Busse, and Whiteford, Taylor & Preston L.L.P., files this Motion for Reconsideration of the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law dated October 12, 2001, and respectfully request that the Deputy Zoning Commissioner reconsider his decision to impose the restrictions listed as restrictions 1 - 4 on pages 6 and 7 of his Findings of Fact and Conclusions of Law.

Petitioner reserves the right to supplement this Motion for Reconsideration with a Memorandum of Law more fully explaining the reasons for this request.

Respectfully submitted,

G. Scott Barhight
Jennifer R. Busse
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515
(410) 832-2000
Attorneys for Petitioners

OCT 24 2001

10/12/01

IN RE: PETITION FOR SPECIAL HEARING
W/S Old Georgetown Road, 200' NE
centerline of Hall Avenue
13th Election District
1st Councilmanic District
(3600 Georgetown Road)

3600 Georgetown Corp.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-544-SPHX
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Special Exception filed by the legal owner of the subject property, the 3600 Georgetown Corp. The Petitioner is requesting special exception approval to amend the site plan previously approved in Case No. 98-260-SPHX and a special exception to expand the existing Class I trucking facility onto newly acquired property. In addition, special hearing relief is being requested to approve a car parking compound located within Baltimore City as supporting the trucking facility which is located in Baltimore County.

Appearing at the hearing on behalf of the special hearing and special exception requests were Pete Filipowicz, appearing on behalf of the owner of the property, James Markle and David Martin, professional engineers with G. W. Stephens and Associates, the engineers who prepared the site plan of the property, and Scott Barhight and Jennifer Busse, attorneys at law, representing the Petitioner. Appearing in opposition to the Petitioner's request were many residents of the surrounding residential community, all of whom signed in on the Protestants' Sign-In Sheet.

The property, which is the subject of this special hearing and special exception request, consists of 9.523 acres, of which 6.25 acres are located in Baltimore County and 3.28 acres are located in Baltimore City. The portion of the property located in Baltimore County is zoned ML.

ORDER RECEIVED FOR FILING
Date 10/12/01
By P. Jamison

The Petitioner has contracted to purchase an additional parcel of property located immediately adjacent to their existing property, which property is also zoned ML. Altogether, the Petitioner has accumulated a total acreage of 17.5133 acres. The land in question is located on the south side of Joh Avenue and, as mentioned previously, is bisected by the Baltimore County/Baltimore City line. The property in question is situated immediately adjacent to a residential community comprising single-family homes located on Georgetown Road, Hall Avenue and Hopkins Avenue in the Lansdowne area of Baltimore County.

The subject property is no stranger to the zoning process. The history of the main portion of the property indicates that in October of 1961, a special exception for a truck terminal and warehouse was granted by the Baltimore County Board of Appeals. That special exception approval was confirmed by Zoning Supervisor James E. Dyer in May of 1982, by written letter. Thereafter, in February of 1998, Zoning Commissioner Lawrence E. Schmidt granted a special hearing and special exception for the Petitioner to amend the previously approved site plan and to allow an expansion of the existing trucking facility. Thereafter, on January 15, 1999, Commissioner Schmidt again reconfirmed the trucking facility and granted an extension within which to utilize the special exception relief until February 25, 2003. The Petitioner now comes before this Deputy Zoning Commissioner requesting special exception approval for the newly acquired parcel of property located on the far western side of the site, as well as to approve modifications and additions to the previously approved plans. Apparently, the New England Motor Freight Company, who operates a truck terminal on this property, plans a rather large expansion of their terminal in this Baltimore location. The subject property is ideal for a trucking facility, given its close proximity to Interstate 95 and Interstate 695. The trucks in question need not travel on any residential streets in order to access these major highways.

ORDER RECEIVED FOR FILING
Date 10/12/01
By A. Johnson

While the location of the subject property to major interstates is ideal, the fact that the subject property borders many residential dwellings has caused a great deal of concern and opposition from the adjacent neighborhood.

It should be noted from reviewing the site plan, that the southern boundary line of the Petitioner's property, which is located in Baltimore County, abuts many residential homes located along Georgetown Road, Hall Avenue and Hopkins Avenue. A portion of the expansion is proposed to be located in close proximity to some of those residential dwellings. Naturally, these residents are very much concerned over the effects that this expansion will have on their quiet enjoyment of their homes. By their very nature, trucking facilities and the operation of tractor trailer rigs and diesel engines are somewhat noisy and can be disruptive to surrounding residents. It should also be noted that the Petitioner, the New England Motor Freight, operates this trucking terminal on a 24-hour, 7-day a week basis.

As stated previously, the newly acquired property situated on the western end of the overall site is proposed to be developed as a storage area for trailers. That area of the property enjoys a very large buffer area in excess of 300 ft. from the nearest residential property. All other properties in close proximity to that proposed expansion area are zoned commercial and will not be adversely affected by the storage of the trailers thereon. Given the large buffer area between the storage of these trailers and the nearest residential homes, the expansion into the western area of the subject property on the newly acquired parcel is appropriate and should be granted.

The area of the proposed expansion which causes me the greatest concern involves the 27 trailer parking spaces located on the southern corner of the subject site which is adjacent to many of the residents who appeared in opposition to the Petitioner's request. In addition to my concern over the location of those storage spaces, I also have concern over the retaining wall that

ORDER RECEIVED FOR FILING
Date 10/12/01
By JP Jamison

is proposed to be installed by this Petitioner. The site plan, as well as my personal site inspections to the property and the surrounding neighborhood, show that there are substantial elevation changes in this area of the property. For the most part, the Petitioner's trucking facility is situated higher in elevation than the surrounding residences. In order to maintain a fairly even grade to the property, the Petitioner proposes to construct a rather large and tall retaining wall in the area of the southern boundary of the site. The retaining wall in question appears, from the drawing submitted into evidence, to be approximately 10 ft. to 14 ft. in height. These types of retaining walls have become more and more familiar to the residents of Baltimore County who have witnessed them at many commercial developments in and around our jurisdiction. These retaining walls allow a property owner to utilize an unevenly graded property which in times past would have required excessive amounts of grading.

The residents who appeared in opposition to the Petitioner's request object to the close proximity of this area of expansion to their homes. Their objections centered around noise, diesel fumes, loud speaker systems, lighting and storm water runoff, to mention a few. They also believe the retaining wall, given its mass and height, to be overwhelming and too close to their homes.

After listening to the concerns of the residents at the public hearing, I made several site inspections, not only to the Petitioner's property, but also the surrounding residential neighborhood. Unfortunately, the ML zoning for the Petitioner's property, for the most part, comes up to and abuts the residential zoning of the protestants' neighborhood. There is no naturally occurring buffer between these two dissimilarly zoned properties. It is difficult to soften the impact of property zoned "manufacturing" with property zoned "residential".

ORDER RECEIVED FOR FILING
Date 10/12/01
By M. Jamison

This is very apparent when one considers the location of the 27 parking spaces on the southern portion of the property. In my opinion those trailer parking spaces shown on the site plan in close proximity to the protestants' homes are not appropriately located and should be moved. It is noted from the site plan, particularly on the western end of the property, which includes a great number of trailer parking spaces, that the drive aisles widths for that area of the property is a minimum of 70 ft. Apparently, 70 ft. is the minimum width at which these tractor trailer rigs can negotiate and park their trailers in the fashion depicted on the site plan. It is also noted that the 27 parking spaces for which I have concern have a drive aisle width of approximately 120 ft. By simply reducing the drive aisle width, located between the trailer parking spaces abutting the terminal building and the 27 spaces in question to 70 ft., would provide an additional 50 ft. buffer between those 27 trailer parking spaces and the residences located nearby. This additional 50 ft. buffer over and above the buffer that is already proposed by the Petitioner certainly will help to mitigate the effects that this proposed expansion will have on this adjacent neighborhood. It will also cause the rather massive retaining wall proposed to be installed in what is at this time a nice grassy field to be moved 50 ft. further away from these residential homes. Along with other appropriate conditions and restrictions, which I shall impose at the end of this Order, I believe the expansion of this existing trucking facility, which has been situated on this property for over 40 years, can be accomplished in a fashion that will limit to the extent possible the adverse effects of this business on their surrounding neighbors.

Therefore, I believe the special exception request to approve the expansion of the Petitioner's business on this property, as is shown on the site plan submitted into evidence as Petitioner's Exhibit No. 1, should be granted, subject to the modifications and changes I shall impose by virtue of the granting of this Order.

ORDER RECEIVED FOR FILING
Date 12/12/01
By

After considering all of the testimony and evidence offered at the hearing, both for and against this request and my personal site visits to the property, I find that the special exception request to allow the expansion of the existing Class I trucking facility and the amendments to the site plan approved in Case No. 98-260-SPHX, be and is hereby approved. I further find that the special hearing to allow the employee parking to exist on the subject property that is located in Baltimore City to support the special exception situated on the part of the property located in Baltimore County shall also be approved. The approval granted herein shall be subject to conditions and restrictions which I shall impose at the end of the Order. These conditions and restrictions will hopefully mitigate the impact of this use on the surrounding residents.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of October, 2001, that the Petitioner's Special Exception request to amend the previously approved special exception plan in Case No. 98-260-SPHX, and to allow the expansion of the existing special exception area for a Class I trucking Facility, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the Special Hearing request to approve vehicle parking on property located in Baltimore City as supporting a Baltimore County trucking facility shall also be APPROVED.

IT IS FURTHER ORDERED, that all of the approvals granted herein are subject to and conditioned upon the following restrictions:

1. The Petitioner shall be required to relocate the 27 parking spaces proposed on the southern portion of the Petitioner's property. Those 27 parking spaces shall be moved northward an additional 50 ft., thereby providing and allowing for a drive aisle width on this area of the property of a total of 70 ft. and not the 120 ft. as presently shown on the plan. By relocating these 27 parking spaces, the buffer area proposed between the Petitioner's property and the residential houses situated to the rear of this property shall be increased by an additional 50 ft. Furthermore, the large retaining wall proposed to be constructed at that location shall be moved further away from these residences. The

ORDER RECEIVED FOR FILING
Date 10/12/01
By P. Jamison

open field which is located in that area shall provide a nice buffer to the rear of the homes located on Georgetown Road and Hopkins Avenue.

2. The retaining wall proposed to be constructed adjacent to the 27 parking spaces shall be a series of 2 or more retaining walls. That is, from viewing the proposed retaining wall from the rear of the homes along Georgetown Road and Hopkins Avenue, one would not see a single massive tall retaining wall situated in that area of the property. In lieu thereof, one would see a stepped up retaining wall, where the first wall may be 6 ft. to 8 ft. in height and the second wall appearing to be 6 ft. to 8 ft. in height. This stair stepped approach will allow the Petitioner to provide plantings and screenings not only on the ground level of the property in the existing open field, but also on the first level of the retaining wall system. This, I believe, will break up the visual impact that this wall will have on the residents who live in this quiet community. The Petitioner shall be required to submit to Avery Harden, Landscape Architect for Baltimore County, schematic drawings of the retaining wall in accordance with the dictates of these restrictions. That retaining wall, along with the landscaping proposed for this area of the property shall be reviewed by Mr. Harden and also this Deputy Zoning Commissioner for its compliance with these conditions and restrictions. Said plan shall be submitted within 60 days from the date of this Order.

3. On top of the retaining wall which is the subject of Restriction Nos. 1 and 2 above, shall exist an 8 ft. board on board, screened fence in lieu of the 6 ft. chain link fence proposed by the Petitioner. This board on board fence will provide a better visual screen than the previously proposed chain link fence and will also help to lessen the impact of any noise that is generated by the many tractor trailers that come and go from this site. This board on board fence will also lessen the impact of any lighting that occurs on the property, be it headlights or security lighting. This board on board fence shall continue along the top of the proposed retaining wall immediately to the rear of the 27 proposed trailer parking spaces and shall continue in an easterly fashion on top of the retaining wall so as to provide a buffer to the rear of the homes located along Hopkins Avenue. Again, the location of this 8 ft. board on board fence shall be reviewed by Avery Harden, Landscape Architect for Baltimore County and this Deputy Zoning Commissioner for compliance with this condition and restriction.

4. The 27 parking spaces which are the closest in proximity to the residential neighbors to the rear of the property shall be the least utilized parking spaces by this Petitioner. That is, this area of the property shall be the last area upon which the Petitioner shall store trailer units. This will help to lessen the day to day impact that this trucking facility will have on the adjacent neighborhood. Furthermore, in no event shall any trailer units be placed on or taken away from the 27 parking spaces after the hours of 10:00 p.m. on any given evening. This will hopefully ensure that this area of the property remains quiet during hours where it is expected that the residents of this surrounding community will be sleeping.

5. All lighting shall be directed towards the Petitioner's property and away from the surrounding residential community.

ORDER RECEIVED FOR FILING
Date 10/12/01
By JP Jamison

6. The use of outside loud speakers shall not be offensive to the surrounding residential neighborhood and shall be used at a minimum in the areas abutting residential properties.

7. All storm water management plans for the subject property shall be reviewed by the Department of Environmental Protection and Resource Management (DEPRM). These newly installed storm water facilities shall accommodate and manage all runoff generated on the property.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 12/12/01
By R. Jamison

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October 12, 2001

G. Scott Barhight, Esquire
Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No.: 01-544-SPHX
Property: 3600 Georgetown Road

Dear Mr. Barhight & Ms. Busse:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Printed with Soybean Ink
on Recycled Paper

Copies to:

Pete Filipowicz
New England Motor Freight
3600 Georgetown Road
Baltimore, MD 21227

Theresa Lowry
2517 Hammond Ferry Road
Baltimore, MD 21227

Donald & H. E. Clifford
3514 Georgetown Road
Baltimore, MD 21227

Chris Douglas
1700 Rittenhouse Avenue
Baltimore, MD 21227

Sandy Smith
3412 Hopkins Avenue
Baltimore, MD 21227

Heather Kesner
3406 Hopkins Avenue
Baltimore, MD 21227

Thomas Mauk
1702 Hall Avenue
Baltimore, MD 21227

Elizabeth Qualls
1704 Rittenhouse Avenue
Baltimore, MD 21227

Roger Wright
3512 Old Georgetown Road
Baltimore, MD 21227

David Martin
James Markle
G. W. Stephens & Associates
1020 Cromwell Bridge Road
Towson, MD 21286

Paul Bud
Brenda Armstrong
3416 Hopkins Avenue
Baltimore, MD 21227

Michelle Carmichael
1706 Hall Avenue
Baltimore, MD 21227

Jennifer Kohlhaus
1706 Hall Avenue, A
Baltimore, MD 21227

Bill Moxley
1702 Rittenhouse Avenue
Baltimore MD 21227

John Baggett
1709 Rittenhouse Avenue
Baltimore, MD 21227

Pat & William McCarren
1704 Hall Avenue
Baltimore, MD 21227

John & Debra Eide
1719 Wilson Avenue
Baltimore, MD 21227

S. Burgess
1720 Hall Avenue
Baltimore, MD 21227

APPEAL

HEARING ~~WED 8-22-01 2PM RM 407~~
~~FRI 1-25-02 9AM RM 407~~
~~RECONSIDERATION~~ PP
PP
CASE # 01-544 Item # 544 ~~Reset: Wed. 2/6/02 @ 9:00 #407~~
SPHX Reset: Wed 2/27/02 @ 9:00, #407

CERTIFICATE OF POSTING

1) Posted 3/6 Hearing Date _____
2) Posted 2-11 Hearing Date _____
JEFF

ADS
1) Paper/Date 8/7 Enc ____
Paper/Date _____ Enc ____
2) Paper/Date _____ Enc ____
Paper/Date _____ Enc ____

P&A FEES
1) _____
2) _____

COMMENTS
Planning ____ Fire ✓ Traffic ✓
Critical Area ____ SHA ✓ EPA ____
Health: ____

Associate JCM

Zoning Violation # 00-7138

Prior Hearing(s) _____ _____

MAP SW 4C
E. D. 13+4
DATE ____
200 RIP
1000 ____
TP ____

2001054401

01-544-SPHX
"A" APPEAL
"A"
supplemental

(2)

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3600 Georgetown Road

which is presently zoned ML

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

G. Scott Barhight/Jennifer R. BUsse
Name - Type or Print

Signature

Whiteford, Taylor & Preston (410) 832-2077
Company

210 W. Pennsylvania Ave. 4th Floor
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

3600 Georgetown Corp.
Name - Type or Print

N/A
Signature

Myron B. Shevell
Name - Type or Print

Signature

I-77 North Avenue E (410) 832-2077
Address Telephone No.

Elizabeth, NJ 07201
City State Zip Code

Representative to be Contacted:

Jennifer R. BUsse
Name

210 W. Pennsylvania Ave (410) 832-2077
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JCM Date 6.27.01

Case No. 01-544-SPHX

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 10/12/01
By K. Samson

Attachment to Petition for Special Hearing
3600 Georgetown Road

1. To determine whether a Special Hearing is required in this matter; and

2. To amend a previously approved car parking compound in Baltimore City as supporting a Baltimore County trucking facility and, further, to recognize that the subject car parking compound as fulfilling the requirements of BCZR §409.6.3 providing the parking requirements for a trucking facility in Baltimore County.

229156

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at Parcel 115 Sulphur Spring Rd and 3600 Georgetown Road - Parcel 121

which is presently zoned ML

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto ar made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use th herein described property for

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by tl zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

G. Scott Barhight and Jennifer R. Busse
Name - Type or Print

Signature

Whiteford, Taylor & Preston
Company

210 W. Pennsylvania Ave 410-832-2000
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

3600 Georgetown Corp.
Name - Type or Print

Signature

Myron P. Shevell
Name - Type or Print

Signature

I-71 North Avenue E (410) 832-2077
Address Telephone No.

Elizabeth, NJ 07201
City State Zip Code

Representative to be Contacted:

Jennifer R. Busse
Name

210 W. Pennsylvania Ave (410) 832-2000
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 6-27-01

Case No. 01-544SPHX

ORDER RECEIVED FOR FILING
Date 10/12/01
By

R2U 09/15/98

Attachment to Petition for Special Exception
3600 Georgetown Road

1. Special Exception to amend Special Exception Plan approved in case No. 98-260-SPHX; and

2. Special Exception to expand the existing Special Exception area for a Class I trucking facility

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

Zoning Description
June 26, 2001

Description to accompany a Special Exception & Special Hearing to Amend an Approved Trucking Facilities Plan
3600 Georgetown Road
Baltimore County, Maryland
Election District 13, Councilmanic District 1
Tax Map 102 – Parts of Parcels 121 & 115

Beginning at a point located at the centerline intersections of Hopkins Avenue 30 feet wide and Rittenhouse Avenue 40 feet wide at the said intersection, thence N 44 degrees 33' minutes 01 seconds W to a Point of Beginning located on the south eastern property line and the Baltimore City municipal boundary, thence the following property courses:

S 38 degrees 29 minutes 38 seconds W, 131.45 feet, thence S 33 degrees 56 minutes 55 seconds W, 292.03 feet, thence N 52 degrees 57 minutes 28 seconds W, 124.98 feet, thence S 34 degrees 02 minutes 32 seconds W, 100.21 feet, thence N 52 degrees, 56 minutes 45" W, 76.02, thence N 08 degrees 18 minutes 02 seconds E, 71.36 feet, thence N 45 degrees 35' minutes 15 seconds W, 323.88 feet, thence S 76 degrees 58 minutes 07 seconds E, 187.72 feet, thence S 13 degrees 01 minutes 53 seconds E, 64.95 feet, to a curve having a radius of 200 feet with a chord of S 14 degrees 00 minutes 53 seconds W, 124.26 feet, thence S 14 degrees 33 minutes 06 seconds W, 73.07 feet, thence S 37 degrees 04 minutes 22 seconds W, 96.20 feet, thence N 45 degrees 21 minutes 30 seconds W, 614.33 feet, thence N 76 degrees 58 minutes 07 seconds E, 948.20 feet, thence S 60 degrees 54 minutes 40 seconds E, 538.06 feet, concurrent with the Baltimore County / Baltimore City municipal boundary, back to the point of beginning.

Containing 10.25 acres (446,490) square feet of land more or less, located in Baltimore County, Maryland

STATE OF MARYLAND
DAVID LLOYD MARTIN
LANDSCAPE ARCHITECT

544

NOTE: the above description is for zoning purposes only and is not intended to be used for conveyances or agreements.

410-825-8120 • FAX 410-583-0288
gwstowson@erols.com

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-544-SPHX
3600 Georgetown Road
W/S Old Georgetown Road, 200' NE centerline Hall Avenue
13th Election District - 1st Councilmanic District
Legal Owner(s):3600 Georgetown Corp., Myron P. Shevell

Special Hearing: to amend a previously approved car parking compound in Baltimore City as supporting a Baltimore County Trucking facility and, further, to recognize that the subject car parking compound as fulfilling the requirements of Baltimore County Zoning Regulations #409.6.3 providing the parking requirements for a trucking facility in Baltimore County. **Special Exception:** plan to approve in case no 98-260-SPHX and to expand the existing Special Exception area for a Class 1 trucking facility.
Hearing: Wednesday, August 22, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/8/615 Aug.7 C486033

CERTIFICATE OF PUBLICATION

8/9, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/7, 2001.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-544-SPHX

Petitioner/Developer: 3600 Georgetown Corp, Myron P. Shevell

Date of Hearing/Closing: 8/22/01 @ 2:00

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3600 Georgetown Rd. Halethorpe, MD 21227 (2 signs)

The sign(s) were posted on August 6, 2001
(Month, Day, Year)

Sincerely,

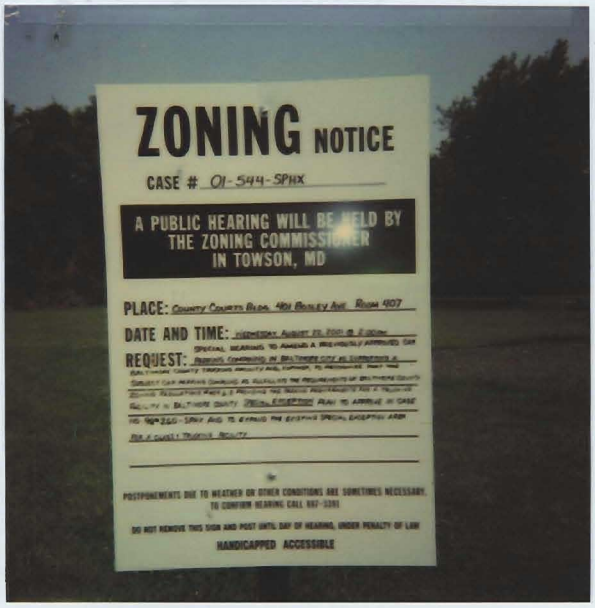
Stacy Gardner 8/6/01
(Signature of Sign Poster and Date)

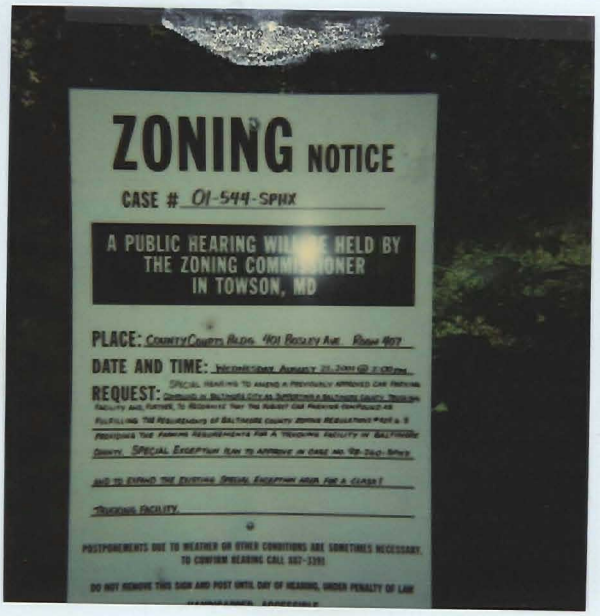
Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
(Address)
ELDERSBURG, MD. 21784
(City, State, Zip Code)

410.781.4000
(Telephone Number)

9/96
cert.doc


ZONING NOTICE
CASE # 01-544-SPHX
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: County Courts Bldg. 401 Bosley Ave Room 407
DATE AND TIME:
REQUEST:
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE


ZONING NOTICE
CASE # 01-544-SPHX
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: County Courts Bldg. 401 Bosley Ave Room 407
DATE AND TIME:
REQUEST:
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

CERTIFICATE OF POSTING

RECONSIDERATION HEARING

RE: Case No.: 01-544-SPHX

Petitioner/Developer: NEW ENGLAND, ETAL
W P & T - J. BUSSE, ESQ

Date of Hearing/Closing: 2/27/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens & GEORGE ZAHNER

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #3600 GEORGETOWN RD
VICIN. COUNTY/CITY

The sign(s) were posted on 2/11/02
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 2/18/02
(Signature of Sign Poster and Date)

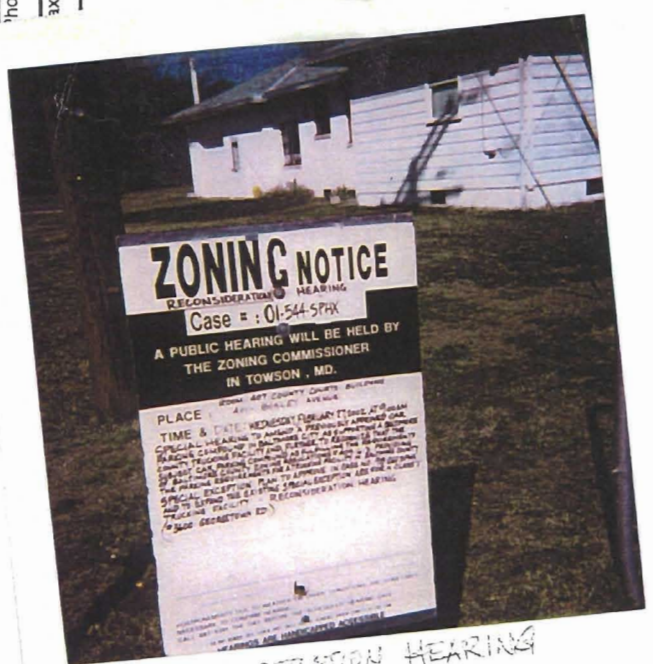
PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)

Post-it® Fax Note 7671 | Date | # of pages ▲
To | From
Co./Dept. | Co.
Phone # | Phone #
Fax # | Fax #



RECONSIDERATION HEARING
01-544-SPHX
3600 - GEORGETOWN RD
2/27/02 H

CERTIFICATE OF POSTING

RE: Case No.: 01-544-SPHX

Petitioner/Developer: NEWENGLAND TRKG,ETAL
J. BUSSE, ESQ

Date of Hearing/Closing: 2/27/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

# of pages ▶			
To ROBIN/BETTY		From O'KEEFE	
Co./Dept. ZONING COMM.		Co.	
Phone # 887-4386		Phone #	666-5366
Fax # 887-3468		Fax #	666-0929

Attention: Ms. Gwendolyn Stephens/
MR. GEORGE ZAHNER

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #3600 GEORGETOWN RD- & JOH. AVE.

POSTED
2/11/02
(Month, Day, Year)

Sincerely,

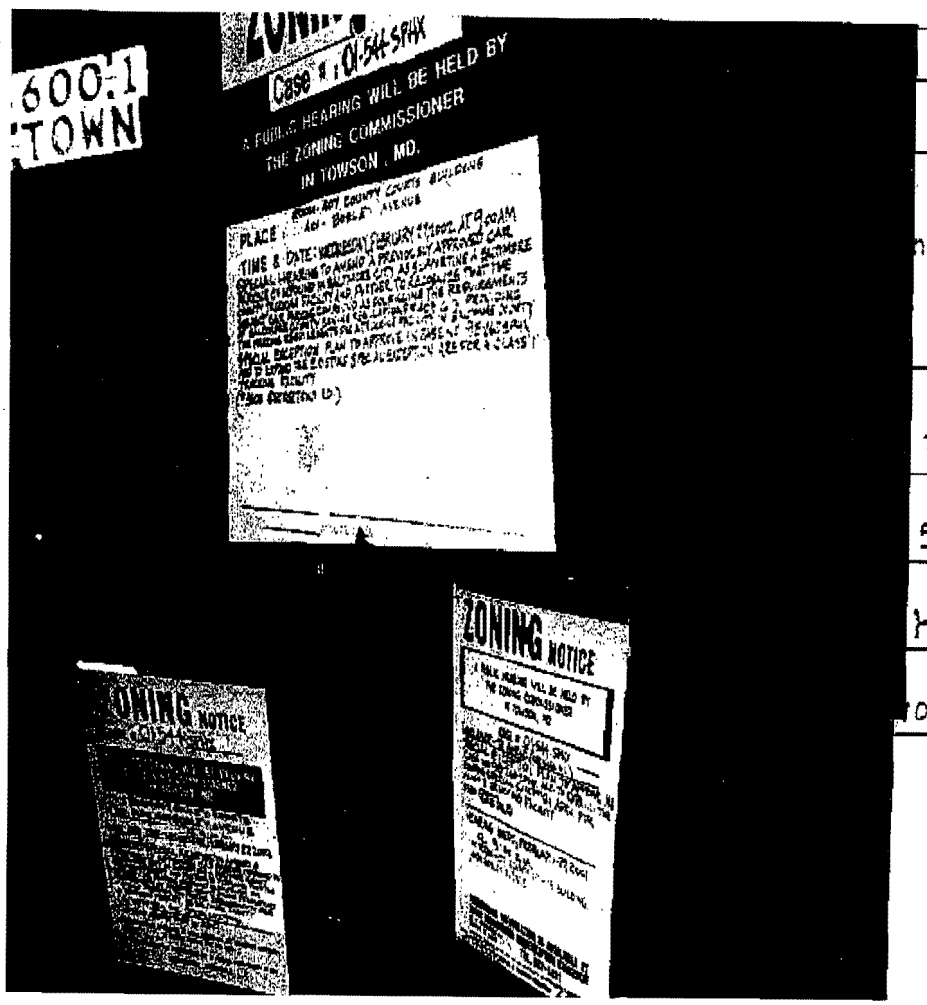
Patrick M O'Keefe 2/11/02
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-95
(Telephone Number)



APPEAL SIGN POSTING REQUEST

CASE NO.: 01-544-SPHX

3600 Georgetown Corporation - LEGAL OWNERS

3600 Georgetown Road, Baltimore, MD 21227

13th ELECTION DISTRICT APPEALED: 4/19/2002

ATTACHMENT – (Plan to accompany Petition – ~~Petitioner's~~ Protestant's Exhibit No. 3)

**********COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 01-544 SPHX

Petitioner/Developer:
Georgetown Corp

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

The sign was posted on 7/9, 2002

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 12758

DATE 4-30-02 ACCOUNT 001 006 6150

AMOUNT $ 495.00

RECEIVED FROM: BRENDA ARMSTRONG
TERESA LOWRY
GREATER BLOOMFIELD COMMUNITY

FOR: APPEAL 02-544-SPHX
3600 GEORGETOWN ROAD
3600 GEORGETOWN ROAD CORP
SPECIAL HEARING SPECIAL EXCEPTION

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME
5/01/2002	4/30/2002	15:03:44

REG WS01 WALKIN JRIC JMR DRAWER 1
>>RECEIPT # 089917 4/30/2002 OFLN
Dep 5 528 ZONING VERIFICATION
CR NO. 012758
Recpt Tot $495.00
495.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 12758

DATE 4-30-02 ACCOUNT 001 006 6150

AMOUNT $ 495.00

RECEIVED FROM: BRENDA ARMSTRONG
TERESA LOWRY
GREATER BLOOMFIELD COMMUNITY

FOR: APPEAL 02-544-SPHX
3600 GEORGETOWN ROAD
3600 GEORGETOWN ROAD CORP
SPECIAL HEARING SPECIAL EXCEPTION

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME
5/01/2002	4/30/2002	15:03:44

REG WS01 WALKIN JRIC JMR DRAWER 1
>>RECEIPT # 089917 4/30/2002 OFLN
Dep 5 528 ZONING VERIFICATION
CR NO. 012758
Recpt Tot $495.00
495.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

544

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 3339

DATE 6.27.01 ACCOUNT 01-06-6150

AMOUNT $ ~~$~~ 550.00

RECEIVED FROM: George Town, Grp. 3600 Georgetown Rd.

FOR: SPH SA. EX.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JCM

CASHIER'S VALIDATION

PAID RECEIPT
PAYMENT ACTUAL TIME
6/27/2001 6/27/2001 11:29:35
REC W502 CASHIER SWAT SWAT DRAWER 2
>>RECEIPT # 177066 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 003339
Recpt Tot 550.00
550.00 CK .00 CA
Baltimore County, Maryland

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 544

Petitioner: 3600 Georgetown Corp.

Address or Location: 3600 Georgetown Rd. - Parcel 121 and Parcel 115, Sulphur Spring Road.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jenn Busse, Esq., Whiteford, Taylor & Preston

Address: 210 W. Pennsylvania Ave., Suite 400
Towson MD 21204

Telephone Number: 410 832-2077

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 7, 2001 Issue – Jeffersonian

Please forward billing to:
Jenn Busse 410 832-2077
Whiteford Taylor & Preston
210 W Pennsylvania Avenue, Suite 400
Towson MD 21204

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-544-SPHX
3600 Georgetown Road
W/S Old Georgetown Road, 200' NE centerline Hall Avenue
13th Election District – 1st Councilmanic District
Legal Owner: 3600 Georgetown Corp, Myron P Shevell

Special Hearing to amend a previously approved car parking compound in Baltimore City as supporting a Baltimore County Trucking facility and, further, to recognize that the subject car parking compound as fulfilling the requirements of Baltimore County Zoning Regulations # 409.6.3 providing the parking requirements for a trucking facility in Baltimore County. Special Exception plan to approve in case no 98-260-SPHX and to expand the existing Special Exception area for a Class 1 trucking facility.

HEARING: Wednesday, August 22, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 20, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-544-SPHX
3600 Georgetown Road
W/S Old Georgetown Road, 200' NE centerline Hall Avenue
13th Election District – 1st Councilmanic District
Legal Owner: 3600 Georgetown Corp, Myron P Shevell

Special Hearing to amend a previously approved car parking compound in Baltimore City as supporting a Baltimore County Trucking facility and, further, to recognize that the subject car parking compound as fulfilling the requirements of Baltimore County Zoning Regulations # 409.6.3 providing the parking requirements for a trucking facility in Baltimore County. Special Exception plan to approve in case no 98-260-SPHX and to expand the existing Special Exception area for a Class 1 trucking facility.

HEARING: Wednesday, August 22, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

GDZ

Printed with Soybean Ink

C: G. Scott Barhight, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, 4th Floor, Towson 21204
Jennifer Busse, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, 4th Floor, Towson 21204
Myron P Shevell, 3600 Georgetown Corp, I-71 North Avenue E, Elizabeth NJ 07201

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 7, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 20, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

01-1084-A closed not related
00-7138

CASE NUMBER: 01-544-SPHX
3600 Georgetown Road
W/S Old Georgetown Road, 200' NE centerline Hall Avenue
13th Election District – 1st Councilmanic District
Legal Owner: 3600 Georgetown Corp, Myron P Shevell

Special Hearing to amend a previously approved car parking compound in Baltimore City as supporting a Baltimore County Trucking facility and, further, to recognize that the subject car parking compound as fulfilling the requirements of Baltimore County Zoning Regulations # 409.6.3 providing the parking requirements for a trucking facility in Baltimore County. Special Exception plan to approve in case no 98-260-SPHX and to expand the existing Special Exception area for a Class 1 trucking facility.

HEARING: Wednesday, August 22, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

RECEIVED
AUG -7 2001
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

C: G. Scott Barhight, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, 4th Floor, Towson 21204
Jennifer Busse, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, 4th Floor, Towson 21204
Myron P Shevell, 3600 Georgetown Corp, I-71 North Avenue E, Elizabeth NJ 07201

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 7, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 11, 2001

PETITIONER'S MOTION FOR RECONSIDERATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-544-SPHX
3600 Georgetown Road
W/S Old Georgetown Road, 200' NE centerline of Hall Avenue
13th Election District – 1st Councilmanic District
Legal Owner: 3600 Georgetown Corporation

RECONSIDERATION Special Hearing to amend a previously approved car parking compound in Baltimore City as supporting a Baltimore County Trucking facility and, further to recognize that the subject car parking compound as fulfilling the requirements of Baltimore County Zoning Regulations # 409.6.3 providing the parking requirements for a trucking facility in Baltimore County. Special Exception to amend Special Exception Plan approved in case no. 98-260-SPHX and to expand the existing Special Exception area for a Class 1 trucking facility.

HEARING: Friday, January 25, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: Jennifer R Busse, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, 4th Floor, Towson MD 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 10, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391. 87-3391.

Printed with Soybean Ink on Recycled Paper

C: G. Scott Barhight, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, 4th Floor, Towson 21204
Jennifer Busse, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, 4th Floor, Towson 21204
Myron P Shevell, 3600 Georgetown Corp, I-71 North Avenue E, Elizabeth NJ 07201

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 7, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

January 16, 2002

NOTICE OF ZONING HEARING RECONSIDERATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-544-SPHX
3600 Georgetown Road
W/S Old Georgetown Road, 200' NE centerline Hall Avenue
13th Election District – 1st Councilmanic District
Legal Owner: 3600 Georgetown Corp., Myron P. Shevell

Special Hearing to amend a previously approved car parking compound in Baltimore City as supporting a Baltimore County Trucking facility and, further, to recognize that the subject car parking compound as fulfilling the requirements of Baltimore County Zoning Regulations # 409.6.3 providing the parking requirements for a trucking facility in Baltimore County. Special Exception plan to approve in case No. 98-260-SPHX and to expand the existing Special Exception area for a Class 1 trucking facility.

HEARING: Wednesday, February 27, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: G. Scott Barhight, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, Towson 21204
Jennifer R Busse, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, Towson 21204
Myron Shevell, 3600 Georgetown Corp, I-71 North Avenue E, Elizabeth NJ 07201

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Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

January 16, 2002

NOTICE OF ZONING HEARING RECONSIDERATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-544-SPHX
3600 Georgetown Road
W/S Old Georgetown Road, 200' NE centerline Hall Avenue
13th Election District – 1st Councilmanic District
Legal Owner: 3600 Georgetown Corp., Myron P. Shevell

Special Hearing to amend ~~a~~ previously approved car parking compound in Baltimore City as supporting a Baltimore County Trucking facility and, ~~further,~~ to recognize that the subject car parking compound as fulfilling the requirements of Baltimore County Zoning Regulations # 409.6.3 providing the parking requirements for a trucking facility in Baltimore County. Special Exception plan to approve in case ~~No.~~ 98-260-SPHX and to expand the existing Special Exception area for a Class 1 trucking facility. #

BCZR

HEARING: Wednesday, February 27, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

409.6.A.3

Arnold Jablon GDZ
Director

Post by 2/12

C: G. Scott Barhight, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, Towson 21204
Jennifer R Busse, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, Towson 21204
Myron Shevell, 3600 Georgetown Corp, I-71 North Avenue E, Elizabeth NJ 07201

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Petitioner W/D 1/09/03
Order to be issued

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 13, 2002

NOTICE OF ASSIGNMENT

CASE #: 01-544-SPHX

IN THE MATTER OF: 3600 Georgetown Corporation –Legal Owner
3600 Georgetown Road 13th Election District; 1st Councilmanic

4/03/2002 – D.Z.C.'s decision in which Petitioner's Motion for Reconsideration of 10/12/02 Order of DZC was GRANTED with restriction; and in which Motions for Reconsideration filed by People's Counsel and Protestants were DENIED.
10/12/01 – D.Z.C.'s Order in which special exception relief was APPROVED; special hearing APPROVED subject to restrictions.

ASSIGNED FOR: WEDNESDAY, JANUARY 22, 2003 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel
Appellants /Protestants : Theresa Lowry and Brenda Armstrong and Maryland Citizens for the Environment, Inc., Greater Bloomfield Community

Counsel for Petitioner : G. Scott Barhight, Esquire
Jennifer R. Busse, Esquire

Petitioner : Myron Shevell /3600 Georgetown Corp.
Peter Filipowicz, NEMF

David Martin /G.W. Stephens Jr.

Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
James H. Thompson, Code Enforcement /PDM **[Enforcement Case # 00-7138]**
Arnold Jablon, Director /PDM

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Baltimore County
Department of Permits and
Development Management

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

August 17, 2001

G. Scott Barhight
Whiteford Taylor & Preston
210 W Pennsylvania Avenue
4th Floor
Towson MD 21204

Dear Mr. Barhight:

RE: Case Number: 01-544-SPHX, 3600 Georgetown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 27, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Jennifer R Busse, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, 4th Floor, Towson MD 21204
3600 George Town Corp, Myron P Shevell, I-71 North Avenue E
Elizabeth NJ 07201
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: August 20, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 3600 Georgetown Road

INFORMATION:

Item Number: 01-544

Petitioner: Florence Weiner

Zoning: ML

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

1. The Office of Planning reviewed the subject request and has determined that in the event the request be granted, the petitioner should be required to retain the existing woods adjacent to the single-family detached dwellings located along Georgetown Road. This wooded parcel is currently excluded from the area of the special exception request.
2. In addition, landscaping to be improved on the property should be provided in accordance with that shown on the plat accompanying the special exception.

Prepared by: Mark A Cunningham

Section Chief: Jeffrey W. Long
AFK:MAC:

RECEIVED
AUG 21 2001

W:\DEVREV\ZAC\01-544.doc

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

July 24, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 16, 2001

Item No.: 485, 526, 530, 532, 537, 544, 546, 547, 549

Dear Ms. Stephens:

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.

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

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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John Alexander

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 2, 2001

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 23, 2001
Item Nos. 485, 527, 528, 529, 530, 532, 534, 536, 537, 540, 541, 542, 543, 544, 546, 547, 548, 549, and 550

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC-7-23-2001-NO COMMENT ITEMS-822001.doc

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7.23.01

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 544 JCM

Dear. Ms. Jackson:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. J. Gredlein

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

Jeni 8/22

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: September 5, 2001

SEP 13 2001

SUBJECT: Zoning Item 544
Address 3600 Old Gersetam Road

Zoning Advisory Committee Meeting of July 16, 2001

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

__X__ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

____ Additional Comments:

Reviewer: Dave Lykens Date: July 27, 2001

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: August 21, 2001

SUBJECT: Zoning Item 01-544-SPHX
Address 3600 Georgetown Rd.

Zoning Advisory Committee Meeting of 8/22/01?

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

✓ 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 (Sections 14-331 through 14-350 of the Baltimore County Code).

✓ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

AUG 2 1

____ Additional Comments:

Reviewer: Michael D. Kulis Date: Aug 21, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION
& RESOURCE MANAGEMENT
INTEROFFICE CORRESPONDENCE

TO: [X] Design & Review
[X] Pam Scott

DATE: February 9, 2001

PROJECT NAME: New England Motor Freight
TYPE OF PLAN: Grading, #D950130, 1st sub.
PLAN/REV. DATE: December 4, 2000

Environmental Impact Review staff have reviewed the subject submission. The following recommendations are made:

[X] Disapproved

1. This project must satisfy the requirements of Article IX, Regulations for the Protection of Water Quality, Streams, Wetlands, and Floodplains. It appears that the recently installed stone window and pipe outfall are within close proximity of an intermittent stream channel. This unpermitted work is within the future Forest Buffer Easement (FBE) and must be approved via a variance request or removed from within the FBE.

2. This project may also have to satisfy the requirements of Article X, the Forest Conservation Regulations. The revised grading plan submittal shall show the tree line on the entire property, as it existed prior to the clearing and grading activities of September 2000. Utilization of the Geographic Information System (GIS) photograph (approximate date 1995) to determine forest/tree cover shall be sufficient. Be advised that clearing 25,000 to over 40,000 square feet of forest will engage the Forest Conservation Regulations for Baltimore City Government and Baltimore County Government/State of Maryland, respectively

3. Clearly show the pre 2000 limit of disturbance (LOD), the LOD associated with the September 2000 violation, and the proposed, ultimate LOD. Please note that the September 2000 grading activities may have encroached onto the Weiner Property.

[X] State and Federal review may be required.

[X] An Environmental Agreement will be required.

REVIEWER: Michael S. Kulis PHONE: 410-887-3980

MSK8/NEMFTransmit.doc

JM
#122

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION 3600 Georgetown Road, W/S Georgetown Rd, 200' NE of c/l Hall Ave 13th Election District, 1st Councilmanic	*	BEFORE THE ZONING COMMISSIONER FOR
Legal Owner: 3600 Georgetown Corp. Petitioner(s)	*	BALTIMORE COUNTY
	*	Case No. 01-544-SPHX

* * * * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

AUG 29

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 2001 a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

May 30, 2002

G. Scott Barhight
Whiteford Taylor & Preston
210 W Pennsylvania Avenue
Towson MD 21204

Dear Mr. Barhight:

RE: Case No. 01-544-SPHX, 3600 Georgetown Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 19, 2002 by Peter M Zimmerman, People's Counsel for Baltimore County and on April 30, 2002 by Teresa Lowry, Maryland Citizens for the Environment, Inc, Greater Bloomfield Community. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ: gdz

c: Myron P Shevell, I-71 North Avenue E, Elizabeth NJ 07201
Paul C Bird, Sr, 3416 Hopkins Avenue, Halethorpe 21227
Camille & Lorna Rudnikas, 1727 Hall Avenue, Halethorpe 21227
Howard & Donald Clifford, 3514 Georgetown Road, Baltimore 21227
Michelle Carmichael, 1706 Hall Avenue, Baltimore 21227
Sandy Smith, 3412 Hopkins Avenue, Baltimore 21227
Elizabeth Qualls, 1704 Rittenhouse Avenue, Arbutus, 21227-1614
Theresa Lowry, 2517 Hammonds Ferry, Baltimore 21227
Brenda Armstrong, 3416 Hopkins Avenue, Baltimore 21227
Paul Hughes, 3406 Hopkins Avenue, Baltimore 21227
People's Counsel

Printed with Soybean Ink

APPEAL

Petition for Reconsideration Special Hearing & Special Exception
3600 Georgetown Road
W/S Old Georgetown Road, 200' NE of the centerline Hall Avenue
13th Election District – 1st Councilmanic District
3600 Georgetown Corporation- Legal Owner
Case No.: 01-544-SPHX

Petition for Special Hearing & Special Exception (dated 06/27/01)

Zoning Description of Property

Notice of Zoning Hearing Reconsideration (dated 01/16/02)

Certification of Publication (The Jeffersonian issue None)

Certificate of Posting (dated 02/11/02 posted Patrick M O'Keefe)

Entry of Appearance by People's Counsel (None)

Petitioner(s) Sign-In Sheet (1 page)

Protestant(s) Sign-In Sheet (1 page)

Citizen(s) Sign-In Sheet (None)

Zoning Advisory Committee Comments

Petitioners' Exhibits:
(None)

Protestants' Exhibits:

1. Findings of Facts and Conclusions of Law (Case No. 98-260-SPHX dated 2/25/98)
2. Findings of Fact and Conclusions of Law (Case No. 99-208-SPH dated 1/15/99(
3. Amended Class 1 Trucking Facilities Plan of New England Motor Freight Company (Case No. 99-208-SPH dated 11/10/98)
4. Amended Class 1 Trucking Facilities Plan of New England Motor Freight Company (Case No. 98-260-SPHX dated 1/1/98)

Miscellaneous (Not Marked as Exhibits):

- List of Addresses
- Letter to The Honorable Timothy M. Kotroco, Deputy Zoning Commissioner, from Jennifer R. Busse (dated 01/15/02)
- Letter to G. Scott Barhight, Esquire from Timothy M. Kotroco, Deputy Zoning Commissioner (dated 04/03/02)

Deputy Zoning Commissioner's Reconsideration Order (dated 04/03/02 - DENIED)

Notice of Appeal received on April 19, 2002 from Peter M Zimmerman, People's Counsel for Baltimore County and on April 30 from Teresa Lowry and Brenda Armstrong, Maryland Citizens for the Environment Inc, Greater Bloomfield Community

c: Theresa Lowry, President-Maryland Citizens for the Environment, Greater Bloomfield Community, 2517 Hammonds Ferry Road, Lansdowne 21227
James H. Thompson, Code Enforcement (Enforcement Case No. 00-7138)
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

APPEAL

Petition for Reconsideration Special Hearing & Special Exception
3600 Georgetown Road
W/S Old Georgetown Road, 200' NE of the centerline Hall Avenue
13th Election District – 1st Councilmanic District
3600 Georgetown Corporation- Legal Owner
Case No.: 01-544-SPHX

02 JUN -7 PM 3:39

✓ Petition for Special Hearing & Special Exception (dated 06/27/01)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing Reconsideration (dated 01/16/02)

✓ Certification of Publication (The Jeffersonian issue None) Rec'd 6-17-02

✓ Certificate of Posting (dated 02/11/02 posted Patrick M O'Keefe)

✓ Entry of Appearance by People's Counsel (None) Rec'd 6-17-02

✓ Petitioner(s) Sign-In Sheet (1 page)

✓ Protestant(s) Sign-In Sheet (1 page)

✓ Citizen(s) Sign-In Sheet (None)

✓ Zoning Advisory Committee Comments Rec'd 6-12-02

✓ Petitioners' Exhibits: Rec'd 6-17-02 Exhibits 1, 2, 3
(None)

Protestants' Exhibits:

✓ 1. Findings of Facts and Conclusions of Law (Case No. 98-260-SPHX dated 2/25/98)
✓ 2. Findings of Fact and Conclusions of Law (Case No. 99-208-SPH dated 1/15/99(
✓ 3. Amended Class 1 Trucking Facilities Plan of New England Motor Freight Company (Case No. 99-208-SPH dated 11/10/98)
✓ 4. Amended Class 1 Trucking Facilities Plan of New England Motor Freight Company (Case No. 98-260-SPHX dated 1/1/98)

Miscellaneous (Not Marked as Exhibits):

✓ ❖ List of Addresses
✓ ❖ Letter to The Honorable Timothy M. Kotroco, Deputy Zoning Commissioner, from Jennifer R. Busse (dated 01/15/02)
✓ ❖ Letter to G. Scott Barhight, Esquire from Timothy M. Kotroco, Deputy Zoning Commissioner (dated 04/03/02)

✓ Deputy Zoning Commissioner's Reconsideration Order (dated 04/03/02 - DENIED) Petitioner's Motion Granted w/ restrictions - PC & Citizens' Motion

✓ Notice of Appeal received on April 19, 2002 from Peter M Zimmerman, People's Counsel for Baltimore County and on April 30 from Teresa Lowry and Brenda Armstrong, Maryland Citizens for the Environment Inc, Greater Bloomfield Community

c: ✱ Theresa Lowry, President-Maryland Citizens for the Environment, Greater Bloomfield Community, 2517 Hammonds Ferry Road, Lansdowne 21227 - Appealed 4-30-02
James H. Thompson, Code Enforcement (Enforcement Case No. 00-7138)
✱ People's Counsel of Baltimore County, MS #2010 App 4/19
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

BRENDA ARMSTRONG
PRESIDENT
GREATER BLOOMFIELD COMMUNITY
2517 HAMMONDS FERRY ROAD
LANSDOWNE MD 21227

DAVID MARTIN
GEORGE WILLIAM STEPHENS JR
1020 CROMWELL BRIDGE ROAD
TOWSON MD 21286-3396

G SCOTT BARHIGHT
WHITEFORD TAYLOR & PRESTON
210 W PENNSYLVANIA AVENUE
TOWSON MD 21204

JENNIFER R BUSSE ESQUIRE
WHITEFORD TAYLOR & PRESTON
210 W PENNSYLVANIA AVENUE
TOWSON MD 21204

MYRON SHEVELL
3600 GEORGETOWN CORP
I-71 NORTH AVENUE E
ELIZABETH NJ 07201

PETER FILIPOWICZ, NEMF
3600 GEORGETOWN ROAD
BALTIMORE MD 21227

Case No. 01-544-SPHX

In the Matter of: 3600 Georgetown Corporation –Legal Owner

SE – To amend site plan previously approved in 98-260-SPHX and to expand the existing Class I trucking facility onto newly acquired property;
SPH – To approve a car parking compound located within Baltimore City as supporting the trucking facility which is located in Baltimore County.

4/03/2002 – D.Z.C.'s decision in which Petitioner's Motion for Reconsideration of 10/12/02 Order of DZC was GRANTED with restriction; and in which Motions for Reconsideration filed by People's Counsel and Protestants were DENIED.
10/12/01 – D.Z.C.'s Order in which special exception relief was APPROVED; special hearing APPROVED subject to restrictions.

9/13/02 – Notice of Assignment sent to following; hearing assigned for Wednesday, January 22, 2003 at 10:00 a.m.:

Office of People's Counsel
Theresa Lowry and Brenda Armstrong and
Maryland Citizens for the Environment, Inc.,
Greater Bloomfield Community
G. Scott Barhight, Esquire
Jennifer R. Busse, Esquire
Myron Shevell /3600 Georgetown Corp.
Peter Filipowicz, NEMF
David Martin /G.W. Stephens Jr.
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
James H. Thompson, Code Enforcement /PDM **[Enforcement Case # 00-7138]**
Arnold Jablon, Director /PDM

1/09/03 – Letter from Jennifer R. Busse via FAX – Petitioner is withdrawing Petitions in this matter. Order of Dismissal of Petitions to be issued.

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

April 19, 2002

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204
Hand-delivered

Re: PETITION FOR SPECIAL HEARING & SPECIAL EXCEPTION
3600 Georgetown Road, W/S Georgetown Rd., 200' NE of c/l Hall Ave.
(New England Motor Freight) 13th Election District, 1st Councilmanic
3600 Georgetown Corp., Petitioner
Case No.: 01-544-SPHX

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order on Motion for Reconsideration dated April 3, 2002 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case, granting the Motion for Reconsideration filed by New England Motor Freight Co. and 3600 Georgetown Corporation, and denying the Motions for Reconsideration filed by People's Counsel for Baltimore County, the Greater Bloomfield Association, and the Maryland Citizens for the Environment, Inc.

This appeal challenges and seeks *de novo* review of the approval of the Petitions for Special Exception and Special Hearing in the October 12, 2001 Order of the Deputy Zoning Commissioner, as modified in the Order on Motion for Reconsideration dated April 3, 2002.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

RECEIVED
APR 19 2002
By GDZ

PMZ/CSD/caf

cc: G. Scott Barhight, Esq. and Jennifer R. Busse, Esq., Attorneys for Petitioner

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 5, 2002

Timothy M. Kotroco, Esq.
Baltimore County Deputy Zoning Commissioner
County Courts Building – 4th Floor
401 Bosley Avenue
Towson, MD 21204

MAR 6 2002

Re: Petitions for Special Hearing and
Special Exception
3600 Georgetown Road
(New England Motor Freight)
3600 Georgetown Corp.
Case No.: 01-544-SPHX

Dear Mr. Kotroco:

Upon receipt of Jennifer Busse's letter dated March 4, 2002, I examined the plans for Cases 98-260-SPHX and 99-208-SPH she transmitted to your office. They appear to be duplicates of the site plans admitted as People's Counsel's Reconsideration Exhibit Nos. 4 and 5. The only cosmetic difference is that the plan submitted by Ms. Busse for Case No. 98-260-SPHX has a Petitioner's Exhibit No. 1 notation. There is no similar notation on her submitted 99-208-SPH exhibit.

Ms. Busse has not identified any real difference between her submission and the said People's Counsel's Exhibits. We have not found any real difference. This reinforces our position that the Commissioner properly accepted our Exhibits. In any event, they are all available for review.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/caf
cc: G. Scott Barhight, Esq. and Jennifer R. Busse, Esq.

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 22, 2002

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

Re: Case No. 01-544-SPHX
New England Motor Freight, Inc.
Property: 3600 Georgetown Road

Dear Ms. Busse:

Please accept this letter as a response to your correspondence dated January 15, 2002. As you are aware, the scheduling of all zoning cases is handled by the docket clerk in Mr. Jablon's office. Commissioner Schmidt and I do not get involved in the scheduling process. Your concerns regarding the rescheduling of cases should be directed to Mr. Jablon's office.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

Copies to:

Mr. Paul Bud
Ms. Brenda Armstrong
Ms. Theresa Lowry
Peter Max Zimmerman, Esquire
Carol DeMelio, Esquire
Mr. Myron P. Shevell
Mr. Robert T. (Nob) Walker

Bruce A. Blakeman, Esquire
Mr. Peter J. Filipowicz
David L. Martin, L.A.
Paul M. Nussbaum, Esquire

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Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 10, 2002

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

Re: Case No. 01-544-SPHX
New England Motor Freight, Inc.
Property: 3600 Georgetown Road

Dear Mr. Barhight:

Thank you for your letter dated January 4, 2002 and kindly accept this letter as a response thereto. The basis of your letter is in error. I will not be relying on the advice from any third party trucking expert when I render my decision on your Motion for Reconsideration. My decision shall be based solely on the testimony and evidence offered at the public hearing on this matter.

I trust that this letter serves to clarify the premise of your letter.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

Copies to:

Mr. Paul Bud
Ms. Brenda Armstrong
Ms. Theresa Lowry
Peter Max Zimmerman, Esquire
Carol DeMelio, Esquire
Mr. Myron P. Shevell
Mr. Robert T. (Nob) Walker
Bruce A. Blakeman, Esquire
Mr. Peter J. Filipowicz
David L. Martin, L.A.
Paul M. Nussbaum, Esquire
Jennifer R. Busse, Esquire

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Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

April 19, 2002

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204
Hand-delivered

Re: PETITION FOR SPECIAL HEARING & SPECIAL EXCEPTION
3600 Georgetown Road, W/S Georgetown Rd., 200' NE of c/l Hall Ave.
(**New England Motor Freight**) 13th Election District, 1st Councilmanic
3600 Georgetown Corp., Petitioner
Case No.: 01-544-SPHX

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order on Motion for Reconsideration dated April 3, 2002 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case, granting the Motion for Reconsideration filed by New England Motor Freight Co. and 3600 Georgetown Corporation, and denying the Motions for Reconsideration filed by People's Counsel for Baltimore County, the Greater Bloomfield Association, and the Maryland Citizens for the Environment, Inc.

This appeal challenges and seeks *de novo* review of the approval of the Petitions for Special Exception and Special Hearing in the October 12, 2001 Order of the Deputy Zoning Commissioner, as modified in the Order on Motion for Reconsideration dated April 3, 2002.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

RECEIVED
APR 19 2002
By GDZ

PMZ/CSD/caf

cc: G. Scott Barhight, Esq. and Jennifer R. Busse, Esq., Attorneys for Petitioner

Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

March 3, 2003

Jennifer R. Busse, Esquire
Whiteford, Taylor and Preston, LLP
210 West Pennsylvania Avenue
Towson, MD 21204-4515

Re: Case No. 00-7138
3600 Georgetown Road

Dear Ms. Busse:

On January 31, 2003, the Baltimore County Bureau of Code Enforcement issued a correction notice to 3600 Georgetown Corporation. This document dealt with submitting contracts for the paving, wheel-stop, and fence-slatting installations, along with a planting schedule for the landscaping. Your firm was able to supply this department with that information by the February 14, 2003, deadline.

Upon review with Director Arnold Jablon, the question was raised whether the petitioner had indeed utilized its special exception per Section 502.3 of the Baltimore County Zoning Regulations in case no. 98-260 SPHX. In this instance, the portion of this regulation that the director contends is most relevant reads:

> A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

In the 1998 special exception case, the property owner proposed to construct a 10,970-square-foot terminal addition and a new 2,999-square-foot, one-story service garage facility to replace the existing one-story garage building that was to be razed. Also, additional trailer/employee paved parking areas were to be created on the overall facility site. To date, none of these projects has been started, let alone completed. In fact, your firm informed this department that the property owner had elected not to proceed with the construction of the terminal addition/new service garage building. If one would further factor in the issues outlined

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in the January 2003 correction notice, this department must conclude, pursuant to Section 502.3, BCZR, that the special exception granted by Zoning Commissioner Lawrence E. Schmidt on February 25, 1998, in case no. 98-260 SPHX is no longer valid and in effect.

Sincerely,

James H. Thompson, Supervisor
Bureau of Code Enforcement

JHT/jm

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: August 2, 2001

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 544 (01-544SPHX)
Legal Owner/Petitioner: 3600 Georgetown Corp., Myron P. Shevell
Property Address: 3600 Georgetown Road
Location Description: W/S Old Georgetown Road, 200' NE centerline Hall Avenue

VIOLATION INFORMATION: **Case No.: 00-7138**
Defendants: 3600 Georgetown Corporation

Please be advised that the aforementioned petition is the subject of an active violation case. **When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:**

NAME	ADDRESS
Theresa Lowry	**2517 Hammonds Ferry Road** **Baltimore, Maryland 21227**

In addition, please find attached a duplicate copy of the pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office.

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/hek

c: Code Enforcement Officer Mark Gawel

file

Jim took file to Board on 8/3/01
Check out card
put in file when it comes back

Baltimore County, Maryland
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

3600 Georgetown Corporation

Respondent

Civil Citation No. 00-7138

3600 Georgetown Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on 14 November 2000, for a hearing on a citation for violations under the Baltimore County Zoning Regulations and Baltimore County Code for failure to comply with a landscape plan, tractor-trailer parking, and for grading, paving and erecting a fence on property, zoned MLR-IM, located at 3600 Georgetown Road.

Mark F. Gawel, code enforcement inspector, stated that the County received a complaint concerning the use of the property. The property was inspected on 13 September 2000, and his findings indicate that grading and fencing were completed without permits. Also tractor-trailer parking in areas not approved on the site plan were observed.

On 15 September 2000, the inspector issued a written correction notice pursuant to §1-7(c), Baltimore County Code, which described with particularity the nature of the violation and the manner of correction. The correction notice was marked in evidence as PEx1and was served on the Respondent. A revised notice was ultimately issued on 25 September 2000.

On 29 September 2000, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation was marked as PEx2 and was legally served on the Respondent.

The citation described the violations as follows: BCZR, §102.1; 248; 500.6, §107.0. Baltimore County Building Code, §1-8(a)(b)(c); §7-36(b)(1); §7-36(b)(2); §26-121(a), BCC, non-compliance case No. 98-260-SPX, landscape plan/tractor trailer parking, grading/paving and fence erection without permits. Further, the citation proposed a civil penalty of $2400 to be assessed. A code enforcement hearing date was scheduled for 14 November 2000.

Baltimore County
Department of Permits and
Development Management

Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

September 25, 2000

FILE COPY
FOR CASE No.
98-260-SPHX

3600 Georgetown Corporation
1-71 North Avenue
Elizabeth, NJ 07201

Gentlemen:

RE: Case Number 00-7138, 3600 Georgetown Road

As a result of conversations between your company, George W. Stephens and Associates, and Whiteford, Taylor and Preston L.L.P. on September 18, 2000, the correspondence issued by the Baltimore County Bureau of Code Enforcement is not totally accurate. In our letter, we referenced a violation of the approved June 16, 1981 truck facility plan. What the enforcement division failed to verify was that an amended site plan had been prepared and accepted for filing in case number 98-260-SPHX, with Zoning Commissioner Lawrence E. Schmidt granting both the Petition for Special Hearing and Special Exception requests on February 25, 1998. This amended plan, in conjunction with the required approved landscape plan, would regulate the proposed changes to 3600 Georgetown Road. However, in this instance, while expansion of the truck facility did occur in areas approved by the zoning commissioner, your company failed to fully comply with his order by first obtaining an approved landscape plan as set forth in restriction number two of case number 98-260-SPHX, along with failing to obtain permits for grading/paving and the erection of the fencing.

Therefore, per Director Arnold Jablon, all tractor-trailer rigs currently parked in areas other than those originally designated on the approved June 16, 1981 truck facility plan, must be re-parked on site to conform with the 1981 plan within 24 hours. Failure to take this action will result in the immediate issuance of a citation imposing a fine of $200.00 per day. In addition, a $2,000.00 fine will be levied for both grading/paving without a permit and the fence erection. Further, by December 1, 2000, the entire facility must be returned to its original condition (1981 plan) – i.e., removal of all paving in expanded areas, reforestation of same area (per approved landscape plan), replacement of telephone pole wheel stops, and relocation of fencing.

In summary, because of actions of your company in failing to comply with the one major restriction in public hearing case number 98-260-SPHX, to wit: failure to submit a landscaping plan for approval, this department has elected to declare the February 25, 1998 decision no longer valid and in effect.

If additional questions do exist, please contact this office at 410-887-3352.

Sincerely,

James H. Thompson
Code Inspections and
Enforcement Supervisor

JHT:scj

C: Larry E. Shepherd, Terminal Manager, New England Motor Freight
David K. Gildea, Esquire, Whiteford, Taylor & Preston, LLP
Kathleen A. Lewis, Economic Development
Mark Gawel, Code Enforcement
Zoning Case 98-260-SPHX

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No.	Property No.	Zoning:
00-7138	13-01-230000	MLR-IM

Name(s): 3600 Georgetown Corporation

Address: 1-71 North Ave E Elizabeth, N.J. 07201-2936

Violation Location: 3600 Georgetown Road

Violation Dates: 9-13-00 9-27-00

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

102.1; 248; 500.6 B.C.Z.R.
Section 107.0 - Balto. County Building Code
Sections 1-8(a)(b)(c); 7-36(b)(1);
7-36(b)(2); 26-121(a) B.C.C.
Non-compliance, Case No. 98-260-SPHX -
Landscape Plan / tractor-trailer parking
Grading/Paving & Fence Erection - No Permits

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: $ 2400

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for: Date: 11-14-00 Time: 9:00 AM

Citation must be served by: Date: 10-14-00

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Print Name: Mark Gawel

9-29-00 Mark F. Gawel
Date, Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: Citation/Case No.: 00-7138

Address:

Date Defendant's Signature

SERVE ON: David K. Gildea, Esq AGENCY

807779

Department of Environmental Protection and Resource Management
Division of Inspection and Enforcement
(410) 887-3226

Job Location 3600 Georgetown Rd. NEW ENGLAND MOTOR FREIGHT (NEMF)

District 13 **Grading Permit No.** None **Date** 5/3/00

X **STOP WORK ORDER**

CORRECTION NOTICE

SITE IN COMPLIANCE

COMPLAINT **SC#** 00-064

I have, this day, inspected this site and have found the following violation(s) of the Baltimore County Code, Section 14-194(m), 14-194(6), 14-221

Extensive grading being done without an approved grading and Sediment Control Plan or Required Baltimore County Grading permit.
No further work allowed on site until the required grading permit is issued, except for the following immediate Sediment Control corrections.

1.) Seed and mulch all disturbed ground not presently covered with stone.
2.) Provide properly installed silt fence down slope of all grad disturbed, except below pipe outfall.
3.) provide a stone outlet structure in channel below S.D. pipe outfall with ends tied in to silt fence

These conditions must be corrected not later than 5/10/00.
Failure to comply with this directive will result in the forfeiture of the security posted for the referenced permit and/or referral to the Office of Law for consideration of District Court action.

Inspector: Charles R. Jones

Received by: Peter J. Filipowicz (PETER J FILIPOWICZ)

Site reinspection date: 7-25-00

Correction(s) approved: MR **,Inspector**

Must application for Required grading permit ASAP - can be done

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
DIVISION OF INSPECTION AND ENFORCEMENT
INSPECTION REQUEST

DATE RECEIVED: 5-3-00 ✓ **SC #** 00-064

Complainant Information

Name: MRS Clifford % Jack Kronin 3711 or 530-7749

Address: 3514 Georgetown Rd

Telephone: Home: (410) 242-7379 **Work:** ( )

Site Information Peter J. Filipowicz manager 410 247-1886

Location: NEMF Trucking 3600 Georgetown Rd **Election District:** 13

Description: Trucking Co grading over 1/2 acre ~~1000~~ D' No Permit No Controls Sending Sediment and other Debris Down Stream to Clifford Property

Inspector Comments

Inspection Date: 5/3/00

Action Taken: Issued Stop Work order. Instructed them to immediately seed and mulch all remaining disturbed ground, install silt fence down slope of all the area disturbed except the channel area below storm drain outfall where they need to install a stone outlet structure. They were also instructed to make application for grading permit (which will require an approved plan).

Completion Date: 5/3/00

Inspector: Charles R. Dane

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: March 28, 2003

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton trs
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	***PDM FILE NUMBER***	**NAME**	**LOCATION**
01-544-SPHX	***01-544-SPHX***	New England Motor Freight, Inc.	3600 Georgetown Road

Attachment: SUBJECT FILE(S) ATTACHED

1/10/02
8

Maryland Citizens For The Environment, Inc.

2517 Hammonds Ferry Road
Lansdowne, MD 21227
410-247-2325

Board Members:

Teresa Lowry-Director	**Brenda Armstrong-Secretary**	**Donald Clifford-Member**
Catherine Owens-Co-Director	**Paul Bird- Treasurer**	
Marge Miller-Co-Director	**Bill Coleman-Member at Large**	
Dixie Wankulov-Co-Director	**Dawn Lowry-Member**	

January 10, 2002

Arnold Jablon
Director of Dept. Of Permits and Development Mgmt.
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re:Postponement for Motion for Reconsideration
3600 Georgetown Road, 13th Election Dist.
1st Councilmanic
3600 Georgetown Corp.
Case No: 01-544-SPHX

Dear Mr. Jablon,

I am writing on behalf of myself (Brenda Armstrong) and Mrs. Teresa Lowry. We are respectfully requesting a postponement on the hearing for the Motion for Reconsideration, on January 25, 2002. Mrs. Lowry has just recently been released from St. Agnes Hospital and is under her Doctor's intensive care. She has been instructed to get bedrest for at least 30 days or more.

We respectfully request any consideration you can allow us . Mrs. Lowry 's involvement in this case is very vital to Greater Bloomfield Association. She has graciously taken our community under her wing and has guided us every step of way through the zoning process. Once again, I respectfully request any consideration of time you may give us, so that Mrs. Lowry can recover from her illness.

Respectfully yours,

Teresa Lowry

Teresa Lowry
Zoning Chairman for LIA, Inc., MCE, Inc., and GBA

Brenda Armstrong

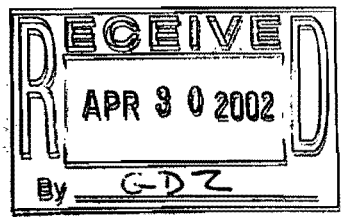
Brenda Armstrong
Member of LIA, Inc., Secretary for MCE, Inc., and President for GBA

Cc: Timothy M. Kotroco, Esq., Baltimore County Deputy Zoning Commissioner
George Zahner, Dept. of Permits and Development Mgmt. (for file No. 01-544-SPHX)
G. Scott Barhight, Esq. And Ms. Jennifer R. Busse, Esq., Attorneys for Petitioner
Peter Max Zimmerman, Esq, People's Counsel for Baltimore County
Carole S. Demilio, Esq., Deputy People's Counsel for Baltimore County

Maryland Citizens For The Environment, Inc.
Greater Bloomfield Community
2517 Hammonds Ferry Road
Lansdowne, Maryland 21227

April 30, 2002

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204



Re: Case # 02-544-SPHX

IN THE MATTER OF: 3600 Georgetown Road
W/S Old Georgetown Road, 200' NE centerline of Hall Avenue
13th Election District-1st Councilmanic District
Legal Owner:3600 Georgetown Corporation

We the above petitioners, being Maryland Citizens For The Environment, Inc. And Greater Bloomfield Community, are adamantly opposing Zoning Commissioner Timothy M. Kotroco's decision on April 3, 2002. We are hereby asking the County Board of Appeals of Baltimore County to hear our case.

Zoning Commissioner Timothy M. Kotroco's Decision on Aril 3, 2002 , disregards the welfare, health, and safety of our community.

Sincerely,

Brenda Armstrong

Brenda Armstrong
President of Greater Bloomfield Community

Teresa Lowry

Teresa Lowry
President-Maryland Citizens For the Environment, Zoning Chairman for Lansdowne Improvement Association, Inc. And Greater Bloomfield Community.

L.I.A. Inc.
Teresa Lowry, Zoning Chairman

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

August 24, 2001

AUG 27 2001

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Ms. Brenda Armstrong
3416 Hopkins Avenue
Baltimore, Maryland 21227

Re: New England Motor Freight, 3600 Georgetown Road
Case No.: 01-544-SPHX

Dear Mr. Kotroco and Ms. Armstrong:

Pursuant to Mr. Kotroco's instruction, enclosed is a copy of the Compromise and Settlement Agreement entered into evidence as Petitioner's Exhibit No. 4 at the Zoning Hearing in this matter on Wednesday, August 22, 2001. This Compromise and Settlement Agreement was entered into on August 7, 2001, the date New England Motor Freight's appeal of Mr. Jablon's September 25, 2000 letter was scheduled to be heard before the Board of Appeals in Case No. CBA-00-162. As a result of this Compromise and Settlement Agreement executed by both C. Robert Loskot, Assistant County Attorney on behalf of Baltimore County, and myself on behalf of New England Motor Freight, New England Motor Freight agreed to dismiss its appeal of Mr. Jablon's letter.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

G. Scott Barhight /ib

G. Scott Barhight

GSB:mbb
Enclosure

WHITEFORD, TAYLOR & PRESTON
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G. SCOTT BARHIGHT
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gbarhight@wtplaw.com

January 4, 2002

JAN - 8 2002

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Case No. 01-544-SPHX
New England Motor Freight, Inc. - 3600 Georgetown Road

Dear Commissioner Kotroco:

It is our understanding that you may be considering requesting a third party trucking expert to advise you on New England Motor Freight's proposal. If you intend to obtain any advice from such an expert, I respectfully request the opportunity to cross-examine this person at the hearing scheduled in this matter for January 25, 2002, and respectfully request that you provide me with his/her name and address so I can subpoena him/her for the upcoming hearing. Additionally, if you receive any written report from such an expert, please send the parties a copy of any such report.

Thank you for your time and consideration in this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

G. Scott Barhight

GSB:sll
cc: Mr. Paul Bud
Ms. Brenda Armstrong
Ms. Theresa Lowry
Peter Max Zimmerman, Esquire
Carol DeMelio, Esquire
Mr. Myron P. Shevell
Mr. Robert F. (Nob) Walker
Bruce A. Blakeman, Esquire
Mr. Peter J. Filipowicz
David L. Martin, L.A.
Paul M. Nussbaum, Esquire
Jennifer R. Busse, Esquire

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G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

January 15, 2002

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Case No. 01-544-SPHX
New England Motor Freight, Inc. - 3600 Georgetown Road

Dear Commissioner Kotroco:

Thank you for your letter dated January 10, 2002, in response to my January 4, 2002 correspondence. Your letter does clarify the inaccurate premises of my letter. I apologize if my letter caused any confusion.

Thank you again for your response.

Sincerely,

G. Scott Barhight

GSB:sll
cc: Mr. Paul Bud
Ms. Brenda Armstrong
Ms. Theresa Lowry
Peter Max Zimmerman, Esquire
Carol DeMelio, Esquire
Mr. Myron P. Shevell
Mr. Robert F. (Nob) Walker
Bruce A. Blakeman, Esquire
Mr. Peter J. Filipowicz
David L. Martin, L.A.
Paul M. Nussbaum, Esquire
Jennifer R. Busse, Esquire

238869v4

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January 15, 2002

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
4th Floor
401 Bosley Avenue
Towson, Maryland 21204

Arnold Jablon, Director
Department of Permits &
Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Case No. 01-544-SPHX
Motion for Reconsideration
New England Motor Freight, Inc. - 3600 Georgetown Road

Dear Commissioner Kotroco and Mr. Jablon:

As you are aware, the hearing on New England Motor Freight's Motion for Reconsideration of this matter previously set for Friday, January 25, 2002 has been rescheduled due to Ms. Armstrong's and Ms. Lowry's request. While initially a new hearing date of February 6, 2002 was provided, that date was rejected by People's Counsel due to a conflict. We certainly understand Ms. Lowry's request due to her illness, and wish her a speedy recovery. Nevertheless, we respectfully request a new hearing date be set as soon as possible. Pursuant to Baltimore County Zoning Regulations, Appendix G, Rule 2, Subsection K, technically this matter should have already been heard by the Deputy Zoning Commissioner.

Therefore, we respectfully request that a new hearing date be scheduled immediately. In order to facilitate this scheduling, I have contacted Ms. Lowry, Ms. Armstrong and Mr. Zimmerman in an effort to obtain dates that will work for all parties. It would be my pleasure to work with Mr. George Zahner with regard to any dates I obtain from all parties.

Thank you for your cooperation with this request. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Jennifer R. Busse

JAN 16

JRB:sll

cc: Mr. Paul Bud
Ms. Brenda Armstrong
Ms. Theresa Lowry
Peter Max Zimmerman, Esquire
Carol DeMelio, Esquire
Mr. Myron P. Shevell
Mr. Robert F. (Nob) Walker
Bruce A. Blakeman, Esquire
Mr. Peter J. Filipowicz
David L. Martin, L.A.
Paul M. Nussbaum, Esquire
Jennifer R. Busse, Esquire

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March 4, 2002

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Case No. 01-544-SPHX
New England Motor Freight, Inc. - 3600 Georgetown Road

Dear Mr. Kotroco:

During the hearing in this matter on Wednesday, February 27, 2002, reference was made to the two previously approved plans in Case Nos. 98-260-SPHX and 99-208-SPH. Copies of the approved plans in those cases, obtained from the Department of Permits and Development Management's zoning files, are enclosed herein.

Please feel free to contact me with any questions or concerns. Thank you for your cooperation in this matter.

Sincerely,

Jennifer Busse

Jennifer R. Busse

JRB:sll
Enclosures
cc: Peter Max Zimmerman, Esquire
Mr. Myron P. Shevell
Mr. Robert F. (Nob) Walker
Bruce A. Blakeman, Esquire
Mr. Peter J. Filipowicz
David L. Martin, L.A.
Paul M. Nussbaum, Esquire

238869v5

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MAR 8 2002

March 5, 2002

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue, 4th Floor
Room 405
Towson, Maryland 21204

Re: Case No. 01-544-SPHX
New England Motor Freight, Inc. - 3600 Georgetown Road
Response to Mr. Bird's February 27, 2002 letter regarding "Notice to Bring Suit for Damages"
Said letter presented at hearing on Wednesday, February 27, 2002

Dear Mr. Kotroco:

Neither New England Motor Freight nor Whiteford, Taylor & Preston on behalf of New England Motor Freight have received any claims whatsoever regarding damages to any resident's property, as alleged in Mr. Bird's February 27, 2002 letter, a copy of which is attached hereto, presented at the hearing in the above-referenced case on Wednesday, February 27, 2002. Additionally, New England Motor Freight is not aware of the existence of any alleged property damage. Furthermore, New England Motor Freight completely refutes that any problems exist with regard to flooding, water run-off, or any other similar type of situation.

Since New England Motor Freight is not aware of any such issues, and since contrary to Mr. Bird's letter no such "evidence has been brought foreword, and documented," New England Motor Freight respectfully requests that Mr. Bird's February 27, 2002 letter not be considered or affect Mr. Kotroco's pending ruling in the above-referenced case.

On behalf of New England Motor Freight, I would like to note that I made several attempts to meet with not only Mr. Bird and Ms. Brenda Armstrong, but also Ms. Theresa Lowery and others in the neighborhood, and my requests for such a meeting were always denied.

Please feel free to contact me with any questions or concerns. Thank you for your attention to this matter.

Sincerely,

Jennifer R. Busse

JRB:sll
Enclosure

cc: Mr. Paul C. Bird, Sr.
Peter Max Zimmerman, Esquire
Mr. Myron P. Shevell
Bruce A. Blakeman, Esquire
Mr. Robert F. (Nob) Walker
Mr. Peter J. Filipowicz
David L. Martin, L.A.
Paul M. Nussbaum, Esquire
G. Scott Barhight, Esquire

238869

Greater Bloomfield Association, Inc.

3416 Hopkins Avenue
Halethorpe, MD 21227
410-242-8595
Fax-242-0205
27 February 2002

WHITEFORD, TAYLOR & PRESTON, LLP
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue , 4th Floor
Towson, Maryland 21204

NOTICE TO BRING SUIT FOR DAMAGES

Re: Motion for Consideration in the Case No. 01-544-SPHX
New England Motor Freight, Inc. - 3600 Georgetown Road

Dear Mr. Kotroco:

The Greater Bloomfield Association, Inc. wishes to bring to your attention the fact that in all previous meeting/hearing with New England Motor Freight, Inc. - 3600 Georgetown Road, we have expressed our concerns for immediate remedy for damages to our resident's property.

Since no action has been taken on this matter, although evidence has been brought foreword, and documented, we demand all rulings on this matter should be suspended until all damages have been remedied to the satisfaction of our resident's and organization.

Please also note we have been totally ignored and have suffered our losses.

Respectfully,

Paul C. Bird, Without Prejudice

Mr. Paul C. Bird, Sr.
President

Ms. Brenda Armstrong
Vice President Brenda Armstrong

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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JENNIFER R. BUSSE
DIRECT NUMBER
410 832-2077
jbusse@wtplaw.com

MAR 2 7 2002

March 25, 2002

DELIVERY BY HAND
TRANSMISSION BY FAX – 410-887-5708

Arnold Jablon, Director
Department of Permits &
Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Case No. 02-209-SPHXA
Sprint - 507 W. Chesapeake Avenue
Our File No.: 3039/209
Sprint Site No.: WA54XC454I

Dear Mr. Jablon:

This matter has been scheduled for a hearing for Thursday, April 11, 2002 at 10:00 a.m. in Room 407 of the County Courts Building. The applicant, Sprint PCS, is in the process of negotiating with another property owner, and should these negotiations be successful, a hearing for the above-referenced site will not be needed. Nevertheless, it is to soon to tell and we are simply requesting a postponement of this April 11, 2002 hearing at this time. I have spoken with Frank Borgerding, the attorney for the community association involved in this matter, and he advised me that he has no opposition to this postponement request.

Thank you for your cooperation in this matter. Please feel free to contact me with any questions or concerns.

Sincerely,

Jennifer R. Busse

JRB:sll
Enclosure

cc: The Honorable Timothy M. Kotroco
Mr. Francis X. Borgerding, Jr., Esq.
Mr. Howard Leger
Mr. Ed Black
Mr. Jeff Dolan
Mr. Bill Dougherty
Mr. Brian Jacobas
Mr. Hassan Khalil
Ms. Lori Edkin
G. Scott Barhight, Esquire

245288

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FAX 703 836-0265

JENNIFER R. BUSSE
DIRECT NUMBER
410 832-2077
jbusse@wtplaw.com

January 9, 2003

TRANSMISSION BY FAX - (410) 887-3182

Ms. Kathleen C. Bianco
Administrator
County Board of Appeals of Baltimore County
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Board of Appeals Case No. 00-544-SPHX
New England Motor Freight, Inc. - 3600 Georgetown Road

Dear Ms. Bianco:

As you are aware, this office represents New England Motor Freight ("NEMF"), the Petitioner in the above-referenced matter. NEMF hereby withdraws its Petition in this matter. As a result, there is no need for the hearing which was scheduled to take place on January 22, 2003 at 10:00 a.m.

Thank you for your assistance in this matter. Please feel free to contact me with any questions or concerns.

Sincerely,

Jennifer R. Busse

JRB:sll
Enclosure
cc: Peter Max Zimmerman, Esquire
Mr. Myron P. Shevell

270719

FACSIMILE

TO Honorable Timothy M. Kotroco. Zoning Com.
FAX: 410-887-3[illegible]

FROM Maryland Citizens for the Environment Inc
257 Hammonds Ferry Rd
Balto. Md 21227. 2919

NUMBER of Pages (including cover sheet): 6

Cover Message: Please note the enclosed for the record - relative To New England Motor Freight and this information that was forwarded to your office. Sorry for not Typing same my computer is off.

Date March 11, '02

Sincerely
Theresa Lewis
MCE Inc. Director

CHAIRPERSON
THERESA LOWRY

CHAIRPERSON

CHAIR SECRETARY
DAWN HODGES

MARYLAND
CITIZENS FOR THE ENVIRONMENT
INCORPORATED
BOARD OF DIRECTORS

CHAIRPERSON
WILLIAM COLEMAN

CHAIR RECORDING
HELEN ANDERSON

CHAIR TREASURER
ROBERT USHER

March 8, '02

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue 4th Floor
Towson, Maryland 21204

Case No. 01-544-SPHX
New England Motor Freight, Inc.

Dear Sir:

I am in receipt of a letter from M' Jennifer R. Busse which I have enclosed.

While our group is not involved with Mr. Bird, Sr. and any action relative to those issues. We are concerned with the untrue statement at the end of M' Busse letter, relative to meetings or requests for same. Our group met with New England motor some years ago and that meeting ended badly. We have not met with New England motors now nor do we intend to meet with them. Jennifer Busse met us at the review hearing and requested a meeting we said we would ask our group. The request was denied, after a vote within our organization.

If math proves me correct that means one time, we were asked - we did not respond!

That does not cover several request. That would be stretching the truth a great deal.

As a group leader I must follow our guidelines. As my group, they voted not to meet with New England motor freight. I could not in good faith meet with them.

I hope this corrects a false statement of facts.

Respectfully,

Theresa Lowry
Director

Enclosure
cc: L. I. B. Inc.
cc: Southwest leadership.

P.S. Sorry this is not typed. My computer is out. Sincerely LL

Greater Bloomfield Association, Inc.

3416 Hopkins Avenue
Halethorpe, MD 21227
410-242-8595
Fax-242-0205
27 February 2002

FEB 27 2002

WHITEFORD, TAYLOR & PRESTON, LLP
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue , 4th Floor
Towson, Maryland 21204

NOTICE TO BRING SUIT FOR DAMAGES

Re: Motion for Consideration in the Case No. 01-544-SPHX
New England Motor Freight, Inc. - 3600 Georgetown Road

Dear Mr. Kotroco:

The Greater Bloomfield Association, Inc. wishes to bring to your attention the fact that in all previous meeting/hearing with New England Motor Freight, Inc. - 3600 Georgetown Road, we have expressed our concerns for immediate remedy for damages to our resident's property.

Since no action has been taken on this matter, although evidence has been brought foreword, and documented, we demand all rulings on this matter should be suspended until all damages have been remedied to the satisfaction of our resident's and organization.

Please also note we have been totally ignored and have suffered our losses.

Respectfully,

Paul C. Bird

Mr. Paul C. Bird, Sr. Without Prejudice
President

Ms. Brenda Armstrong
Vice President

Brenda Armstrong

1/25/02
All Day
2/27

November 5, 2001

RE: Case No. 01-544-SPHX
3600 Georgetown Road

George:

Tim would like for you to take care of the following:

- Set the above-captioned case in for a 1-Day Hearing
- Have Petitioner put up a new sign at the same location of old sign announcing date and time of 1-day hearing
- Have Petitioner notify, by letter, those individuals who signed in on the sign-in-sheet the day of the hearing and People's Counsel

Thanks.

Robin Jameson
per Tim Kotroco

November 5, 2001

RE: Case No. 01-544-SPHX
3600 Georgetown Road

George:

Tim would like for you to

- **Set the above-captioned**
- **Have Petitioner put up**
  of old sign announcing

IMPORTANT MESSAGE 2/27

FOR Jim
DATE 1/22 TIME 9:05 A.M. / P.M.
M Jen Busse
OF
PHONE 410-832-2077 (AREA CODE / NUMBER / EXTENSION)
☐ FAX
☐ MOBILE (AREA CODE / NUMBER / TIME TO CALL) Re: New England Freight

TELEPHONED		PLEASE CALL	X
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Does property have to be reposted? George's letter didn't say. They are okay w/ 2/27 hearing date?
SIGNED Yes it does

TOPS FORM 3002P MADE IN U.S.A.

Sent fax 1/28/02 3:30 PM

IMPORTANT MESSAGE

FOR Robert
DATE 11/13 TIME 12:40 A.M. / P.M.
M Peter Zimmerman
OF
PHONE X-2188 (AREA CODE / NUMBER / EXTENSION)
☐ FAX
☐ MOBILE Re: #01-544 (AREA CODE / NUMBER / TIME TO CALL)

TELEPHONED		PLEASE CALL	✓
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Let him know if & when hearing is set in for all motions for reconsideration re: Georgetown Rd case
SIGNED New England Freight

TOPS FORM 3002P MADE IN U.S.A.

Have George set in for Hearing

1/28/03
rec
8

February 27, 2003

Mr. Rick Wisnom
Division Chief
Office of Inspection and Enforcement
for Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Wisnon:

As promised, I am forwarding this letter requesting that my name as President of the Greater Bloomfield Community Association be added to your list of those to receive up-to-date information regarding the status of the New England Motor Freight Company expansion efforts. As I understand it, the company has lost its Special Exception status and will need to prepare for another hearing.

Please know that our Association sees a new hearing as an excellent opportunity to address their unethical behavior and will continue to encourage our County authorities to observe NEMF's behavior closely.

Thank you very much for sharing this important information with me. I have, in turn, shared it with the membership.

I look forward to receiving a copy of the official documentation regarding the above at the following address:

The Greater Bloomfield Community Association
1727 Hall Avenue
Baltimore, Maryland 21227

Sincerely yours,

Lorna Rudnikas

Lorna D. Rudnikas
President
Greater Bloomfield Community Association

RECEIVED
FEB 28 2003
03-0524
DEPT OF PERMITS AND DEVELOPMENT MANAGEMENT

Case Number 01-544-SPHX

PLEASE *PRINT* LEGIBLY

Hearing 8/21/01

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Theresa Lowry	2517 Hammonds Ferry Rd	Balto	21227-2919
Paul Byrd	3416 HOPKINS AVE	BALT. MD	21227-
Brenda Armstrong	3416 Hopkins Ave	Balto. MD	21227
Donald Clifford	3514 Georgetown Rd	Balto MD	21227
[illegible] E. Clifford	3514 Georgetown Rd.	Balto. Md.	21227
Michelle Carmichael	1706 Hall Ave	Balto. Md	21227
Chris Douglas	1700 Rittenhouse Ave	Balto. Md.	21227
Jennifer Kohlhaas	1706 Hall Ave A	Baltimore MD	21227
Sandy Smith	3412 Hopkins Ave.	Balto. Md	21227
Bill Mayhy	1702 Rittenhouse Ave	Balt. Md	21227
Heather Lesner	3406 Hopkins Ave	Balt Md	21227
John W. Baggett	1709 Rittenhouse Ave	Balt. Md	21227
Thomas R. Mauk	1702 Hall Ave.	Balto. Md.	21227
Pat McCarren	1704 HALL Ave	Balto, MD	21227
William McCarren SR	1704 HALL AVE	Balto, MD	21227
Elizabeth Quelles	1704 Rittenhouse Ave	Balto MD	21227-1614
Kathleen Lewis (Not Protesting)	Ba.H. County Dept. Economic Dev.		
JON EIDE	1719 WILSON AVE	BALT. MD.	21227
DEBRA EIDE	1719 WILSON AVE	BALT MD	21227

Revised 4/17/00

Case Number 01-544-SPHX

PLEASE *PRINT* LEGIBLY

Hearing 8/21/01

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Roger wright	3512 Old Georgetown	Balt md	21227
S. Burgess	1720 Hall Ave	Balt, MD	21227

Revised 4/17/00

Case Number 01-544-SPHX

PLEASE *PRINT* LEGIBLY

PETITIONER'S SIGN-IN SHEET Hearing: 8/22/01

Name	Address	City, State	Zip Code
DAVID MARTIN	G.W. STEPHENS 1020 CROMWELL BRD	TOWSON	21286
Scott Barhight	210 W Penn	Towson	21204
Pete Filipowicz	N.E.M.F.	Balt	21227
JAMES MARKLE	G.W. STEPHENS 1020 CROMWELL BRIDGE RD.	TOWSON	21286
Jon Russo	210 W Penn	Towson	21204

Revised 4/17/00

Case Number 01-544-SPHX

PLEASE *PRINT* LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
PAUL C. BIRD, SR.	3416 HOPKINS AVE	HALETHORPE MD	21227
Camille Rudnikas	1727 Hall ave	Halethorpe MD	21227
LORNA RUDNIKAS	1727 HALL AVE	Halethorpe MD	21227
Howard E. Clifford	3514 Georgetown Rd	Balto, MD	21227
DONALD CLIFFORD	3514 GEORGETOWN RD	BALTO. MD	21227
Michelle Carmichael	1704 Hall Ave	Balto. MD	21227
Sandy Smith	3412 Hopkins Ave.	Balto. MD.	21227
Elizabeth Qualls	1704 Rittenhouse Ave	Bloomfield? Arbutus	21227-1614
Therese Lowry	2517 Hammond Ferry	Balto. Md	21227 ~~247-2325~~
Brenda Armstrong	3416 Hopkins Ave	Balto-MD	21227
Paul Hughes	3406 Hopkins Ave	Balto md	21227

Revised 4/17/00

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAVID MARTIN - G.W. STEPHENS	1020 CROMWELL BRIDGE TOWSON 21286
BRUCE A. BLAKEMAN - GEN Counsel NEMF	1085 Franklin Ave Valley Stream NY 11582
ROBERT F. WALKER N.EMF	141 E 26th ST ERIE PA
PETER FILIPOWICZ NEMF	3600 GEORGETOWN RD BALTIMORE 21227
MYRON P. SPENCELL NEMF	1-71- North Cove East Elizabeth NJ.
Vickie Fulton Berger IAM HAW AFLCIO IAM+IAW	3323 Berord Balto md 21227
John MARTIN Union AFLCIO	3460 N Delaware Ave PA 19134
G. South Baltimore WTP	210 W. Penn. Ave Towson MD 21204

Printed with Soybean Ink on Recycled Paper

EXHIBITS

20010044 "A"
supplemental

(3)

BL 4363 2 SW MC

EXHIBITS PRODUCED AT HEARING

Petitioner's Exhibit

1. Plat for Amendment to and Expansion of a Class I trucking facility
2. Illustrative Site Plan
3. Illustrative Site Sections

Protestant's Exhibits

1. Photographs
2. Photographs
3. Photographs
4. Copy of Findings of Fact and Conclusions of Law, dtd 11/20/00
5. Ltr dtd 9/25/00 to 3600 Georgetown Corporation from James H. Thompson
6. Colored map
7. Field Inspection Report by Kevin Weis, dtd 8/13/2001 (3 pages)

8A. – 11 Photographs

12. Ltr to Captain John A. Spiroff, dtd 8/22/01, from Brenda Armstrong
13. Photograph Caton Research Center
14. Real Estate Sale Contract, dtd 8/17/82
15. Petition for Reclassification, No. 4890-RX, dtd 10/11/61
16. Ltr dtd 10/27/99 from G. Scott Barhight to Arnold F. {Pat} Keller, III, Director
17. Hand Delivered letter ti Mr. ?Arnold Jablon, Direcotr, dtd 5/11/2001 from G. Scott Barhight

18A. Community of Bloomfield meeting 8/22/2001 sign in sheet

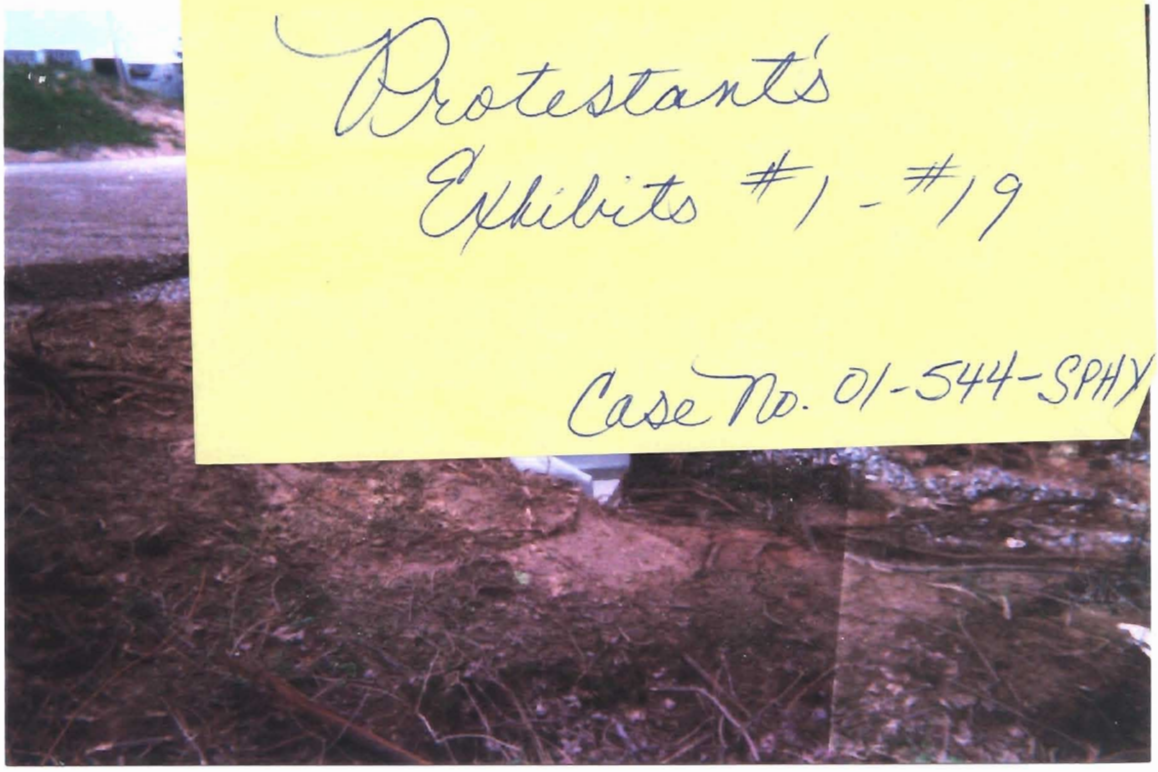
18B. Community of Bloomfield signed protest sheets

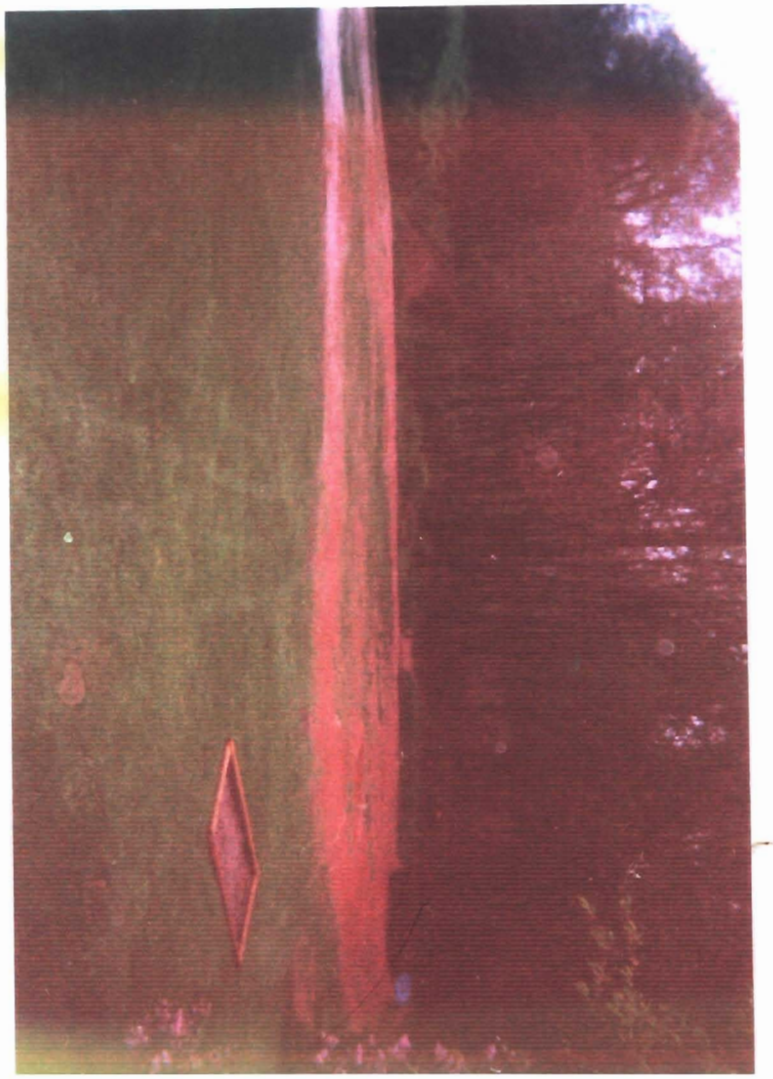
19. Ltr to Baltimore County Zoning Commissioner, dtd 8/22/01 from Brenda Armstrong, Teresa Lowry and Paul Bird.

Protestant's
Exhibits #1 - #19

Case No. 01-544-SPHX

Prot Ex #1







Pool Ex #2

Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Protestants
Exhibit
#3


EASTE

Protest Ex #3

Baltimore County, Maryland
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Prot Ex 4

In the Matter of

3600 Georgetown Corporation

Respondent

Civil Citation No. 00-7138

3600 Georgetown Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on 14 November 2000, for a hearing on a citation for violations under the Baltimore County Zoning Regulations and Baltimore County Code for failure to comply with a landscape plan, tractor-trailer parking, and for grading, paving and erecting a fence on property, zoned MLR-IM, located at 3600 Georgetown Road.

Mark F. Gawel, code enforcement inspector, stated that the County received a complaint concerning the use of the property. The property was inspected on 13 September 2000, and his findings indicate that grading and fencing were completed without permits. Also tractor-trailer parking in areas not approved on the site plan were observed.

On 15 September 2000, the inspector issued a written correction notice pursuant to §1-7(c), Baltimore County Code, which described with particularity the nature of the violation and the manner of correction. The correction notice was marked in evidence as PEx1and was served on the Respondent. A revised notice was ultimately issued on 25 September 2000.

On 29 September 2000, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation was marked as PEx2 and was legally served on the Respondent.

The citation described the violations as follows: BCZR, §102.1; 248; 500.6, §107.0. Baltimore County Building Code, §1-8(a)(b)(c); §7-36(b)(1); §7-36(b)(2); §26-121(a), BCC, non-compliance case No. 98-260-SPX, landscape plan/tractor trailer parking, grading/paving and fence erection without permits. Further, the citation proposed a civil penalty of $2400 to be assessed. A code enforcement hearing date was scheduled for 14 November 2000.

Baltimore Cour
Department of Permits and
Development Management

County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

Prot Ex 5

September 25, 2000

File Copy
For Case No.
98-260-SPHX

3600 Georgetown Corporation
1-71 North Avenue
Elizabeth, NJ 07201

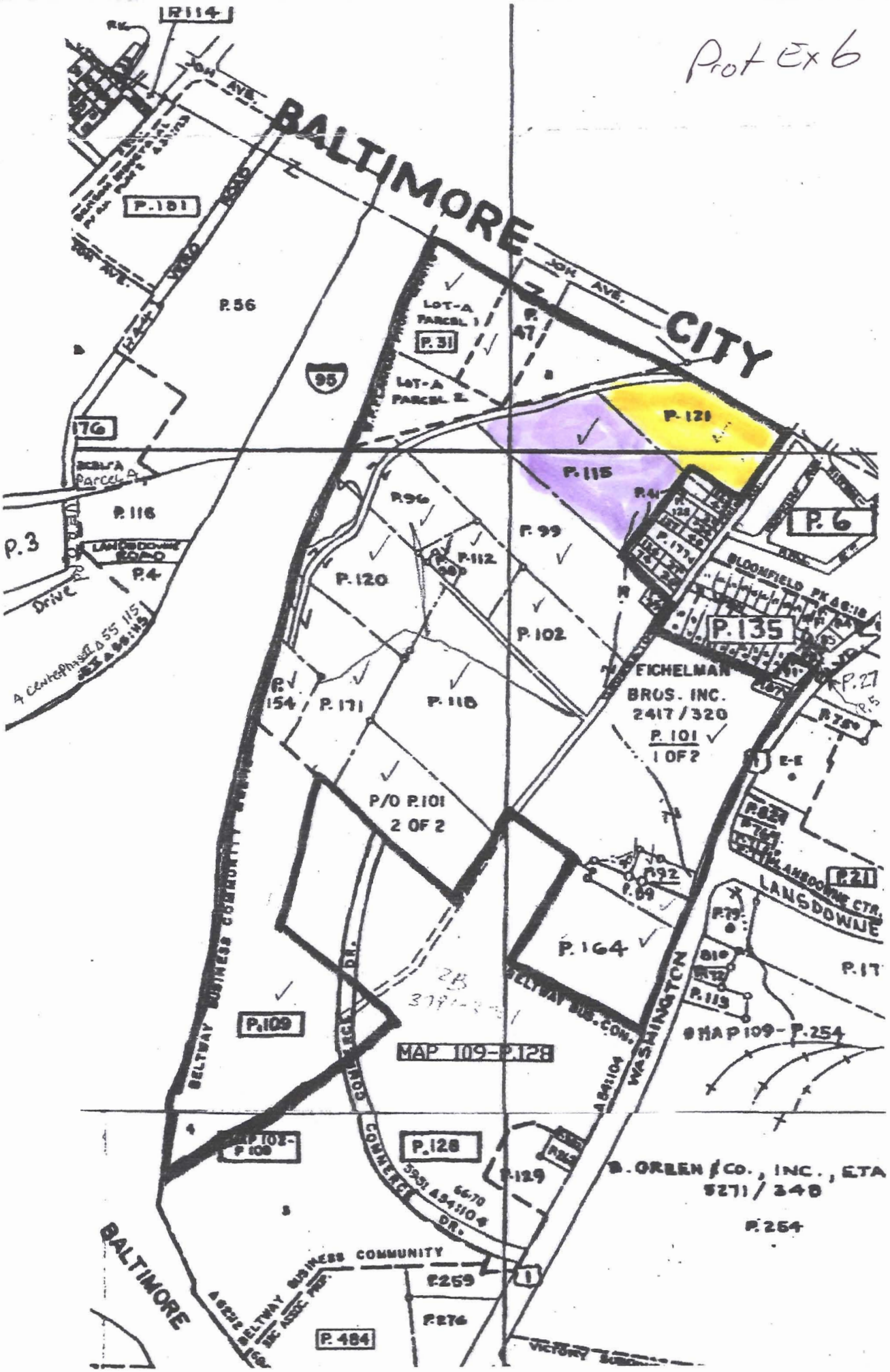
Gentlemen:

RE: Case Number 00-7138, 3600 Georgetown Road

As a result of conversations between your company, George W. Stephens and Associates, and Whiteford, Taylor and Preston L.L.P. on September 18, 2000, the correspondence issued by the Baltimore County Bureau of Code Enforcement is not totally accurate. In our letter, we referenced a violation of the approved June 16, 1981 truck facility plan. What the enforcement division failed to verify was that an amended site plan had been prepared and accepted for filing in case number 98-260-SPHX, with Zoning Commissioner Lawrence E. Schmidt granting both the Petition for Special Hearing and Special Exception requests on February 25, 1998. This amended plan, in conjunction with the required approved landscape plan, would regulate the proposed changes to 3600 Georgetown Road. However, in this instance, while expansion of the truck facility did occur in areas approved by the zoning commissioner, your company failed to fully comply with his order by first obtaining an approved landscape plan as set forth in restriction number two of case number 98-260-SPHX, along with failing to obtain permits for grading/paving and the erection of the fencing.

Therefore, per Director Arnold Jablon, all tractor-trailer rigs currently parked in areas other than those originally designated on the approved June 16, 1981 truck facility plan, must be re-parked on site to conform with the 1981 plan within 24 hours. Failure to take this action will result in the immediate issuance of a citation imposing a fine of $200.00 per day. In addition, a $2,000.00 fine will be levied for both grading/paving without a permit and the fence erection. Further, by December 1, 2000, the entire facility must be returned to its original condition (1981 plan) – i.e., removal of all paving in expanded areas, reforestation of same area (per approved landscape plan), replacement of telephone pole wheel stops, and relocation of fencing.

Prot Ex 6


BALTIMORE CITY
JOH AVE.
P.181
P.56
LOT-A PARCEL 1
P.31
LOT-A PARCEL 2
P.47
95
176
P.121
P.115
P.116
P.3
P.4
P.96
P.99
P.112
P.120
P.102
P.6
BLOOMFIELD PK 46:18
P.135
EICHELMAN BROS. INC. 2417/320
P.101 1 OF 2
P.154
P.171
P.118
P/O P.101 2 OF 2
P.92
P.109
P.164
P.21
LANSDOWNE
P.17
P.119
MAP 109-P.254
MAP 109-P.128
P.128
P.129
B. GREEN & CO., INC., ETA 5271/348
P.254
BALTIMORE
COMMUNITY
P.259
P.274
P.484
VICTORY

Prot Ex 7

Maryland Department of the Environment
Central Division
2500 Broening Highway
Baltimore, MD 21224
P: (410) 631-3510 F: (410) 631-3733

Field Inspection Report by: Kevin Weis

Permit / Approval Numbers:

Date/Time: 08/13/2001

Facility Address: 3600 Georgetown Road
Baltimore,Md 21227

Site Name: Paf #02-2074 NTW & Stream Filling - New England Motor Freight, Inc.

Site Status: Inactive

Permit Type: Non-Tidal Wetlands

Site Condition: Additional investigation required

Contact(s): Brenda Armstrong,Owner/Complainant
Tom Regulski,BA. Co. D.E.P.R.M.

Recommended Action: Additional investigation required;

Evidence Collected: VISUAL OBSERVATION GRAPHIC, PHOTO, etc.

Inspection Reason: PAF

Follow-up for PAF#: 02-2074

INSPECTION FINDINGS

The above site was visited on the complaint that some non-tidal wetlands and spring heads had been filled in or over recently by the New England Motor Freight, Inc. trucking company. It was found that an approximate 1 1/2 acre gravel parking lot has been constrcted with and associated approxamte 24" re-enforced concrete drainage pipe ("RCP") recently at the subject site. At the lower edge of the site there is an existing stream and or drainage channel with some seepage of storm and/or groundwater into the channel and at a newly constructed RCP outlet. It appears likely that this construction activity was constructed over an existing drainage swale with the swale being for storm drainge or seasonal flow (wet springs). Also it appears likely that some non-tidal wetland areas were filled in or their 25' buffer encroached upon as an existing non-tidal wetland area was identified imediately adjacent to lower edge of site at outlet of said pipe. The filling of any stream channel and /or non-tidal wetland area however cannot be verified at this time to to the extensive nature of grading and filling on site. Ms. Armstrong advised that her personal knowlege of the site has the said swale and "wet areas" running up through the existing gravael parking area. Also Ms. Armstrong advised that this work was done approximately March of year 2000 and was a grading permit violation with Baltimore County D.E.P.R.M. for which New England Motor Freight, Inc. paid a fine of $1,500.

In a call to Tom Regulski of Ba. Co. D.E.P.R.M. he confirmed the above. Also he advised that New England Motor Freight, Inc. has submitted drawings to Baltimore County to be reviewed for the issuance of a Grading Permit to validate the site. A Zoning hearing has also been schedualed for 8/22/01 at the request of the Landsdown community association for the previous unauthorized site improvements.

Further investigation will need to be done to ascertain the existance of jurisdictional non-tidal

Permit / Approval Numbers:

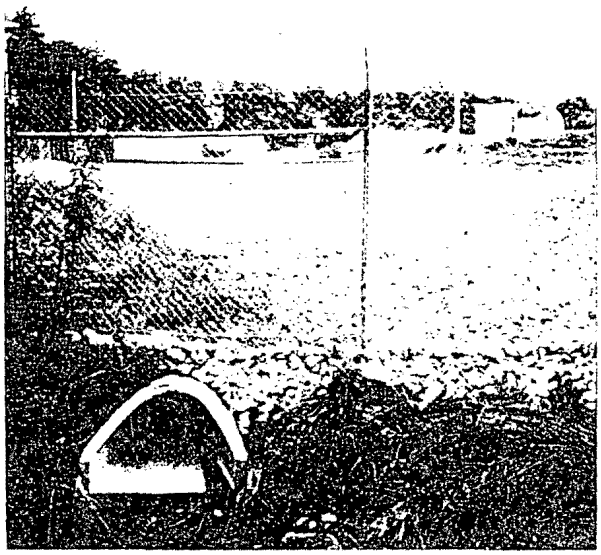
Date/Time: 08/13/2001

Facility Address: 3600 Georgetown Road
Baltimore,Md 21227

wetlands and/or stream channels in the subject fill/parking lot site. At the very least it is recomended that a letter be sent out advising New England Motor Freight, Inc. of the need for MDE authorization of the existing parking area is to be expanded toward the above indentified non-tidal wetlands and stream channel. Ms. Armstrong to be kept abreast of findings. Paf to be cleared out. A field file to be kept untill any MDE issues are resolved at the above site.

Inspector: Kevin Weis
/Kevin Weis

Received by: _____



3/13/01 New England Motor Freight, Inc. lower edge of gravel parking [illegible] pipe [illegible]

Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

#8A-11

Protestants Exhibits



$P_{cot} \bar{E}_x \, SA$



8B



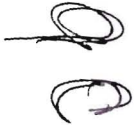




Prot Ex 9A









Prof. QD



$$\det = 4 \times 10^{-3}$$





Prot Ex 11

Prot Ex 12

Greater Bloomfield Association
Lansdowne Improvement Association, Inc.
Maryland Citizens For The Environment, Inc.
2517 Hammonds Ferry Road
Lansdowne, Maryland 21227
410-247-2325

August 22, 2001

Captain John A. Spiroff
Commanding Officer
Precinct #1/Wilkens
Baltimore County Police Department
901 Walker Avenue
Catonsville, Maryland 21228

Dear Captain John A. Spiroff,

RE:3600 Georgetown Road Corporation-Legal Owner
New England Motor Freight-Tenant
3600 Georgetown Road/entrance off Joh Avenue
Baltimore, Maryland 21227

I am writing to you on a safety issue concerning my community and 3600 Georgetown Road Corporation/New England Motor Freight. This Letter is many years over due. I been living in the community of Bloomfield for 11 years now and as such, have had numerous problems with the above trucking facility's address. **I need your help in changing their address**. This problem has been going on before I moved in this community in 1990. Many residents have made complaints, but to no avail.

The trucking facility known as New England Motor Freight; address is 3600 Georgetown Road. The problem is that no one can get to this company from that address. **They should have a Baltimore City address and not a Baltimore County address. The entrance to the facility is off Joh Avenue in Baltimore City**. There is also, two other properties that have the same address. One being WRBS radio station and a resident's home. I have always assumed that more then one person could not have the same address, being that they are in completely opposite direction (see tax map). This has caused much confusion for many years.

The main concern is for the safety and welfare of my community. On December 8th, 2000, at about 8:30 a.m., an employee for New England Motor Freight car's was on fire. A Fire truck and a Police car arrived on the corner of Hall Avenue and Georgetown Road, and were confused as how to reach New England Motor Freight from 3600 Georgetown Road. This area of their


Downtown Baltimore/Inner Harbor
I-95
Caton Avenue
Joh Avenue
Vero Road
Knecht Avenue
Caton Center Drive
Benson Avenue
I-95
Caton Research Center
I-695 Baltimore Beltway

Prof Ex 13

Prof Ex 14

LIBER 4234 PAGE 711 REAL ESTATE SALE CONTRACT LIBER 6440 PAGE 414 EXHIBIT A

1. I/We, AAA TRUCKING CORP. (Purchaser) agree to purchase at a price of $ ~~400,000.00~~ 610,000.00 on the terms set forth herein, the following described real estate in the City of BALTIMORE, BALTIMORE County, State of MARYLAND:

APPROXIMATELY 10 ACRES SUBJECT TO SURVEY

UNLOCATED

commonly known as 3600 GEORGETOWN ROAD, BALTIMORE, MARYLAND, and with approximate lot dimensions of ____ x ____, together with the following improvements presently located thereon:

MOTOR FREIGHT TERMINAL AND GARAGE BUILDINGS

2. AETNA CARTAGE COMPANY, A OHIO CORPORATION (Seller) agrees to sell the real estate and improvements described above, if any, at the price and terms set forth herein, and to convey or cause to be conveyed to Purchaser title thereto by a recordable deed, subject to: (a) covenants, conditions and restrictions of record; (b) private, public and utility easements and roads and highways, if any; (c) party wall rights and agreements, if any; ~~(d) existing leases and tenancies;~~ (e) special taxes or assessments for improvements not yet completed; (f) installments not due at the date hereof of any special tax or assessment for improvements heretofore completed; (g) real estate taxes for the year 1982 and subsequent years, including taxes which may accrue by reason of new or additional improvements; and to existing condition as of this date of any improvements.

3. Purchaser has paid $ 25,000.00 as earnest money to be applied against the purchase price, and agrees to pay or satisfy the balance of the purchase price, $ 544,000.00, plus or minus prorations, at the closing. (Ex #7 and will pay on or before August 31, 1982, the sum of $36,000.00)

4. The closing shall be held twenty (20) days after an Order granting permission for Seller to comply with this Contract is approved by the United States Bankruptcy Court for the Southern District of New York and becomes final, or on a date mutually agreed otherwise, at the offices of Strauss, Troy and Ruehlmann Co., L.P.A., 2100 Central Trust Center, Cincinnati, Ohio 45202.

5. Seller agrees to pay to HARRY P. CHADDICK REALTY, INC. & JOHN P. SHORP a broker's commission in the amount of six percent (6%) of the purchase price.

6. The earnest money shall be held by Security Title and Guaranty Agency, Inc., 2100 Central Trust Center, Cincinnati, Ohio 45202, for the mutual benefit of the parties.

7. A duplicate original of this Contract, duly executed by Seller, shall be delivered to Purchaser within 10 days from the date hereof, otherwise, at Purchaser's option, this Contract shall become null and void and the earnest money shall be refunded to Purchaser.

This Contract is subject to the Conditions and Stipulations set forth on the back page hereof, which Conditions and Stipulations are made a part of this Contract.

Dated: 8/17/82

Purchaser: AAA TRUCKING CORP. Address: 3630 QUAKER BRIDGE ROAD, TRENTON, NEW JERSEY 08650

BY: Nello A. Bonacci

Seller: AETNA CARTAGE COMPANY, A OHIO CORPORATION Address: C/O WILSON FREIGHT CO., 640 NORTHLAND BLVD., SUITE 12, CINCINNATI, OHIO 45240

BY: Richard T. Kelly

Dated: 8/17/82

Prot Ex 15

"M-L" Zone and SPECIAL EXCEPTION for Truck Terminal and Warehouse - N.W. Old Georgetown Rd. and S.W. Baltimore City-Baltimore County boundary- 13th Dist. Wilson Forwarding Freight Co., Petitioner	:	COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 4890-RX

This is a petition for Reclassification from and "R-6" Zone to an "M-L" Zone and a Special Exception for a truck terminal and warehouse on a tract of land 4.74 acres located Northwest of Old Georgetown Road and Southwest of Baltimore County--BaltimoreCity boundary; subject property being located in the 13th District of Baltimore County.

This petition has been before the Board of Appeals since the original hearing date of October 6, 1960. An additional hearing was held on January 26, 1961, and still a third hearing on May 11, 1961. Since that time the Board, at the request of attorneys for petitioner and protestants have held the matter sub curia waiting for memorandums to be filed.

It appears from the testimony presented that it would be highly impractical to expect the petitioner to build homes on the subject property. A large majority of the surrounding area is zoned commercially and is being used for commercial purposes. The testimony of Mr. Charles M. Bandiere, an admitted real estate expert, was to the effect that the "highest and best use" of the property would be "M-L". He felt that the commercial aspects of the area that surround the residential area to the southwest of the subject property made it impractical to expect the petitioner to develop his property for residential purposes. He pointed out the automobile junk yard, the gasoline stations on Washington Boulevard and the trucking establishments over the City line on Caton Avenue. His testimony was substantiated by Mr. Augustine J. Muller, Consulting Engineer, former Zoning Commissioner and County Commissioner of Baltimore County appearing as an expert witness. His testimony also was to the effect that the property had been originally zoned in error and that it should have been zoned "M-L"--the same category which the land to the west of the subject tract had been zoned.

1/04 Ex 16

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

October 27, 1999

Arnold F. ("Pat") Keller, III, Director
Ms. Diana Itter, Planner, First Councilmanic District
Baltimore County Office of Planning
County Courts Building, Room 406
401 Bosley Avenue
Towson, Maryland 21204

Re: Justification Statement for 3600 Georgetown Road
Class I Trucking Facility

Dear Mr. Keller and Ms. Itter:

3600 Georgetown Corporation, a subsidiary of New England Motor Freight ("NEMF") by and through its attorneys, Whiteford, Taylor & Preston, hereby submits the Justification Statement for the attached 2000 Comprehensive Zoning Map Process ("CZMP") application. 3600 Georgetown Corporation is the owner of the above-referenced property (the "Property").

I. The Property and the Vicinity.

The Property is located on the south side of Joh Avenue, west of Caton Avenue, between I-95 to the north and Washington Boulevard to the south, in the vicinity of Lansdowne. The property is in the First Councilmanic District. The property consists of 6.25 acres which are located in Baltimore County. The property is currently zoned MLR-IM. 3600 Georgetown Corporation seeks rezoning of the 6.25 acres from MLR-IM to ML-IM.

The property is currently being used as a Class I trucking facility. The proposed use will remain the same. The Class I trucking facility is currently a legal non-conforming use. The proposed rezoning will convert the status of the existing Class I trucking facility from a legal non-conforming use to a legal conforming use.

To the north of the property is Joh Avenue which is a major corridor for trucking facilities. NEMF is also seeking rezoning on the parcel to the west of the property, the Weiner property. NEMF intends to acquire the property and expand its existing trucking facility into that area.

Prot Ex 17

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

May 11, 2001

Via Hand Delivery

Mr. Arnold Jablon, Director
Permits and Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: New England Motor Freight
3600 Georgetown Road
Zoning Violation Case No.: 00-7138

Dear Mr. Jablon:

Please accept this letter in response to James H. Thompson's letter dated April 27, 2001, a copy of which is attached hereto. Preliminarily, thank you for abating your decision of September 25, 2000. Nevertheless, with regard to your assertion that the Department of Permits & Development Management will "not permit the existing truck facility within 300 foot of any dwelling or residential zone, per Section 410.2 of the Baltimore County Zoning Regulations", I respectfully submit that your request is inconsistent with Baltimore County law since Section 410.2 of the BCZR does not apply to the existing trucking facility at this site. Specifically Section 410.2 of the BCZR only applies to Class I trucking facilities established on or after the effective of that section. The existing trucking facility at this site was established prior to the effective date of that section.

We are fully aware that any expansion of the area of the existing Class I trucking facility on to adjacent properties will be subject to Section 410.2 of the BCZR. The plans which are being prepared by our engineers are in compliance with this section.

COMMUNITY OF BLOOMFIELD
Rittenhouse, James Street
Hopkins Avenue, Hall Avenue
Georgetown Road and Wilson Avenue

Prot Ex 18A

THERE WILL BE A SPECIAL HEARING ON AUGUST 22, 2001 (WEDNESDAY) AT 2:00 P.M., ROOM 407, BALTIMORE COUNTY COURT BUILDING IN TOWSON, 401 BOSLEY AVENUE.

THIS HEARING IS ABOUT 3600 GEORGETOWN CORPORATION/NEW ENGLAND MOTOR FREIGHT(NEMF). THE TRUCKING COMPANY BEHIND OUR COMMUNITY. THEY ARE ASKING THE ZONING COMMISSIONER TO ALLOW THEM TO EXPAND THEIR TRUCKING FACILITY CLOSER TO OUR COMMUNITY. NEW ENGLAND MOTOR FREIGHT PLANS TO EXPAND THEIR TRUCKING FACILITY BEHIND THE HOMES ALONG GEORGETOWN ROAD. **THIS NEW FACILITY WILL HAVE A PARKING AREA FOR 260 TRUCKS THAT WILL TRAVEL ON THE ROADS AROUND OUR COMMUNITY.**

HISTORY: In February 1998 New England Motor Freight went before the Zoning Commissioner and asked for a special exception to expand their facility at 3600 Georgetown Road, and the Commissioner granted it. Also, on April 2000 at the Lansdowne High School there was a public hearing for rezoning the property around our community. This property is Wiener's property, behind the homes on Georgetown Road, where NEMF plans their expansion, and Eichelm's property(old junk yard), which Merritt Corporation plans to develop. On October 10, 2000, our councilmen Sam Moxley approved the rezoning. Before the rezoning, On March 2000 , NEMF torn down trees, paved, buried 60 feet of a stream, and put fencing around a new parking area. They did not get permits to do this! This caused enough water to form a river/lake effect behind the homes of Georgetown Road. **For many years I have heard about the problems of water flowing down Rittenhouse and flooding basements. This is because there is no storm drains to capture the run-off. There has been more adjustments to New England Motor Freight's Parking lot, which borders Baltimore County and Baltimore City**. Teresa Lowly from Lansdowne Improvement Assoc., and I (Brenda Armstrong) got NEMF fined on violations without permits. We have been working non stop with Baltimore County Agencies to keep NEMF from coming closer to our community.

WE NOW NEED YOUR HELP! WE NEED EVERYONE TO COME TO THIS HEARING! WE NEED THE COMMUNITY TO PROTEST THIS EXPANSION. IF THE COMMUNITY DOES NOT GET INVOLVED, WE ALL WILL BE EFFECTED BY THE NOISE, TRAFFIC, AND DEVALUE OF OUR HOMES! PLEASE GET INVOLVED!

IF ANY QUESTIONS YOU CAN CALL ME.

BRENDA ARMSTRONG /PAUL BIRD
3416 HOPKINS AVENUE
410-242-8595

Prot Ex 18B

COMMUNITY OF BLOOMFIELD
Rittenhouse, James Street
Hopkins Avenue, Hall Avenue
Georgetown Road and Wilson Avenue

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BRENDA ARMSTRONG /PAUL BIRD
3416 HOPKINS AVENUE
410-242-8595

Prot Ex #19

Greater Bloomfield Association
Lansdowne Improvement Association, Inc.
Maryland Citizens For The Environment, Inc.
2517 Hammonds Ferry Road
Lansdowne, Maryland 21227
410-247-2325

August 22, 2001

Baltimore County Zoning Commissioner
County Courts Building
401 Bosley Avenue
Towson, MD 21204

In The Matter Of: 3600 Georgetown Road Property
3600 Georgetown Corporation-Legal Owner/Petitioner;
New England motor Freight-Tenant
13th Election District; 1st Council Manic District

Re: SPECIAL HEARING to amend a previously approved car parking compound in Baltimore City as supporting a Baltimore County Trucking facility and, further, to recognize that the subject car parking compound as fulfilling the requirements of Baltimore County Zoning Regulations # 409.6.3 providing the parking requirements for a trucking facility in Baltimore County. SPECIAL EXCEPTION to amend Special Exception Plan approved in case No. 98-260-SPHX and to expand the existing Special Exception area for a Class 1 trucking facility.

Administrative Record

The Above Parties: Greater Bloomfield Association, Lansdowne Association, Inc. Maryland Citizens For The Environment, Inc., and their Respective Communities would like this letter to be included in the **Administrative Record. We also wish to inform the Zoning Commissioner** for Baltimore County that we are **strongly opposed** to 3600 Georgetown Corporation/ New England Motor Freight's expansion.

VIOLATIONS

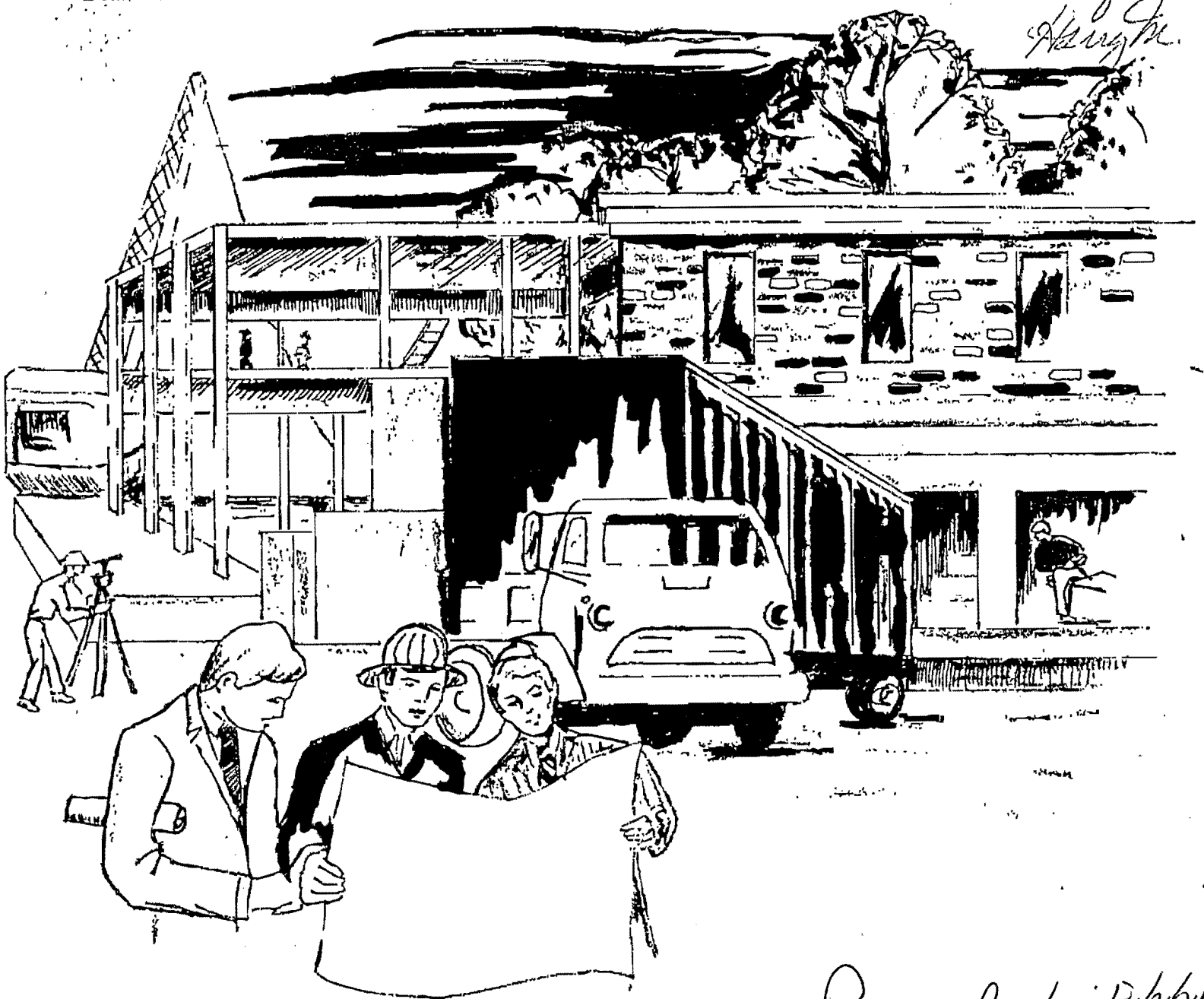
Petitioner: 3600 Georgetown Corporation/ New England Motor Freight

1. Petitioner failed to comply with the Zoning Commissioner Lawrence E. Schmidt's ruling, Case # 98-260-SPHX in 2/25/1998 and Case# 99-208-SPH in 1/15/1999.

- **A.** Final Site Plan was never sent to Mr. Avery Harden, County Landscape Architect, for review and approval.
- **B.** Failed to obtain Permits for grading, paving and erection of fencing.

MH8.1-1973
Approved January 1973
American National Standards Institute

Also, for your info
Harry Jr.



Reconsideration Exhibit 1

Shipper-Motor Carrier Dock Planning Manual

EXHIBIT A

Protestant's Reconsideration Ex #1 PC 2/25/98

IN RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
N/S Georgetown Road; 629.36 ft. SW of c/l Bloomfield Road
3600 Georgetown Road
13th Election District
1st Councilmanic District
3600 Georgetown Corp., Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-260-SPHX

FEB 27

****

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Special Exception for the property located at 3600 Georgetown Road in Lansdowne. The Petitions were filed by 3600 Georgetown Corporation, property owner. Special Exception relief is requested, pursuant to Sections 410.1.F and 502.7 of the Baltimore County Zoning Regulations (BCZR), to amend the site plan for a previously approved Class 1 trucking facility dated June 16, 1981 (Trucking Facility 139). Special Hearing relief is requested to approve an amendment to a previously approved plan in case No. 48-90-RX. The subject property and requested relief are all more particularly shown on the amended plan to accompany the Petition for Special Hearing and Petition for Special Exception marked as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Robert Walker, on behalf of New England Motor Freight Company, the business entity which operates the subject trucking facility. Also present was David L. Martin, a Landscape Architect with G.W. Stephens, Jr. and Associates, the preparers of the site plan. The Petitioner was represented by David Gildea, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property under consideration is a triangularly shaped parcel which straddles the Baltimore County/Baltimore City line in Lansdowne. The property, in its entirety, is approximately 9.523 acres in area. Approximately 6.25 acres are in Balti-

Protestant's Reconsideration Ex #2 c. 1/15/99

IN RE: PETITION FOR SPECIAL HEARING
W/S Old Georgetown Road, 150 ft. NW
Of c/l Hopkins Avenue
3600 Georgetown Road
13th Election District
1st Councilmanic District
3600 Georgetown Road, LLP
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-208-SPH

* * * * * * * * * * * *

RECEIVED
JAN 19 1999
PEOPLE'S COUNSEL

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 3600 Georgetown Road in Lansdowne. The Petition was filed by 3600 Georgetown Road, LLP, property owner. Special Hearing relief was requested to approve an extension of the special exception approved in case No. 98-260-SPHX, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (BCZR). The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was David L. Martin, a Landscape Architect with G.W. Stephens, Jr. and Associates, Inc., the preparers of the site plan. The Petitioner was represented by David K. Gildea, Esquire. There were no Protestants or other interested persons present.

The subject property was the subject of a recent hearing before me under Petitions for Special Hearing and Special Exception filed in case No. 98-260-SPHX. Pursuant to an opinion and Order issued on February 25, 1998, the Petitions for Special Hearing and Special Exception were approved to amend the site plan for a previously approved Class I trucking facility dated June 16, 1981 and to amend the previously approved plan in case No. 48-90-RX.

The Petitioner comes before me under a Petition for Special Hearing, seeking to expand the timeframe wherein the Special Exception might be utilized. Section 502.3 of the BCZR provides that special exceptions may be utilized for a period of 2 years from the date of the grant of the Petition. However, that section further allows the Zoning Commissioner to increase that period of utilization up to 5 years from the date of the initial grant.

Testimony and evidence presented was that the Petitioner was negotiating to acquire an

adjacent tract for the purpose of expanding its business operations thereon. However, the adjacent tract needs to be re-zoned to accommodate that plan. The re-zoning might occur during the County Council's next quadrennial zoning process in the year 2000. Under the circumstances, the Petitioner has sought relief to extend the period for the utilization of the special exception granted in case No. 98-260-SPHX to a period of five years. In that the prior Order was issued on February 25, 1998, the expansion will allow utilization up to February 25, 2003.

In addition to the Petition under consideration, it is of note that there was recently a zoning violation case opened for this property. However, a review of that file indicates that the alleged violation may relate to a neighboring property. In any event, the proposed special exception use is appropriate, subject to compliance with all relevant governmental standards.

Based upon the uncontradicted testimony and evidence offered, I am persuaded to grant the Petition. As noted above, there were no Protestants or other interested persons at this hearing, nor did anyone appear in opposition at the hearing held in case No. 98-260-SPHX. Moreover, there are no adverse Zoning Plans Advisory Committee (ZAC) comments. In my judgment, an expansion of the timeframe to utilize the Petition for Special Exception is appropriate. The proposed land use will not cause detrimental impact to the health, safety or general welfare of the locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of January 1999 that the Petition for Special Hearing to allow utilization to February 25, 2003, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER

RECONSIDERATION EXHIBITS

Petitioner's Exhibits on Reconsideration

1. Amended Class I Trucking Facilities Plan

Reconsideration Exhibit 1
– in red ink Exhibit A – 4 faxed pages dtd Nov 7 01

Protestant's Reconsideration Exhibits

1. Copy of Findings of Facts and Conclusions of Law – Case No.: 98-260-SPHX
2. Copy of Findings of Fact and Conclusions of Law – Case No.: 99-208-SPH
3. Plan to accompany Petition
4. Amended Class I Trucking Facilities Plan – 98-260-SPHX

N77°14'59"E 411.24'

EXISTING "M-1-1" ZONE LINE

EXISTING "M-2-1" ZONE LINE

EX. SLOPED AREA TO BE REGRADED AND RETAINING WALLS PLACED AT THE NEW EDGE OF PAVING.

EX. 6' HIGH CHAIN LINK FENCE W/ 12" BARB WIRE ON TOP

EX. TELEPHONE POLE

WHEEL STOPS TO BE REMOVED

PROPOSED TRAILER PARKING

NEW 1 STORY SERVICE GARAGE FOR THIS FACILITY 2999 S.F.

EX. 1 STY. METAL BLDG. (SERVICE GARAGE) TO BE REMOVED

74.7

87'±

170

BALTIMORE

S60°20'24"E 533.07'

EX. 1 STY. FUEL ATTENDANTS BLDG

EX. CONC. PAD W/ SCALES

EX. FUEL PUMPS

EX. CONC. PAD WITH FUEL FILLER PIPES

EXISTING PARKING (10 SPACES)

TRAILER

EX. END BERM

EX. EDGE

PRO

EXISTING

NEW 6' MIN. CHAIN LINK FENCE

PROPOSED TRAILER PARKING

EX. MAC. LOADING RAMP

230'

EX. CONC. PAVING

EXISTING (16 SPACES)

(16 DOORS)

2-4-3-4

EX. 1 STY. METAL WAREHOUSE/ TERMINAL BLDG ON CONC. FOUNDATION 16 BAYS EACH SIDE.

SECURITY LIGHTS ON ROOF

(16 DOORS)

EXISTING "MLR-IM" ZONE LINE

BALTIMORE

EX. CONC. PAD FOR AIR COND.

NEW OFFICE SPACE 4000 S.F.

EX. 6' HIGH CHAIN LINK FENCE TO BE REMOVED.

NEW EM PAR

EX. BR TO OFF

TRAILER PARKING AREA EXIST 18 SPACES

4.4' x 2.5' METAL STEP

PROPOSED TERMINAL ADDITION 10,970 S.F.

EXISTING MACADAM PAVING

EX. 6' HIGH CHAIN LINK FENCE W/ 12" BARB WIRE ON TOP

EX. END BERM

270'

50' LANDSCAPED BERM PERIMETER

NEW EMP. HOTEL PARKING

687.67

150

T

S

1 KP

1 WP

1 LT

2 NS

1 LT

1 KP

"IM"

EXISTING (16 SPACES)

EX. CONC. PAVING

NEW 6' CHAIN LINK FENCE (WITH P.D.S. OR EQUAL BLACK SLATS) TO BE SLATTED IN FOR SCREENING PURPOSES.

PROPOSED TRAILER PARKING

EX. END BERM

170

159 CL

EX

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 00-7138

3600 Georgetown Road

ZONING CASE: 01-544SPHX
3600 Georgetown Road

LARGE

PLATS

4

20010544 "A"

supplemental

Bobbitt-Sx

EXISTING ZONING "MLR-IM"

SOUTHWEST

EXISTING ZONING "M-1-1"

JOH

BUSINESS PARK

BANK USE

BLOOMFIELD ROAD

AVENUE

EXISTING DECIDUOUS TREELINE

EXISTING CURB & GUTTER

EXISTING MAC PAVING

EXISTING CURB & GUTTER

EXISTING "M 1-1" ZONE LINE

EXISTING "BR-1" ZONE LINE

EXISTING "M 1-1" ZONE LINE

EXISTING "M R-1" ZONE LINE

SULPHUR SPRING ROAD

EXISTING HEAVY EVERGREEN SCREEN

N77°14'58"E 411.24'

EXISTING "M-1-1" ZONE LINE

EXISTING HEAVY EVERGREEN SCREEN

CONTRACTORS STORAGE YARD

EX. 10"D AND CURB

N57°04'10"E 77.55'

PROPOSED TRAILER PARKING

NEW 1 STORY SERVICE GARAGE FOR THIS FACILITY

EX. 1 STY. METAL BLDG (SERVICE GARAGE) TO BE REMOVED

EX. TELEPHONE POLE WHEEL STOPS TO BE REMOVED

EX. 1 STY. FUEL ATTENDANT'S BLDG.

EXISTING TRAILER PARKING (10 SPACES)

EX. CONC. PAD W/ SCALES

EX. FUEL PUMP

EX. CONC. PAD WITH FUEL FILLER PIPES

PROPOSED TRAILER PARKING

EXISTING MACADAM PAVING

EX. MAC. LOADING RAMP

EX. CONC. PAVING

EXISTING (16 SPACES)

(16 DOORS) 243.4'

NEW EMPLOYEE PARKING

EX. 6' HIGH CHAIN LINK FENCE TO BE REMOVED

EX. 6' HIGH CHAIN LINK FENCE W/ BARBED WIRE ON TOP

EX. 1 STY. METAL WAREHOUSE/ TERMINAL BLDG ON CONC. FOUNDATION 16 BAYS EACH SIDE.

SECURITY LIGHTS ON ROOF (16 DOORS)

EX. CONC. PAD FOR AIR COND.

NEW OFFICE SPACE

PROPOSED TERMINAL ADDITION

4.4'X 2.5' METAL STEP

EX. 4.4' x 7.4' STEPS

EX. MAC BERM

EX. END BERM

NEW EMPLOYEE PARKING

EXISTING MACADAM PAVING

EX. CONC. PAVING

EXISTING (16 SPACES)

NEW 6' CHAIN LINK FENCE TO BE SLATTED IN FOR SCREENING PURPOSES.

PROPOSED TRAILER PARKING

EX. END BERM

EX. SECURITY LIGHTS TO BE RELOCATED AT EDGE OF NEW PAVING

PROPOSED TRAILER PARKING

EX. CHAIN LINK FENCE TO BE REPLACED.

EX. SLOPED AREA TO BE REGRADED AND RETAINING WALLS PLACED AT THE NEW EDGE OF PAVING WHERE NEEDED.

50' LANDSCAPED BUFFER PERIMETER

S60°20'24"E 553.07'

S34°19'10"W 51.60'

N32°40'50"W 125.00'

S34°19'10"W 232.04'

S 30°46'40"E 153.21' (UNIMPROVED)

N58°49'10"E 63.12'

N57°09'57"W 230'

63.67'

P.O.B.

GEORGETOWN

EXISTING ZONING "M-2-1" VACANT LAND

EXISTING DECIDUOUS TREELINE

RITTENHOUSE AVENUE

EXISTING "DR 5.5" ZONE LINE

HOPKINS AVENUE

EX. 6"W

EX. 8"S

EX. PAVING

EXISTING MIXED TREELINE/FOREST

EXISTING ZONING "MLR-IM" VACANT LAND

EXISTING "MLR-IM" ZONE LINE

EXISTING "DR 5.5" ZONE LINE

EXISTING ZONING "DR 5.5" VACANT LAND

EX. ZONING "MLR-IM" RESIDENTIAL USE

EXISTING "MLR-IM" ZONE LINE

EXISTING "DR 5.5" ZONE LINE

Q&D EXISTING ZONING "DR 5.5" RESIDENTIAL USE

EX. SLOPED AREA TO BE REGRADED AND RETAINING WALLS PLACED AT THE NEW EDGE OF PAVING WHERE NEEDED.

HALL AVENUE

EXISTING ZONING "DR 5.5" RESIDENTIAL USE

EX. PAVING

EX. 6"W

EX. 8"S

GAR.

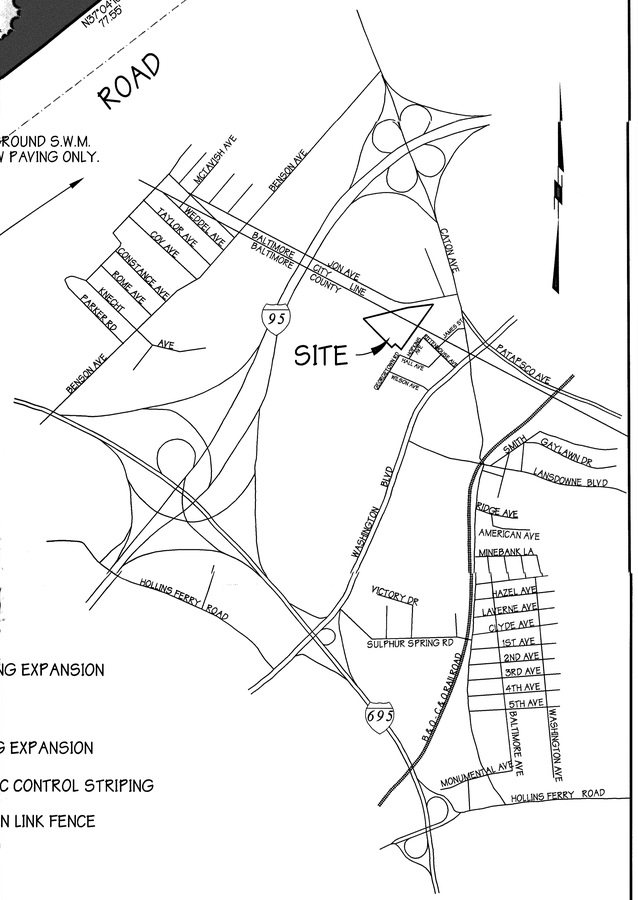
UNDERGROUND S.W.M. FOR NEW PAVING ONLY.

LANDSCAPE KEY

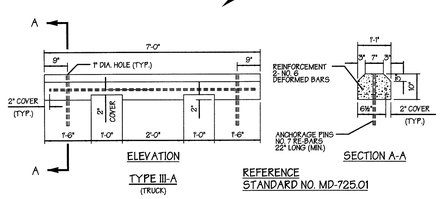
- PROPOSED MAJOR DECIDUOUS TREE
- PROPOSED MINOR DECIDUOUS TREE
- PROPOSED EVERGREEN TREE

KEY

- EXISTING BUILDING
- PROPOSED BUILDING EXPANSION
- EXISTING PAVING
- PROPOSED PAVING EXPANSION
- PROPOSED TRAFFIC CONTROL STRIPING
- //- PROPOSED 6' CHAIN LINK FENCE



LOCATION PLAN
SCALE: 1" = 1000'



WHEEL STOP

ROUTES TO SITE

1. North on I-95 to Caton Ave; South on Caton Ave. to JOH Ave.; West on JOH Ave to Site
2. Northeast on Washington Blvd. to Caton Ave.; North on Caton Ave to JOH Ave.; West on JOH Ave. to Site.

ROUTES FROM SITE

1. East on JOH Ave. to Caton Ave.; North on Caton Ave. to I-95; South on I-95
2. East on JOH Ave. to Caton Ave.; North on Caton Ave. to I-95; South on I-95 To Baltimore Beltway; Northwest or Southeast on Baltimore Beltway

GENERAL NOTES

1. Total area of property equals 9.5230 Acres (Baltimore City = 3.28 Ac.±, Baltimore County = 6.25 Ac.±)
2. Existing zoning of property "M-2-1" (Balto. City) & "MLR-IM" (Balto. County) (Special Exception 4890-RX)
3. Existing use of property "Truck Terminal" ("Truck Terminal Class I").
4. Hours of operation are midnight to midnight - seven days per week.
5. Number of trucks using the facility over a 24 hour period is Max. of 100
6. Number of trailors parked on the site: Max. 131
7. Number of employees on the largest shift = 70 requiring 35 spaces (½ employees) + 5 spaces (BCZR Section 409)
8. Number of parking spaces provided = 90 (11 visitors)
9. All Information "Field Located" relating to Site Plan
10. Site lighting is located on the roof of the Terminal Building
11. Telephone service is provided inside the Terminal Building
12. Male & female rest rooms & driver's room exist. within the building & 1 rest room in dock area
13. No junked trailers or vehicles are stored on the site
14. Parts storage area is located in the Main Building.
15. No wetlands are located within 200' of the property
16. Existing building height approximately 30'
17. No out side loud speakers on site.
18. F.A.R. = 32,562.77 s.f. building / 9.5230 ac. (414821.77) = 0.078 < 0.10 Permitted
19. Telephone pole wheel stops & chain link fence to be replaced as shown. Installation to be a part of the expansion construction program. Slats to be placed in the entire chain link fence so as to screen parking area from all surrounding properties.
20. Site Plan conforms with Truck Terminal Requirements.
21. Access Points to the facility are fixed.
22. A 50' Landscaped buffer to be placed around the entire perimeter of the property.
23. New wheel stops are pre-cast concrete in accordance with SHA standard details & specs.
24. Property does not lie within 100 year Flood Plain.

ZONING HISTORY

1. Existing Facility was granted a Special Exception approval on October 11, 1961 in Case 4890-RX to permit a Trucking Facility.
2. Property was re-zoned in the 1976 Comprehensive Zoning Map process from ML to MLR-IM.
3. Truck Facilities Plan approved by the Baltimore County Zoning Commissioner on 6/16/81.
4. On May 7, 1982, James E. Dyer, Zoning Supervisor, found this facility as existing prior to the April 18, 1976 and to be in compliance with Bill No. 18-76.

ZONING RELIEF REQUESTED:

1. Special Hearing to amend a previously approved plan in Case No. 4890-RX.
2. Special Exception pursuant to 410.1.F and 502.7 - to amend a previously approved Class I Trucking Facility Plan dated June 16, 1981 (Trucking Facility Number 139)

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

OWNER

GEORGETOWN CORPORATION
C/O NEW ENGLAND MOTOR FREIGHT
2560 SOUTH WORK STREET
FALCONER, NEW YORK 14733
CONTACT: MR. ROBERT F. WALKER

Baltimore County Data
Tax Map 102, Parcel 121

Baltimore City Data
Block 7726
Ward 25
Section 2
Zoned "M-2-1"

ILLUSTRATIVE CONCEPT PLAN OF NEW ENGLAND MOTOR FREIGHT COMPANY AT 3600 GEORGETOWN ROAD

ELECTION DISTRICT 13
COUNCILMANIC DISTRICT 1
SCALE: 1" = 40'

BALTIMORE COUNTY, MD.
DEC 6, 1978
REV. APRIL 27, 1981
2nd REV. JANUARY 1, 1998

FILENAME: 8273colorexhibit.s01

P.N. 8273

Petitioner's Exhibit 2

JOH AVENUE

EXISTING ZONING ML
COMMERCIAL USE

EXISTING ZONING M-1-1
COMMERCIAL USE

TRIANGLE BUSINESS CENTER I
P.O. BOX 835
COLUMBIA, MD 21044
3.81 AC.
7107 / 641

ABANDONED R/W

ML
BM-IM

N76°59'15"E, 946.29'

TRAILER BUMPERS MOUNTED TO WALL

NEW REPAIR SHOP 60'X 50'
DRIVE THRU

BUILDING FRONT

TRACTOR PARKING - 106 SPACES

TRACTOR PARKING

TRAILER BUMPERS MOUNTED TO WALL

EXISTING REPAIR SHOP TO BE REMOVED

TRAVEL ROUTE

PROPOSED WHEEL STOP (TYP.)

TRAILER PARKING - 121 SPACES

BALTIMORE CITY LINE

M-2-1 ZONE

DOCK DOORS

NEW TERMINAL BUILDING

EXISTING TERMINAL BUILDING
TO BE RENOVATED

NEW OFFICES
2ND FLOOR

DOCK DOORS

TRAILER BUMPERS MOUNTED TO FENCE

S76°58'07"W 187.72'

WATER QUALITY CONTROL AREA

RE-PLANTING AREA

6' HIGH LEYLAND CYPRESS EVERGREEN HEDGE PLANTING (ENTIRE PERIMETER OF SITE LOCATED IN BALT. CO.)

PARCEL 115
ACREAGE - 7.9819 AC.+/-

PARCEL 121
ACREAGE - 9.5314 AC.+/-

TRAILER BUMPERS MOUNTED TO FENCE

RETAINING WALL

FOREST BUFFER PRESERVATION

EXCLUDED FROM SPECIAL EXCEPTION

TRAILER PARKING - 27 SPACES

6' CHAIN LINK FENCE

TRAILER BUMPERS MOUNTED TO FENCE

EXISTING ZONING BM-IM
VACANT

ECHELMAN BROTHERS, INC
1401 PARK GROVE AVENUE
BALTIMORE, MD 21228
7097 / 495
9.85 AC.

EXISTING ZONING DR-5.5
RESIDENTIAL USE

EXISTING ZONING DR-5.5
RESIDENTIAL USE

M-2-1 ZONE
DR-5.5

M-2-1 ZONE

EXISTING WATER LINE

ENTRANCE

GUARD HOUSE

SLIDING GATES

SLIDING GATES

EXISTING WATER LINE

STORM WATER MANAGEMENT

INTERNAL SECURITY FENCE

CAR PARKING COMPOUND - 171 SPACES

S38°09'57"W

EXISTING ZONING M-2-1
COMMERCIAL USE

OLD GEORGETOWN ROAD

POINT OF BEGINNING

N41°53'00"W 189.17'

N41°53'00"W 189.17'

CATON AVENUE

AVENUE

HOPKINS AVENUE

RITTENHOUSE AVENUE

HALL AVENUE

ROAD

GEORGETOWN ROAD

WILSON AVENUE

WILSON

SITE DATA

1. SITE AREA - PARCEL 121 - BALTIMORE CITY - 3.532 ACRES
   BALTIMORE COUNTY - 5.9994 ACRES
   TOTAL - 9.5314 ACRES
   PARCEL 115 - BALTIMORE COUNTY - 7.9819 ACRES
   TOTAL - 17.5133 ACRES
   TOTAL - BALTIMORE COUNTY - 13.9813 ACRES

2. DEED REFERENCE - PARCEL 121 - 8628 / 198
   PARCEL 115 - 3977 / 184

3. OWNER / DEVELOPER - PARCEL 121
   3600 GEORGETOWN CORP.
   1-71 NORTH AVENUE E.
   ELIZABETH, NJ 07201
   OWNER - PARCEL 115
   FLORENCE WEINER
   2000 N OCEAN BOULEVARD
   BOCA RATON, FL 33431

4. EXISTING ZONING - PARCEL 121 - BALTIMORE CITY - M-2-1
   BALTIMORE COUNTY - ML, DR-5.5
   PARCEL 115 - BALTIMORE COUNTY - ML, BM-IM, DR-5.5

5. TAX ACCOUNT NUMBERS - PARCEL 121 - 0413120230000
   PARCEL 115 - 0413120315770

6. FLOOR AREA RATIO - ALLOWED - 0.1 (BALTIMORE COUNTY LAND & BLDG. ONLY)
   - EXISTING - 1361977 S.F. / 609,025.42 S.F. = 0.02 F.A.R.
   - PROPOSED - 36,588.64 S.F / 609,025.42 S.F. = 0.06 F.A.R.

7. MAX. BUILDING HEIGHT - NEW TERMINAL BUILDING - 40'

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD
TOWSON, MARYLAND 21286-3396
(410) 825-8120

STATE OF MARYLAND — GEORGE WILLIAM STEPHENS, JR. — No. 4494

FILENAME:
\BALTIMORE\dwg\exhibit\ph_illustra Aug. 22, 2001 11:55:45

BALTIMORE CITY REVISIONS

REVISIONS: △
COMPLIED WITH SPRC COMMENTS
3/17/98

ROUTES TO SITE

1. North on I-95 to Caton Ave; South on Caton Ave. to JOH Ave.; West on JOH Ave to Site
2. Northeast on Washington Blvd. to Caton Ave.; North on Caton Ave to JOH Ave.; West on JOH Ave. to Site.

ROUTES FROM SITE

1. East on JOH Ave. to Caton Ave.; North on Caton Ave. to I-95; South on I-95
2. East on JOH Ave. to Caton Ave.; North on Caton Ave. to I-95; South on I-95 To Baltimore Beltway; Northwest or Southeast on Baltimore Beltway

OWNERS:
PARCEL 121
3600 GEORGETOWN CORP.
1-71 NORTH AVENUE E.
ELIZABETH, N.J. 07201
CONTACT: MR. ROBERT F. WALKER

PARCEL 115
FLORENCE WEINER
#706 2000 N. OCEAN BLVD.
BOCA RATON, FL 33431

ILLUSTRATIVE SITE PLAN

PETITION FOR SPECIAL EXCEPTION & SPECIAL HEARING
FOR AN AMENDMENT TO AND EXPANSION OF
A CLASS I TRUCKING FACILITY
OF
NEW ENGLAND
MOTOR FREIGHT COMPANY
AT
3600 GEORGETOWN ROAD

ELECTION DISTRICT 13
COUNCILMANIC DISTRICT 1
SCALE: 1" = 40'
DATE: JUNE 13, 2001

BALTIMORE COUNTY, MD.
DEC 6, 1979
REV. APRIL 27, 1981
2nd REV. JANUARY 1, 1998
3rd REV. NOVEMBER 10, 1998

SITE PLAN APPROVED BY:

ZONING COMMISSIONER — DATE

CHAIRMAN, COUNTY TRUCKING FACILITIES DEVELOPMENT OFFICIALS ADMINISTRATIVE OFFICER / COUNTY ATTORNEY — DATE



2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 16, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

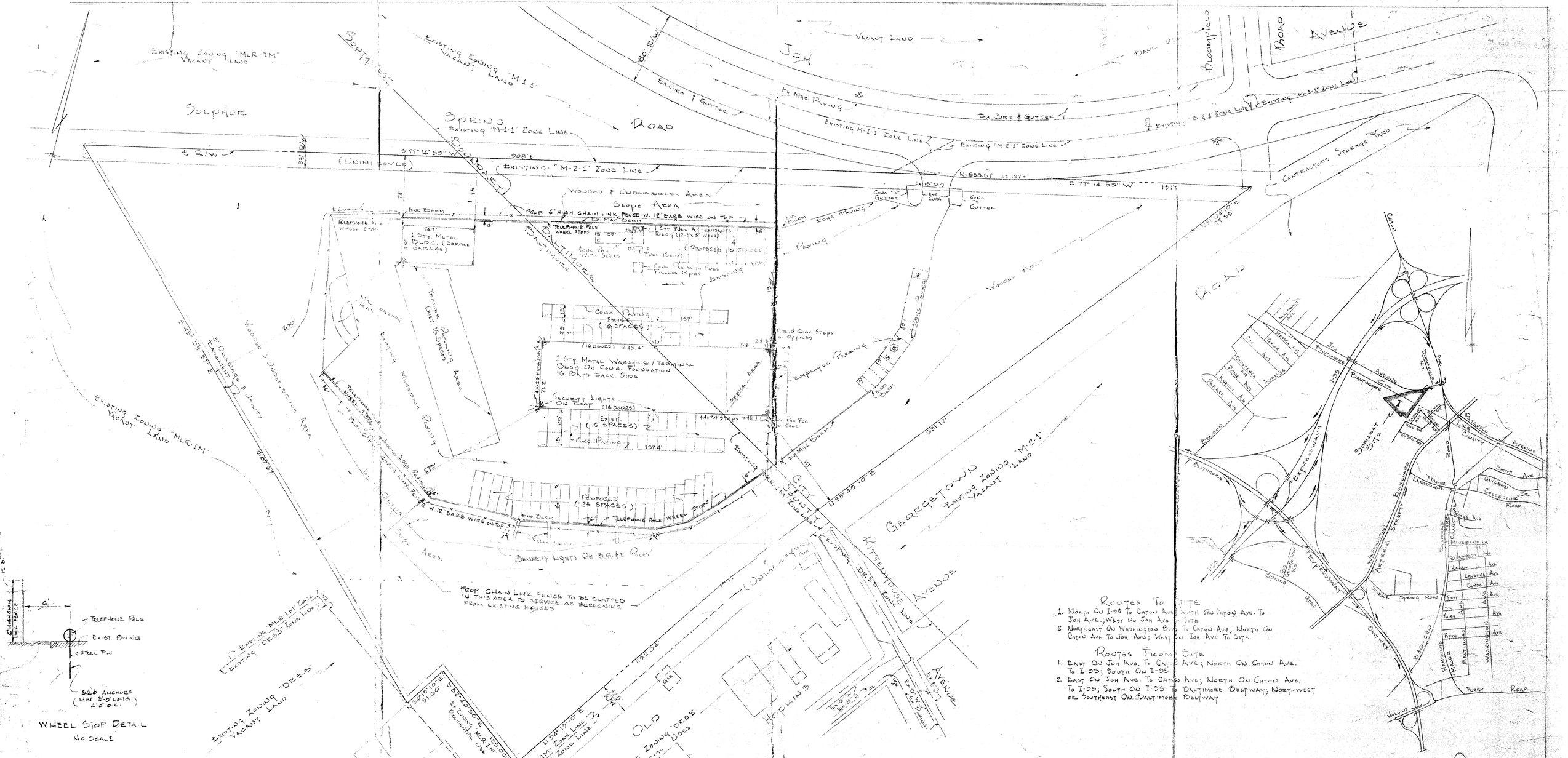
Chairman, County Council

CTED AREAS.
THIS MAP HAS BEEN REVISED IN SELEC AMMETRIC METHODS
TOPOGRAPHY COMPILED BY PHOTOGR MD. 21210
BY BUCHART-HORN, INC. BALTIMORE,

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	LANSDOWNE	S.W. 4-C
DATE OF PHOTOGRAPHY JANUARY 1986		

SW 4 C


EXISTING ZONING "MLR-IM" VACANT LAND
SULPHUR SPRING ROAD
EXISTING ZONING "M-1-1" VACANT LAND
80' R/W
EX. CURB & GUTTER
VACANT LAND
BALTIMORE AVENUE
EX. MAC PAVING
EXISTING M-1-1 ZONE LINE
EXISTING M-2-1 ZONE LINE
BLOOMFIELD ROAD
EXISTING M-2-1 ZONE LINE
CONTRACTORS STORAGE YARD
R/W
33'
(UNIMPROVED)
S 77° 14' 52" W 308.1'
PROP. 6' HIGH CHAIN LINK FENCE W. 12' BARB WIRE ON TOP
WOODED & UNDISTURBED AREA
SLOPE AREA
TELEPHONE POLE WHEEL STOPS
1 STY. METAL BLDG. (SERVICE & GARAGE)
1 STY. TOOL ATTENDANTS BLDG. (12' x 8' WOOD)
(PROPOSED) (10 SPACES)
CONC. PAD WITH SCALES
CONC. PAD WITH FUEL PUMPS
CONC. PAD WITH FUEL PUMPS & PIPES
EXISTING
CONC. PAVING EXIST. (16 SPACES)
(16 DOORS) 249.4'
1 STY. METAL WAREHOUSE / TERMINAL BLDG. ON CONC. FOUNDATION 16 POSTS EACH SIDE
SECURITY LIGHTS ON ROOF (18 DOORS)
EXIST. (16 SPACES)
CONC. PAVING 197.4'
44.74 STEPS
OFFICE AREA
TYP. 4 CONC. STEPS TO OFFICES
EMPLOYEE PARKING
EXISTING MACADAM PAVING
TRAILER PARKING EXIST. 15 SPACES AREA
WOODED & UNDISTURBED AREA
S 28° 39' 57" E 630'
EX. DRAINAGE & UTILITY EASEMENT
EXISTING ZONING "MLR-IM" VACANT LAND
N 68° 45' 10" E 681.12'
PROPOSED (25 SPACES)
TELEPHONE POLE WHEEL STOPS
SECURITY LIGHTS ON B.G.&E. POLES
PROP. CHAIN LINK FENCE TO BE SLATTED IN THIS AREA TO SERVICE AS SCREENING FROM EXISTING HOUSES
EXISTING ZONING "MLR-IM" ZONE LINE
EXISTING "DR 5.5" ZONE LINE
EXISTING ZONING "MLR-IM" VACANT LAND
EXISTING ZONING "DR 5.5" USES
RESIDENTIAL USES
S 82° 40' 50" E 129.00'
EX. CHAIN LINK FENCE
N 34° 19' 10" E 51.00'
N 34° 19' 10" E 238.34'
EX. IRON PIPE
EX. CONC. MON.
OLD GEORGETOWN ROAD
EXISTING ZONING "M-2-1" VACANT LAND
EXISTING "DR 5.5" ZONE LINE
EXISTING ZONING "DR 5.5" USES
RESIDENTIAL USES
KITTENHOUSE AVENUE
EXISTING "DR 5.5" ZONE LINE
EX. IRON PIPE
EX. CONC. MON.
EX. CONC. MON.
EX. IRON PIPE
EX. CONC. MON.
EX. IRON PIPE
EX. CONC. MON.
EX. IRON PIPE

EXISTING ZONING "MLR-IM"

EXISTING ZONING "M-1-1"

SOUTHWEST SPRING ROAD

JOH

BUSINESS PARK

BANK USE

BLOOMFIELD ROAD

AVENUE

EXISTING MAC PAVING

EXISTING CURB & GUTTER

EXISTING "M 1-1" ZONE LINE

EXISTING "BR-1" ZONE LINE

EXISTING "M 1-1" ZONE LINE

EXISTING "M R-1" ZONE LINE

CONTRACTORS STORAGE YARD

CL R/W

N77°14'59"E 411.24'

(UNIMPROVED)

EXISTING "M-1-1" ZONE LINE

EXISTING "M-2-1" ZONE LINE

50' LANDSCAPED BUFFER

EX. SLOPED AREA TO BE REGRADED AND RETAINING WALLS PLACED AT THE NEW EDGE OF PAVING.

NEW 6' MIN. CHAIN LINK FENCE

PROPOSED TRAILER PARKING

NEW 1 STORY SERVICE GARAGE FOR THIS FACILITY. ±2899 S.F.

EX. METAL BLDG. (GARAGE)

TELEPHONE POLE WHEEL STOPS TO BE REMOVED

EX. 1 STY. FUEL ATTENDANT'S BLDG.

EXISTING TRAILER PARKING (10 SPACES)

EX. FUEL PUMP

EX. CONC. PAD W. SCALES

EX. CONC. PAD WITH FUEL FILLER PIPES

TO BE REMOVED

BALTIMORE COUNTY

S60°20'24"E 533.07'

EX. CONC. PAVING

EXISTING (16 SPACES)

(16 DOORS)

EX. 1 STY. METAL WAREHOUSE/ TERMINAL BLDG ON CONC. FOUNDATION 16 BAYS EACH SIDE.

SECURITY LIGHTS ON ROOF

PROPOSED TERMINAL ADDITION 10,970 S.F.

4.4'x 2.5' METAL STEP

EX. 4.4'x 7.4' STEP

EX. CONC. PAD FOR AIR COND.

NEW OFFICE SPACE 4000 S.F.

EX. BR & CONC. STEPS TO OFFICE

EX. MAC BERM

EX. 6' HIGH CHAIN LINK FENCE TO BE REMOVED

EX. MAC LOADING RAMP

EX. MAC PAVING

EX. CONC. PAVING

NEW EMPLOYEE PARKING

EXISTING MACADAM PAVING

PROPOSED TRAILER PARKING

CONC. "V" GUTTER

EX. 10'D AND CURB

PROP. CONC. CURB & GUTTER

R=858.81' L=155.33' S77°14'59"W 191±

N57°04'10"E 77.55'

UNDERGROUND S.W.M. FOR NEW PAVING ONLY.

S 32°39'43" W 629.56'

631.12'

N58°43'10"E

GEORGETOWN

EXISTING ZONING "M-2-1" VACANT LAND

CITY

EXISTING "M-2-1" ZONE LINE

P.O.B.

RITTENHOUSE AVENUE

EXISTING "DR 5.5" ZONE LINE

HOPKINS AVENUE

EXISTING ZONING "MLR-IM" VACANT LAND

EXISTING "MLR-IM" ZONE LINE

EXISTING "DR 5.5" ZONE LINE

EXISTING ZONING "DR 5.5" VACANT LAND

N14°05'05"W 651.67'

50' LANDSCAPED BERM PERIMETER

PROPOSED TRAILER PARKING

NEW EMPLOYEE PARKING

NEW EDGE PAVING

NEW 6' CHAIN LINK FENCE TO BE SLATTED IN FOR SCREENING PURPOSES

S 36°45'10" E 153.21'

(UNIMPROVED)

S34°19'10"W 259.04'

EX. CHAIN LINK FENCE TO BE REPLACED.

S34°19'10"W 51.60'

N62°40'50"W 125.00'

EX. ZONING "MLR-IM" RESIDENTIAL USE

EXISTING "MLR-IM" ZONE LINE

EXISTING "DR 5.5" ZONE LINE

OLD EXISTING ZONING "DR 5.5" RESIDENTIAL USE

HALL

EXISTING ZONING "DR 5.5" RESIDENTIAL USE

AVENUE

EX. PAVING

EX. R/W

EX. C.L.

EX. BERM

EX. 6"W

EX. 8"S

EX. 15"S

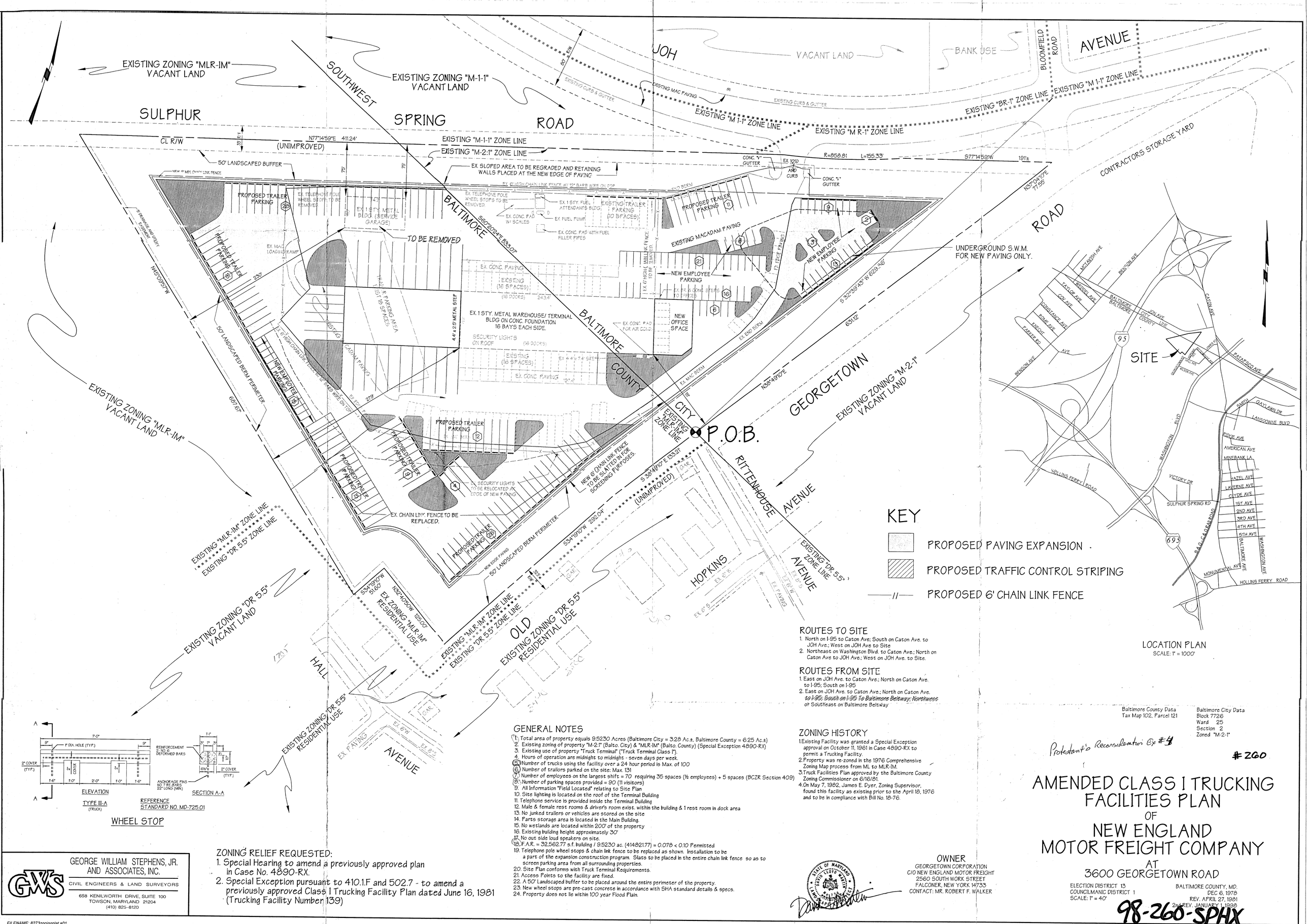
EX. 8"W

EX. 12"W

EX. 12"S

EX. 8"S

EX. 6"W


EXISTING ZONING "MLR-IM" VACANT LAND
EXISTING ZONING "M-1-1" VACANT LAND
SOUTHWEST
SULPHUR SPRING ROAD
VACANT LAND
BANK USE
BLOOMFIELD ROAD
AVENUE
80' R/W
EXISTING CURB & GUTTER
EXISTING MAC PAVING
EXISTING "M 1-1" ZONE LINE
EXISTING "BR-1" ZONE LINE
EXISTING "M R-1" ZONE LINE
CL R/W
N77°14'59"E 411.24'
(UNIMPROVED)
EXISTING "M-1-1" ZONE LINE
EXISTING "M-2-1" ZONE LINE
50' LANDSCAPED BUFFER
EX. SLOPED AREA TO BE REGRADED AND RETAINING WALLS PLACED AT THE NEW EDGE OF PAVING
NEW 6' MIN. CHAIN LINK FENCE
EX. 6' HIGH CHAIN LINK FENCE W/ 12" BARB WIRE ON TOP
EX. BERM
CONC. "V" GUTTER
EX. INLET AND CURB
R=858.81 L=155.33'
S77°14'59"W 191±
N57°04'09"E 77.59'
CONTRACTORS STORAGE YARD
PROPOSED TRAILER PARKING
EX. TELEPHONE POLE WHEEL STOPS TO BE REMOVED
EX. 1 STY. METAL BLDG (SERVICE GARAGE)
TO BE REMOVED
EX. 1 STY. FUEL ATTENDANTS BLDG.
EXISTING TRAILER PARKING (10 SPACES)
EX. CONC. PAD W/ SCALES
EX. FUEL PUMP
EX. CONC. PAD WITH FUEL FILLER PIPES
EX. MAC LOADING RAMP
EX. CONC. PAVING
EXISTING (16 SPACES)
(16 DOORS) 243.4'
EXISTING MACADAM PAVING
NEW EMPLOYEE PARKING
EX. 6' HIGH CHAIN LINK FENCE TO BE REMOVED
EX. 6' HIGH CHAIN LINK FENCE
EX. 8'x8' CONC. STEPS TO OFFICE
EX. 1 STY. METAL WAREHOUSE/ TERMINAL BLDG ON CONC. FOUNDATION 16 BAYS EACH SIDE.
SECURITY LIGHTS ON ROOF (16 DOORS)
EX. CONC. PAD FOR AIR COND.
NEW OFFICE SPACE
EX. END BERM
EX. MAC BERM
EX. 4'x4'x7'4" SITE
EX. 4'x4'x2.5" METAL STEP
TRAILER PARKING AREA (ST) 15 SPACES
ASPHALT PAVING
EX. 6' HIGH CHAIN LINK FENCE W/ 12" BARB WIRE ON TOP
NEW EMPLOYEE PARKING
50' LANDSCAPED BERM PERIMETER
697.67'
N45°08'57"W
5' DRAINAGE AND UTILITY EASEMENT
S60°20'24"E 853.07'
BALTIMORE COUNTY
CITY
EXISTING ZONE LINE
P.O.B.
GEORGETOWN
EXISTING ZONING "M-2-1" VACANT LAND
UNDERGROUND S.W.M. FOR NEW PAVING ONLY.
S 32°39'43" W 629.26'
63.12'
N58°49'09"E
RITTENHOUSE AVENUE
EXISTING "DR 5.5" ZONE LINE
EXISTING ZONING "MLR-IM" VACANT LAND
EXISTING "MLR-IM" ZONE LINE
EXISTING "DR 5.5" ZONE LINE
PROPOSED TRAILER PARKING
NEW EDGE PAVING
50' LANDSCAPED BERM PERIMETER
S34°19'10"W 292.04'
S 38°49'10" E 153.21'
(UNIMPROVED)
EX. SECURITY LIGHTS TO BE RELOCATED AT EDGE OF NEW PAVING
NEW 6' CHAIN LINK FENCE TO BE SLATTED FOR SCREENING PURPOSES.
EX. CHAIN LINK FENCE TO BE REPLACED.
S34°19'10"W 51.60'
N32°40'50"W 125.00'
EX. ZONING "MLR-IM" RESIDENTIAL USE
EXISTING "MLR-IM" ZONE LINE
EXISTING "DR 5.5" ZONE LINE
OLD EXISTING ZONING "DR 5.5" RESIDENTIAL USE
HOPKINS PL.
HALL
EXISTING ZONING "DR 5.5" RESIDENTIAL USE
EX. PAVING
AVENUE
EX. 6"W
EX. 8"S
EX. 12"W
EX. 8"W
EX. 6"S
EX. 4"W
EX. 4"S
EX. 8"S
EX. 6"W
EX. 8"W
EX. 12"W

EXISTING ZONING "MLR-IM"

EXISTING ZONING "M-1-1"

SOUTHWEST SPRING ROAD

SULPHUR

JOH

BUSINESS PARK

BANK USE

BLOOMFIELD ROAD

AVENUE

EXISTING "M-1-1" ZONE LINE

EXISTING "BR-1" ZONE LINE

EXISTING "M R-1" ZONE LINE

EXISTING MAC PAVING

EXISTING CURB & GUTTER

80' R/W

CONTRACTORS STORAGE YARD

CL R/W

50' LANDSCAPED BUFFER

(UNIMPROVED)

N77°14'59"E 411.24'

EXISTING "M-2-1" ZONE LINE

EX. SLOPED AREA TO BE REGRADED AND RETAINING WALLS PLACED AT THE NEW EDGE OF PAVING.

CONC. GUTTER AND CURB

EX. 10"D

CONC. "V" GUTTER

R=856.81' L=135.33' CH=S77°14'59"W 191'±

N57°04'E 71.95'

NEW 6' MIN. CHAIN LINK FENCE

EX. 6' HIGH CHAIN LINK FENCE W/ 3 BARB WIRE ON TOP

PROPOSED TRAILER PARKING

NEW 1 STORY SERVICE GARAGE FOR THIS FACILITY 2899 S.F.

EX. 1 STY. METAL BLDG. (SERVICE GARAGE)

EX. TELEPHONE POLE

WHEEL STOPS TO BE REMOVED.

EX. 1 STY. FUEL ATTENDANTS BLDG.

EXISTING TRAILER PARKING (10 SPACES)

EX. CONC. PAD W/ SCALES

EX. FUEL PUMP

EX. CONC. PAD WITH FUEL FILLER PIPES

EX. EDGE PAVING

PROPOSED TRAILER PARKING

EXISTING MACADAM PAVING

TO BE REMOVED

BALTIMORE COUNTY

S50°00'00"E 539.07'

EX. CONC. PAVING

EXISTING (16 SPACES)

(16 DOORS)

243.4'

EX. 6' HIGH CHAIN LINK FENCE TO BE REMOVED

NEW EMPLOYEE PARKING

EX. BR. & CONC. STEPS TO OFFICES

EX. 1 STY. METAL WAREHOUSE/ TERMINAL BLDG ON CONC. FOUNDATION 16 BAYS EACH SIDE.

SECURITY LIGHTS ON ROOF (16 DOORS)

NEW OFFICE SPACE 4000 S.F.

EX. CONC. PAD FOR AIR COND.

EX. END BERM

EXISTING (16 SPACES)

EX. 4.4'x 7.4' STEPS

EX. CONC. PAVING 197.4'

4.4'x 2.5' METAL STEP

TRAILER PARKING AREA EXIST. 16 SPACES

PROPOSED TERMINAL ADDITION 10,970 S.F.

EXISTING MACADAM PAVING

EX. MAC. LOADING RAMP

EX. MAC. BERM

UNDERGROUND S.W.M. FOR NEW PAVING ONLY.

S 30°59'43" W 629.86'

631.12'

N 26°49'10" E

P.O.B.

CITY

EXISTING ZONE LINE

GEORGETOWN

EXISTING ZONING "M-2-1" VACANT LAND

RITTENHOUSE AVENUE

EXISTING ZONING "MLR-IM" VACANT LAND

50' LANDSCAPED BERM PERIMETER

630.67'

EX. 5' DRAINAGE AND UTILITY EASEMENT

N65°05'37"W

PROPOSED TRAILER PARKING

EX. END BERM

ANGLED TRAILER PARKING

EX. SECURITY LIGHTS TO BE RELOCATED AT EDGE OF NEW PAVING

NEW 6' CHAIN LINK FENCE TO BE SLATTED IN FOR SCREENING PURPOSES.

S 38°48'40" E 135.21'

(UNIMPROVED)

GAR.

EX. CHAIN LINK FENCE TO BE REPLACED.

S 34°19'10" W 282.04'

NEW EDGE PAVING

50' LANDSCAPED BERM PERIMETER

S34°19'10"W 51.60'

N62°40'50"W 128.00'

EX. ZONING "MLR-IM" RESIDENTIAL USE

EXISTING "MLR-IM" ZONE LINE

EXISTING "DR 5.5" ZONE LINE

EXISTING "MLR-IM" ZONE LINE

EXISTING "DR 5.5" ZONE LINE

EXISTING ZONING "DR 5.5" VACANT LAND

EXISTING ZONING "DR 5.5" RESIDENTIAL USE

HOPKINS AVENUE

EX. 6"W.

EX. 6"S

EXISTING "DR 5.5" ZONE LINE

EX. PAVING

EX. 6"W

EX. 6"S

OLD

HALL

EXISTING ZONING "DR 5.5" RESIDENTIAL USE

EX. PAVING

EX. 6"W

EX. 6"S

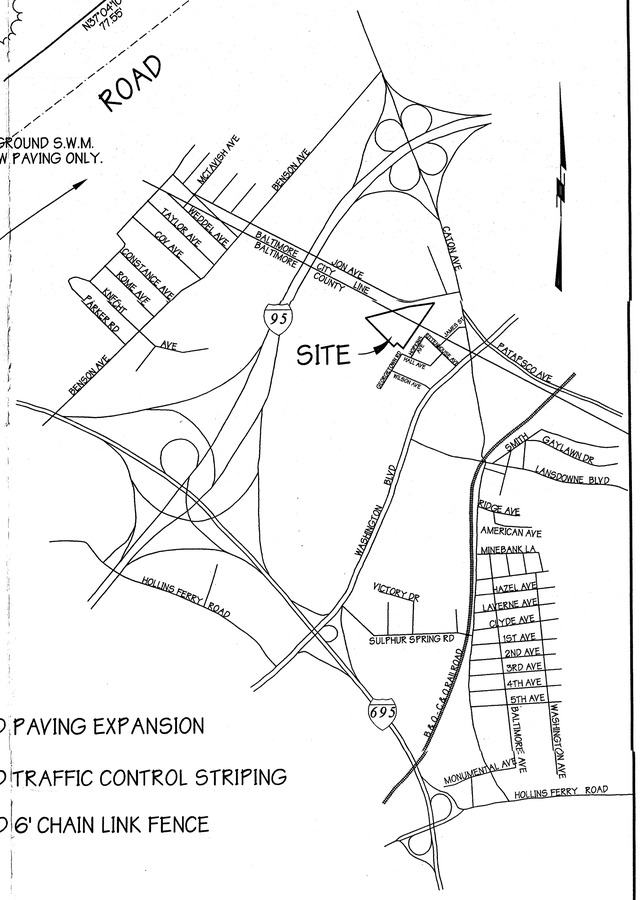
AVENUE

KEY

PROPOSED PAVING EXPANSION

PROPOSED TRAFFIC CONTROL STRIPING

PROPOSED 6' CHAIN LINK FENCE



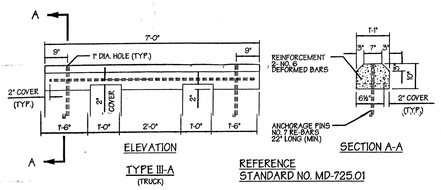
LOCATION PLAN
SCALE: 1" = 1000'

ROUTES TO SITE

1. North on I-95 to Caton Ave; South on Caton Ave. to JOH Ave.; West on JOH Ave to Site
2. Northeast on Washington Blvd. to Caton Ave.; North on Caton Ave to JOH Ave.; West on JOH Ave. to Site.

ROUTES FROM SITE

1. East on JOH Ave. to Caton Ave.; North on Caton Ave. to I-95; South on I-95
2. East on JOH Ave. to Caton Ave.; North on Caton Ave. to I-95; South on I-95 To Baltimore Beltway; Northwest or Southeast on Baltimore Beltway



TYPE III-A (TRUCK)

REFERENCE STANDARD NO. MD-725.01

WHEEL STOP

GENERAL NOTES

1. Total area of property equals 9.5230 Acres (Baltimore City = 3.28 Ac.±, Baltimore County = 6.25 Ac.±)
2. Existing zoning of property "M-2:1" (Balto. City) & "MLR-IM" (Balto. County) (Special Exception 4890-RX)
3. Existing use of property "Truck Terminal" ("Truck Terminal Class I").
4. Hours of operation are midnight to midnight - seven days per week.
5. Number of trucks using the facility over a 24 hour period is Max. of 100
6. Number of trailors parked on the site: Max. 131
7. Number of employees on the largest shift = 70 requiring 35 spaces (½ employees) + 5 spaces (BCZR Section 409)
8. Number of parking spaces provided = 90 (11 visitors)
9. All Information "Field Located" relating to Site Plan
10. Site lighting is located on the roof of the Terminal Building
11. Telephone service is provided inside the Terminal Building
12. Male & female rest rooms & driver's room exist. within the building & 1 rest room in dock area
13. No junked trailers or vehicles are stored on the site
14. Parts storage area is located in the Main Building.
15. No wetlands are located within 200' of the property
16. Existing building height approximately 30'
17. No out side loud speakers on site.
18. F.A.R. = 32,562.77 s.f. building / 9.5230 ac. (414821.77) = 0.078 < 0.60 Permitted
19. Telephone pole wheel stops & chain link fence to be replaced as shown. Installation to be a part of the expansion construction program. Slats to be placed in the entire chain link fence so as to screen parking area from all surrounding properties.
20. Site Plan conforms with Truck Terminal Requirements.
21. Access Points to the facility are fixed.
22. A 50' Landscaped buffer to be placed around the entire perimeter of the property.
23. New wheel stops are pre-cast concrete in accordance with SHA standard details & specs.
24. Property does not lie within 100 year Flood Plain.

ZONING HISTORY

1. Existing Facility was granted a Special Exception approval on October 11, 1961 in Case 4890-RX to permit a Trucking Facility.
2. Property was re-zoned in the 1976 Comprehensive Zoning Map process from ML to MLR-IM.
3. Truck Facilities Plan approved by the Baltimore County Zoning Commissioner on 6/16/81.
4. On May 7, 1982, James E. Dyer, Zoning Supervisor, found this facility as existing prior to the April 18, 1976 and to be in compliance with Bill No. 18-76.

ZONING RELIEF REQUESTED:

1. Special Hearing to amend a previously approved plan in Case No. 4890-RX.
2. Special Exception pursuant to 410.1.F and 502.7 - to amend a previously approved Class I Trucking Facility Plan dated June 16, 1981 (Trucking Facility Number 139)

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

FILENAME: 8273zoningplat.s01

OWNER

GEORGETOWN CORPORATION
C/O NEW ENGLAND MOTOR FREIGHT
2560 SOUTH WORK STREET
FALCONER, NEW YORK 14733
CONTACT: MR. ROBERT F. WALKER

Baltimore County Data
Tax Map 102, Parcel 121

Baltimore City Data
Block 7726
Ward 25
Section 2
Zoned "M-2-1"

AMENDED CLASS I TRUCKING FACILITIES PLAN OF NEW ENGLAND MOTOR FREIGHT COMPANY AT 3600 GEORGETOWN ROAD

ELECTION DISTRICT 13
COUNCILMANIC DISTRICT 1
SCALE: 1" = 40'

BALTIMORE COUNTY, MD.
DEC 6, 1978
REV. APRIL 27, 1981
2nd REV. JANUARY 1, 1998

98-260-SPHX

Fiel's No 1

P.N. 8273

EXISTING ZONING ML
COMMERCIAL USE

EXISTING ZONING M-1-1
COMMERCIAL USE

TRIANGLE BUSINESS CENTER I
P.O. BOX 655
COLUMBIA, MD 21044
3.91 AC
7107 / 641

ABANDONED R/W

ML
BM-IM

N15°46'07"E - 946.26'

BALTIMORE CITY LINE
ML 580'SE/ANNE - 558.06'

M-1-1 ZONE
M-2-1 ZONE

BR-1 ZONE
M-1-1 ZONE

JOH AVENUE

Storm Drain MH

EXISTING WATER LINE

BR-1 ZONE

ENTRANCE

GUARD HOUSE

SLIDING GATES

SLIDING GATE

EXIT

STORM WATER MANAGEMENT
SEE DETAIL

TRAILER BUMPERS MOUNTED TO WALL

TRAILER BUMPERS MOUNTED TO FENCE

PROPOSED WHEEL STOP (TYP.)

TRAILER PARKING - 121 SPACES

NEW REPAIR SHOP
60' X 80'
DRIVE-THRU

BUILDING TYPE "C"

TRACTOR PARKING - 106 SPACES

TRAVEL ROUTE

EXISTING REPAIR SHOP
TO BE REMOVED

DOCK DOORS

NEW TERMINAL BUILDING

EXISTING TERMINAL BUILDING
TO BE RENOVATED

NEW OFFICES
END FLOOR

S76°58'07"W - 847.72'

WATER QUALITY CONTROL AREA

RB-PLANTING AREA

6' HIGH LEYLAND CYPRESS EVERGREEN HEDGE PLANTING (ENTIRE PERIMETER OF SITE LOCATED IN BALT. CO.)

RETAINING WALL

PARCEL 115
ACREAGE - 7.9819 AC.+/-
SOLD AS PART OF RESIDENTIAL PROPERTY

PARCEL 121
ACREAGE - 9.5314 AC.+/-

FOREST BUFFER RESERVATION

AREA EXCLUDED FROM SPECIAL EXCEPTION

EXISTING ZONING BM-IM
VACANT

EICHELMAN BROTHERS, INC
1801 PARK GROVE AVENUE
BALTIMORE, MD 21228
2697 / 495
9.95 AC

EXISTING ZONING DR-55
RESIDENTIAL USE

EXISTING ZONING M-2-1
COMMERCIAL USE

EXISTING ZONING DR-55
RESIDENTIAL USE

HOPKINS AVENUE

RITTENHOUSE AVENUE

OLD GEORGETOWN ROAD

HALL AVENUE

WILSON AVENUE

GEORGETOWN ROAD

POINT OF BEGINNING

TRAILER PARKING - 27 SPACES

6' CHAIN LINK FENCE

CAR PARKING COMPOUND - 171 SPACES

6' INTERNAL SECURITY FENCE

M-2-1 ZONE
DR-55

M-1 ZONE
BM-IM

N45°21'30"W - 265.23'

N15°46'07"E - 946.26'

N15°46'07"E - 1,892.52'

S76°58'07"W - 847.72'

S15°46'07"W - 1,892.52'

S45°21'30"E - 265.23'

N76°58'07"E - 847.72'

S15°46'07"W - 946.26'

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S76°58'07"E - 847.72'

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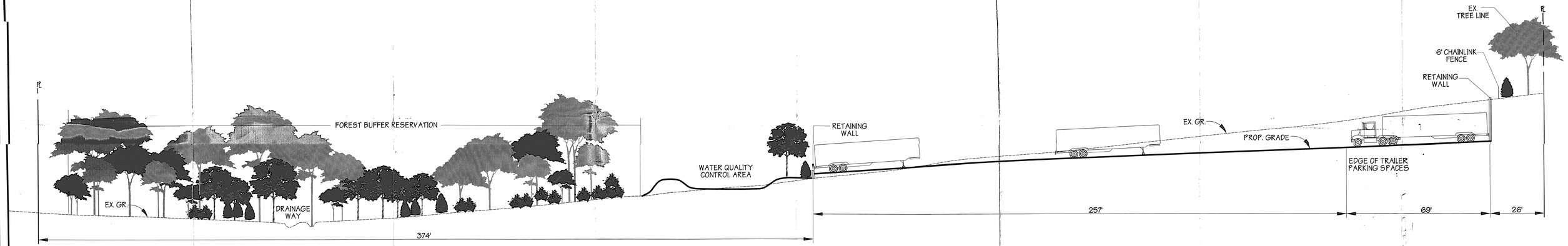
S76°58'07"E - 847.72'

S15°46'07"W - 946.26'

S45°21'30"E - 265.23'

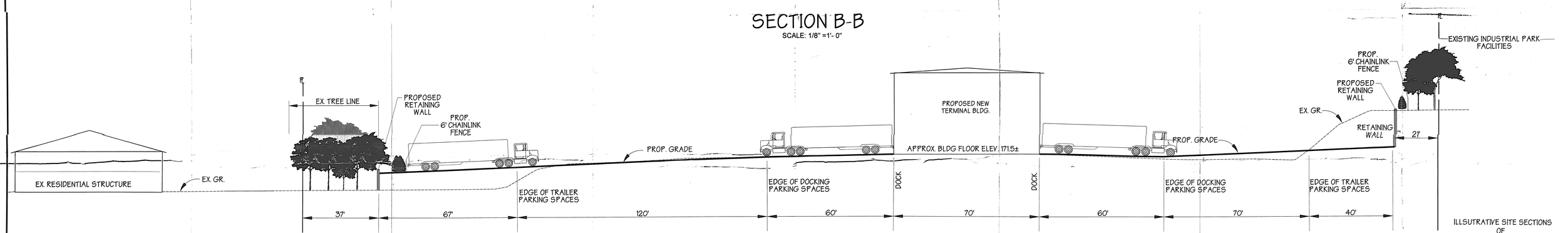
N

Petitioner's Exhibit 3



SECTION B-B

SCALE: 1/8" =1'- 0"



SECTION A-A

SCALE: 1/8" =1'- 0"

ILLSUTRATIVE SITE SECTIONS
OF
NEW ENGLAND MOTOR FREIGHT COMPANY
AT
3600 GEORGETOWN ROAD

ELECTION DISTRICT 13
COUNCILMANIC DISTRICT 1
SCALE: 1" = 40'
DATE: JUNE 13, 2001

BALTIMORE COUNTY, MD.
DEC. 6, 1979
REV: APRIL 27, 1981
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3rd REV: NOVEMBER 10, 1998