

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

E side of Sampson Road, 40 feet N of c/l of
Jordan Sawmill Road
17th Election District
3rd Councilmanic District
(1090 Jordan Sawmill Road)

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

Roy G. and Linda Albin
Petitioners

*
* **Case No. 2009-0017-X**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the legal owners of the subject property, Roy and Linda Albin. Petitioners are requesting a special exception pursuant to Section 1A01.2.C.29.h of the Baltimore County Zoning Regulations (B.C.Z.R.) for a winery in an R.C.2 Zone. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

The case initially came before the undersigned on September 17, 2008 and appearing at the requisite public hearing in support of the requested special exception were Petitioners Roy and Linda Albin and their attorney, Patrick Roddy, Esquire. Also appearing in support of the requested relief was Mitch Kellman, Petitioners' land use and zoning consultant with the engineering firm of Daft McCune Walker, Inc. Mr. Kellman was previously employed with Century Engineering, the firm that prepared the site plan. Also attending the hearing as County agency representatives were David Lykens and Tom Panzarella with the Department of Environmental Protection and Resource Management (DEPRM). There were no Protestants or other interested persons in attendance at the hearing.

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Date

By

8-17-10

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The testimony and evidence offered at that time revealed that the subject property is an irregular-shaped property consisting of approximately 247,288 square feet or 5.677 acres, more or less, zoned R.C.2. The property is located on the north side of Jordan Sawmill Road at its intersection with Sampson Road, just east of Interstate 83 in the Parkton area of Baltimore County. As shown on the site plan, the subject property is adjacent to what was once a larger parcel known as Lot 1. Lot 1 now consists of approximately 23.052 acres and is located to the north and east of the subject property. The subject property, known as Lot 2, was acquired by Petitioners in 2005 by way of an intra-family transfer from Mr. Albin's father. The property is improved with an existing single-family dwelling situated at the northeast corner of the property.

At the time of the first hearing, Petitioners desired to utilize their property as a winery. In support of the requested relief, Petitioner's attorney, Mr. Roddy, pointed out that Section 1A01.2.C.29.h characterizes a winery as an agricultural-support use and permits a winery as a principal commercial use in the R.C.2 Zone by special exception. Taken a step further, Mr. Roddy characterized a winery as a "value added" agricultural activity. Put simply, merely growing grapes would not likely be, in and of itself, a profitable agricultural activity in this area, but growing the grapes and processing them into wine makes this agricultural activity profitable. Petitioners' plan is to produce approximately 3,000 to 4,000 cases -- or about 6,000 to 8,000 gallons -- of wine per year. For perspective, Mr. Roddy indicated that the well-known Boordy Vineyard produces approximately 80,000 gallons or more of wine per year.

In addition, Mr. Kellman, Petitioner's land use and zoning consultant, presented testimony in support of the special exception request. Mr. Kellman was offered and accepted as an expert in the areas of planning, zoning, the permitting process, and interpretation of the Baltimore County Zoning Regulations. He indicated that he had inspected the property on several occasions and also

examined other nearby properties in the area. Mr. Kellman then discussed the various special exception criteria set forth in Section 502.1 of the B.C.Z.R. He offered his opinion that Petitioners' proposed use of the property for a winery and the estimated production levels would not be detrimental to the health, safety, or general welfare of the locale, and would not negatively impact the surrounding area. He also opined that the proposed use would have no detrimental impacts on any of the other enumerated criteria in Section 502.1, and that in particular, the use of the property for a winery is consistent with the property's zoning classification and would be within the spirit and intent of the zoning regulations.

In further support of the requested relief, Petitioners submitted letters of support from nearby neighbors, including: July 29, 2008 letter from Herbert Schafer of 20611 Sampson Road, July 24, 2008 letter from Carol H. Lonsdale of 20004 Kirkwood Shop Road, July 28, 2008 letter from Calvin Palmer of 20515 Sampson Road, July 28, 2008 letter from Joyce Hudson of 20411 Sampson Road, and July 24, 2008 letter from Mark and Robin Underwood who live across the street from Petitioners. These letters were marked and accepted into evidence as Petitioners' Exhibits 2A through 2E, respectively.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Baltimore County Fire Marshal's Office dated July 29, 2008 indicating that the site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation. Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM) dated September 4, 2008 indicating generally that the property must comply with the Forest Conservation Regulations. In addition, Thomas Panzarella of the Environmental Impact Review section of DEPRM indicated that the application is for an activity regulated under the

County's Forest Conservation Program and, therefore, is in violation of the approved Intra-family Transfer Declaration of Intent. Any plans and/or permits for the proposed activity cannot be approved until the applicant comes into compliance with the Baltimore County Code, Article 33, Title 6, entitled "Forest Conservation." These requirements must be addressed for Lots 1 and 2. In addition, Susan Farinetti of the Ground Water Management section of DEPRM indicated that prior to the approval for the use of the existing house for a winery, additional information must be submitted on the winery process to determine the impact on the existing sewage disposal system. Prior to the approval of a new building, plans must be submitted showing the proposed location of the building and septic reserve area. Soil evaluations must be conducted. A usage letter must be submitted which includes detailed information on functions open to the public.

The case file also contains a memorandum from Wallace S. Lippincott, Manager, Agricultural Land Preservation with DEPRM dated May 21, 2008. This memorandum indicates that Mr. Albin requested the Baltimore County Land Preservation Advisory Board's consideration of a reduced acreage farm designation for his property. Mr. Albin indicated in his request that he would like to construct a barn for equipment storage, livestock stalls and feed storage. The dimensions of the barn would be 16 feet by 28 feet by 16 feet. The Baltimore County Department of Zoning has requested the Board's verification of the legitimacy of a farm use before a permit will be issued for a barn. The Baltimore County Land Preservation Advisory Board met on May 20, 2008 and voted to recommend approval of the reduced acreage farm/barn request.

In order to elaborate on the comments submitted by DEPRM, Mr. Lykens and Mr. Panzarella appeared at the September 17th hearing on behalf of that agency. Essentially, Mr. Lykens indicated that when Petitioners executed the Intra-family Transfer Declaration of Intent on July 15, 2005 -- which facilitated their acquisition of the subject property and their construction of

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a dwelling thereon -- they requested an exemption from the requirements of the Baltimore County Forest Conservation Program. In being granted the exemption, Petitioners agreed to utilize the property for the purpose of the exempted activity for a period of five years. As stated in the Declaration of Intent, in the event an application is submitted by the owner for a regulated activity under the Forest Conservation Program within the five year period, the County may require the owner to meet the forest conservation threshold and may also assess a noncompliance fee. Mr. Lykens and Mr. Panzarella indicated that this issue, as well as the ground water management comment, needed to be addressed and resolved prior to the granting of the requested relief.

Based on my agreement with the DEPRM officials, at the conclusion of the hearing, the undersigned agreed to keep the record open in order to allow Petitioner and DEPRM officials to review the aforementioned issues and attempt to resolve them.

Moving forward in the case, on May 26, 2010, the undersigned received a copy of an email from Mr. Roddy to Mr. Lykens with DEPRM inquiring as to whether DEPRM might revise its comments from 2008. Specifically, Mr. Roddy wrote:

[M]y client, Roy Albin, had filed a Intrafamily Transfer Declaration of Intent on July 15, 2005 for the property at 1090 Jordan Sawmill Road. That Declaration included a provision allowing application of forest conservation thresholds for five years from the date of the Declaration. On July 15, 2010 that provision expires as to this property. As you can see, Deputy Zoning Commissioner Bostwick has held the special exception matter open pending further proceedings. Would it be appropriate for DEPRM to revise its comment so that a new comment could be considered if the proceedings were renewed after July 15th 2010?

On May 28, 2010, Mr. Lykens responded to Mr. Roddy's email and wrote:

You should also touch base with the manager of our Groundwater Management Section, Kevin Koeppenick (410-887-2762), to ensure that you have covered all of his potential issues related to the zoning case. We have had several properties proposed as potential wine related businesses since you started the Albin Property in 2008. It might be helpful to get Kevin a current plan and explain in more detail what your client plans to do and where it will be located on the property.

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The case was rescheduled for July 20, 2010 in Room 104 of the Jefferson Building located at 103 West Chesapeake Avenue in Towson. Due to the passage of time, notice of the hearing was also re-posted on the property and re-advertised in *The Jeffersonian* newspaper. Appearing at the public hearing in support of the requested special exception relief were Petitioners Roy and Linda Albin and their attorney, Patrick H. Roddy, Esquire. Also appearing as interested citizens were nearby neighbors Nadia Mohamed of 1101 Jordan Sawmill Road and Zachary Mattix of 1314 Jordan Sawmill Road. There were no Protestants in attendance.

The undersigned recited a summary of the extent of the proceedings up to this point, and additional evidence was offered by Mr. Roddy and revealed that Petitioners built their approximately 2,300 square foot home in 2007. Petitioners are proposing to operate the winery from the basement level of their home. A floor plan of the proposed layout was marked and accepted into evidence as Petitioners' Exhibit 3. Mr. Roddy explained that a traditional winery is broken down into three separate areas of operation: (1) the production of wine, (2) the sale of wine for off-premises consumption, and (3) the sale of wine and sampling of wine on site as well as on-premises consumption. As shown on the floor plan, almost the entire basement area would be devoted to wine production and storing, and tasting. There would be a separate area for a bathroom. Mr. Roddy further stated that normal methods of wine distribution include (1) direct sales to distributors, (2) sales to restaurants and retail stores, and (3) direct sales to individuals on the winery property. In the instant matter, Petitioners plan to distribute their wine directly to restaurants and stores, to customers who purchase sealed containers for consumption off the premises, and to individuals for sampling and by-the-glass tastings on the winery property. Mr. Roddy also added that the current proposal is virtually the same as what was presented before me in 2008. There have been no noteworthy changes since that time. Testifying as interested

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citizens, Ms. Mohamed and Mr. Mattix each expressed their support of Petitioners' proposal, believing the winery will be an asset to the area.

In anticipation of the July 20th hearing, Mr. Lykens with DEPRM submitted an updated ZAC comment in reference to Petitioners' proposal and request for special exception relief. The comment dated July 20, 2010 states that for several months, members of the Department of Environmental Protection and Resource Management have had discussions with Mr. Roddy in an attempt to resolve the outstanding issues related to this zoning case. All of our issues have been address except for those related to the Groundwater Management Section. Attached to the comment was a memorandum dated July 20, 2010 from Groundwater Management requesting additional information from Petitioners, particularly as to water usage and wastewater requirements. Thereafter in a letter dated July 23, 2010 from Mr. Roddy to the Groundwater Management officials, a copy of which is contained in the file, he provided a laundry list of information related to the operation and capacity.

Turning to the requested special exception, subject to the criteria set forth in Section 502.1 of the B.C.Z.R., such "agricultural-support" uses as described in Section 1A01.2.C.29 of the B.C.Z.R. are permitted by special exception, including a winery under subparagraph (h). After considering all of the customary special exception criteria outlined in Section 502.1 of the B.C.Z.R., I am persuaded to granted the requested special exception relief to use the subject property for a winery. The uncontroverted testimony from Mr. Kellman indicates that the proposed use would not have any detrimental impacts on the required 502.1 criteria. Further consideration of the evidence shows that this use would not have a negative impact on the rural-residential and agricultural character of this area of northern Baltimore County. On the contrary, I am persuaded this use would be complementary to the land uses in this area with little to no

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adverse effects. Therefore, I am convinced that the use proposed at the subject location would not have any adverse effects above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone. *See, Schultz v. Pritts*, 291 Md. 1 (1981); *see also People's Counsel v. Loyola College*, 406 Md. 54 (2008).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' special exception request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 17th day of August, 2010 that Petitioners' request for a Special Exception pursuant to Section 1A01.2.C.29.h of the Baltimore County Zoning Regulations (B.C.Z.R.) for a winery in an R.C.2 Zone be and is hereby **GRANTED** in accordance with the site plan and floor plan accepted into evidence as Petitioners' Exhibits 1 and 3, respectively, and consistent with the usage letter from Mr. Roddy to the Groundwater Management Section of DEPRM dated July 23, 2010 (attached) concerning the operation and capacity of the proposed winery. The relief granted herein is also subject to the following conditions:

1. Petitioners may apply for their necessary building or use permits, as applicable, and be granted same upon receipt this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. Petitioner shall continue to cooperate with DEPRM and provide timely and accurate information in response to the Department's requests related to the proposed winery.

ORDER RECEIVED FOR FILING

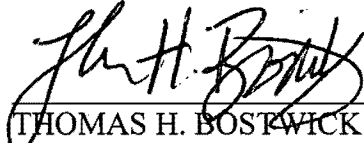
Date

8-17-10

By

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

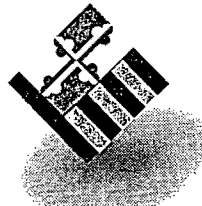

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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Date 8-17-10

By PJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 17, 2010

PATRICK RODDY, ESQUIRE
RIFKIN LIVINGSTON LEVIT & SILVER LLC
600 WASHINGTON AVENUE, SUITE 305
TOWSON MD 21204

Re: Petition for Special Exception
Case No. 2009-0017-X
Property: 1090 Jordan Sawmill Road

Dear Mr. Roddy:

Enclosed please find the decision rendered in the above-captioned case.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Roy and Linda Albin, 1090 Jordan Sawmill Road, Parkton MD 21120
Mitch Kellman, Daft McCune Walker, Inc., 200 East Pennsylvania Avenue, Towson MD 21286
Nadia Mohamed, 1101 Jordan Sawmill Road, Parkton MD 21120
Zachary Mattix, 1314 Jordan Sawmill Road, Parkton MD 21120



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 1090 Jordan Sawmill Road

which is presently zoned RC-2

Deed Reference: 24320 / 159 Tax Account # 2500000558

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A winery, A special exception for a winery in an RC-2 zone pursuant to 1 A01.2.C.29.h of the Baltimore County Zoning Regulations

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 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Patrick Roddy

Name - Type or Print

Patrick Roddy

Signature

Rifkin, Livingston, Levitan & Silver

Company

600 Washington Ave

410-583-9433

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Roy G. Albin

Name - Type or Print

Roy G. Albin

Signature

Linda Albin

Name - Type or Print

X Linda Albin

Signature

1090 Jordan Sawmill Rd

Address

Parkton

MD

Telephone No.

21120

City

State

Zip Code

Representative to be Contacted:

Patrick Roddy

Name

600 Washington Ave

410-583-9433

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Case No. 2009-0017X

REV 07/27/2007

ORDER RECEIVED FOR FILING

Date 8-17-10

By PZ

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By ZW

Date

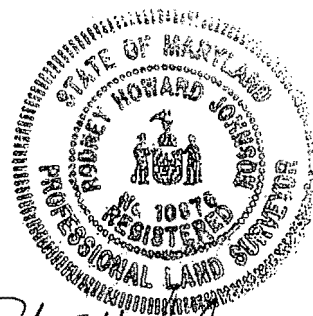
7/21/08

**METES AND BOUNDS DESCRIPTION
1090 JORDAN SAWMILL ROAD
BALTIMORE COUNTY, MARYLAND**

Beginning for the same on the east side of Sampson Road, 80 feet wide, at a distance of 40 feet north of the centerline of Jordan Sawmill Road, having no right-of-way width, thence the following courses,

- 1) North 15° 07' 17" East, 186.67 feet
- 2) South 81° 44' 55" East, 773.51 feet
- 3) South 17° 54' 02" West, 434.11 feet
- 4) North 66° 03' 50" West, 668.36 feet
- 5) North 23° 51' 36" East, 15.00 feet
- 6) North 49° 26' 50" West 52.20 feet
- 7) North 66° 08' 55" West, 32.00 feet
- 8) North 30° 01' 25" West, 14.02 feet to the point of beginning as recorded in liber 15180 folio 651.

Containing 5.677 acres of land more or less.



Rodney Howard Jones
4/30/08

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18549**

Date: **7/21/08**

PAID RECEIPT

BUSINESS ACTUAL TIME
 7/2/2008 7/21/2008 14:40:39

REG. NO. 01 WALKIN JRIC JHR
 >>REC IPT # 394336 7/21/2008 OFLN

2009-0017X

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				380.00

5 620 ZONING VERIFICATION
 018549

Recpt Tot 1300.00

\$380.00 CR 1.00

Baltimore County, Maryland

Total: **380.00**

Rec From: **Roy + Linda Albin**

For: **1090 Jordan's Summit Rd
 Parkton, MD 21120**

**CASHIER'S
 VALIDATION**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**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: # 2009-0017-X
1090 Jordan Sawmill Road
Beginning on E/side of
Sampson Rd. at a distance
of 40 ft. n/of centerline of
Jordan Sawmill Rd.
7th Election District
3rd Councilmanic District
Legal Owner(s): Roy & Linda
Albin

Special Exception: for a
winery in an RC-2 zone.

Hearing: Tuesday, July 20,
2010 at 2:00 p.m. In
Room 104, Jefferson
Building, 105 West Chesapeake
Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For Information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

7/08/1 July 1

245662

CERTIFICATE OF PUBLICATION

7/11, 2010

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 7/11, 2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/07/10

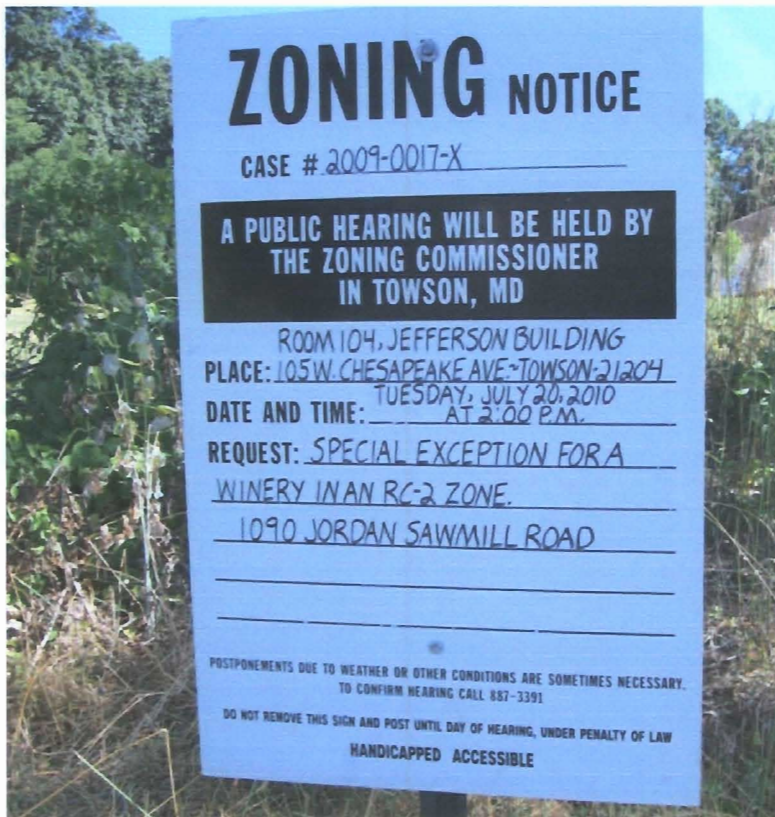
Case Number: 2009-0017-X

Petitioner / Developer: PATRICK RODDY, ESQ.~MR. & MS. ALBIN

Date of Hearing (Closing): JULY 20, 2010

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1090 JORDAN SAWMILL ROAD

The sign(s) were posted on: JULY 2, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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: #2009-0017-X

1090 Jordan Sawmill Road
Beginning on E/side of
Sampson Rd at a distance of
40 ft. n/of centerline of Jordan
Sawmill Rd.

7th Election District
3rd Councilmanic District
Legal Owner(s): Roy &
Linda Albin

Special Exception: for a wine-
ry in an RC-2 zone.

**Hearing: Wednesday, Sep-
tember 17, 2008 at 9:00 a.m.
Room 104, Jefferson Build-
ing, 105 West Chesapeake
Avenue, Towson 21204.**

WILLIAM J. WISEMAN, III
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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JT/9/607 Se2 182440

CERTIFICATE OF PUBLICATION

9/14/, 2008

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 9/2/, 2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 09/02/08

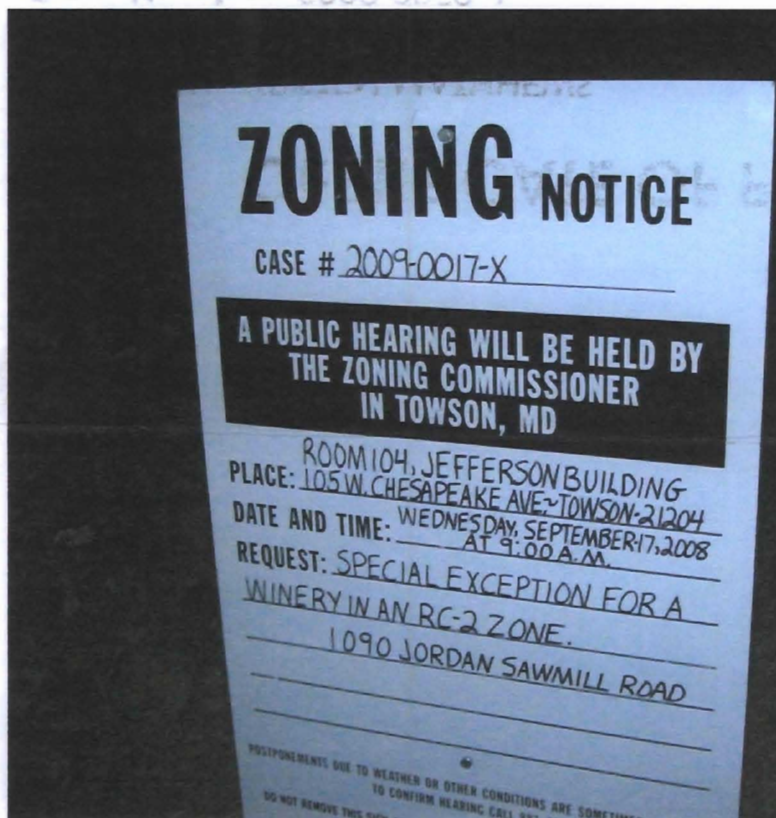
Case Number: 2009-0017-X

Petitioner / Developer: PATRICK RODDY, ESQ. ~ MR. & MRS. ALBIN

Date of Hearing (Closing): SEPTEMBER 17, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1090 JORDAN SAWMILL ROAD

The sign(s) were posted on: SEPTEMBER 1, 2008



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

**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: 2009-0017-X

Petitioner: Roy G Albin And Linda Albin

Address or Location: 1090 Jordan Sawmill Rd Parkton, Md 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patrick Roddy - Rifkin, Livingston, Levittman and Silver

Address: 600 Washington Ave Towson, Md 21204

Telephone Number: 410-583-9433

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 2, 2008 Issue - Jeffersonian

Please forward billing to:
Patrick Roddy
600 Washington Avenue
Towson, MD 21204

410-583-9433

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: 2009-0017-X

1090 Jordan Sawmill Road

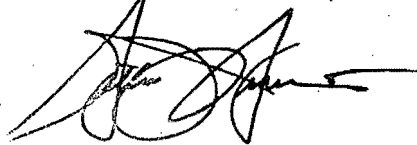
Beginning on E/side of Sampson Rd at a distance of 40 ft. n/of centerline of Jordan Sawmill Rd.

7th Election District – 3rd Councilmanic District

Legal Owners: Roy & Linda Albin

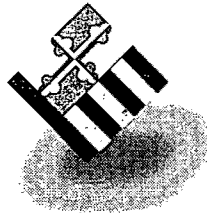
Special Exception for a winery in an RC-2 zone.

Hearing: Wednesday, September 17, 2008 at 9:00 a.m., Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
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
MARYLAND

JAMES T. SMITH, JR.
County Executive

August 8, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 2009-0017-X

1090 Jordan Sawmill Road

Beginning on E/side of Sampson Rd at a distance of 40 ft. n/of centerline of Jordan Sawmill Rd.
7th Election District – 3rd Councilmanic District

Legal Owners: Roy & Linda Albin

Special Exception for a winery in an RC-2 zone.

Hearing: Wednesday, September 17, 2008 at 9:00 a.m., Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

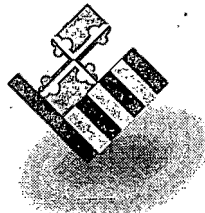
A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Patrick Roddy, 600 Washington Avenue, Towson 21204
Mr. & Mrs. Albin, 1090 Jordan Sawmill Road, Parkton 21120

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 2, 2008.**
(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
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 11, 2008

Patrick Roddy
600 Washington Ave.
Towson, MD 21204

Dear: Patrick Roddy

RE: Case Number 2009-0017-X, 1090 Jordan Sawmill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 21, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Roy G. & Linda Albin, 1090 Jordan Sawmill Rd., Parkton, MD 21120

TB 9-17
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 12, 2008

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

RECEIVED
AUG 18 2008

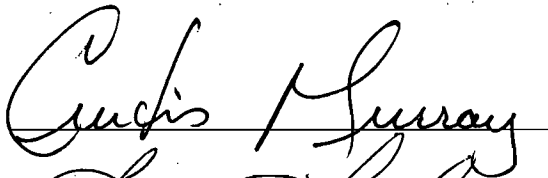
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-017- Special Exception**

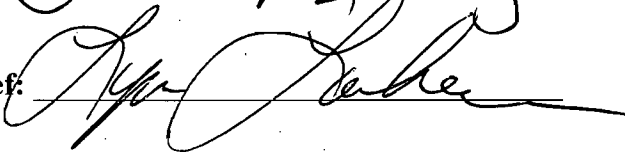
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 29, 2008

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: July 27, 2008

Item No.: 2009-0013-X and 2009-0017-X

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: July 29, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 4, 2008
Item Nos. 2009-0011, 0012, 0013, 0014,
0015, 0016, 0017, and 0018

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

DAK:CEN:lrk

cc: File

ZAC- 07292008-NO COMMENTS



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 7-28-2008

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

RE: Baltimore County
Item No 2009-0017-X
1090 JORDAN SHAWMILL RD
ALBIN PROPERTY
SPECIAL EXCEPTION

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0017-X.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For: Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TB BJS 9/17
9 AM
RECEIVED
SEP 04 2008

BY:.....



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 4, 2008
SUBJECT: Zoning Item # 09-017-X
Address 1090 Jordan Sawmill Road
(Albin Property)

Zoning Advisory Committee Meeting of July 27, 2008

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

X 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 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This application is for an activity regulated under the Forest Conservation Program and, therefore, is in violation of the approved Intrafamily Transfer Declaration of Intent (attached). Any plans and/or permits for the proposed activity cannot be approved until

the applicant comes into compliance with the Baltimore County Code, Article 33, Title 6, Forest Conservation. These requirements must be addressed for Lots 1 & 2.

Thomas Panzarella; Environmental Impact Review

Prior to the approval for the use of the existing house for a winery, additional information must be submitted on the winery process to determine the impact on the existing sewage disposal system. Prior to the approval of a new building, plans must be submitted showing the proposed location of the building and septic reserve area. Soil evaluations must be conducted. A usage letter must be submitted which includes detailed information on functions open to the public. – *S. Farinetti; Ground Water Management*

M. K. e. llyna
08/10/08

BALTIMORE COUNTY, MARYLAND

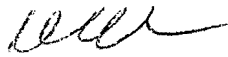
ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

TO: Timothy M. Kotroco, Director,
PDM
W. Carl Richards, Jr., Supervisor
Zoning Review Office

DATE: May 21, 2008

FROM: Wallace S. Lippincott, Manager
Agricultural Land Preservation



SUBJECT: Farm Use Verifications

The Department received two requests from PDM to advise on the following farm uses.

Mr. Darren O'Brien and Mrs. Tracey O'Brien. 15906 Falls Road, Sparks, MD 21152. 8 acres. Mr. O'Brien is requesting the Board's consideration of his property as a reduced acreage farm. Mrs. O'Brien has an ongoing horse training operation that requires a barn. The dimensions of the proposed barn will be 30' x 40'. The Baltimore County Department of Zoning is requesting the Board's verification of the legitimacy of a farm use before a permit will be issued for a barn.

Approved Motion: The Baltimore County Land Preservation Advisory Board met on May 20, 2008 and voted to recommend approval of the Reduced Acreage Farm/Barn request.

Mr. Roy Albin. 1090 Jordan Sawmill Road, Parkton, MD 21120. 5.677 acres. Mr. Albin is requesting the Board's consideration of a reduced acreage farm designation for his property on Jordan Sawmill Road. He would like to construct a barn for equipment storage, livestock stalls, and feed storage. The dimensions of the barn will be 16'x28'x16'. The Baltimore County Department of Zoning is requesting the Board's verification of the legitimacy of a farm use before a permit will be issued for a barn.

Approved Motion: The Baltimore County Land Preservation Advisory Board met on May 20, 2008 and voted to recommend approval of the Reduced Acreage Farm/Barn request.

If you have any questions, please contact Wally Lippincott at Ext. 3776.

RECEIVED

JUL 1 2008

CENTURY ENGINEERING, INC.
10710 GILROY ROAD
HUNT VALLEY, MD 21031

2009-0017-X

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
1090 Jordan Sawmill Road; E/S of Sampson *
Road, 40' N c/line Jordan Sawmill Road * ZONING COMMISSIONER
7th Election & 3rd Councilmanic Districts *
Legal Owner(s): Roy & Linda Albin * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-017-X

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUL 30 2008

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Patrick Roddy, Esquire, Rifkin, Livingston, Levitan & Silver, 600 Washington Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

5-26
Please
put in file
Per Pat
Roddy
this was not
in file
Thom

MEMORANDUM

June 3, 2009

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

RE: Case No. 2009-0017-X

This matter came before the undersigned on September 17, 2008 as a Petition for Special Exception. The special exception was requested to use the property for a winery in an R.C.2 Zone pursuant to Section 1A01.2.C.29.h of the B.C.Z.R.

During the hearing, it became apparent that there were some issues still outstanding in regard to DEPRM's Zoning Advisory Committee comments. David Lykens and Thomas Panzarella of DEPRM appeared at the hearing. In elaborating on the DEPRM ZAC comments, Mr. Lykens indicated that when Petitioners executed an Intra-family Transfer Declaration of Intent on July 15, 2005 -- which facilitated their acquisition of the subject property and their construction of a dwelling thereon -- they requested an exemption from the requirements of the Baltimore County Forest Conservation Program. In being granted the exemption, Petitioners agreed to utilize the property for the purpose of the exempted activity for a period of five years.

As stated in the Declaration of Intent, in the event an application is submitted by the owner for a regulated activity under the Forest Conservation Program within the five year period, the County may require the owner to meet the forest conservation threshold and may also assess a noncompliance fee. Mr. Lykens and Mr. Panzarella indicated that this issue, as well as the ground water management comment, needed to be addressed and resolved prior to the granting of the requested relief.

At the conclusion of the hearing, the undersigned agreed to keep the record open and allow Petitioner and DEPRM officials to review these issues and attempt to resolve them. Thereafter, on December 2, 2008, the undersigned sent an email to Petitioner's counsel, Patrick Roddy, requesting an update on the status of the matter. Mr. Roddy replied on the same date, indicating that he was in the process of preparing a justification as to why this agricultural activity is exempt from the forest conservation statute.

There has been no further activity on this matter since that time. Hence, the file is being returned to the Zoning Review Office, pending further proceedings.

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: August 9, 2010

TO: Dave Lykens, Manager, Development Coordination
Department of Environmental Protection & Resource Management

FROM: Kevin W. Koepenick, R.S., Ground Water Management
Department of Environmental Protection & Resource Management

SUBJECT: Special Exception Request for Albin Farm 2009-0017X

The Ground Water Management Section was provided information on the proposed use of the property as a winery by the Albin's counsel. A site inspection was also conducted by Rob Powell of this office on August 4, 2010. Based on the information provided and the site inspection, the Ground Water Management recommends that the request for special exception be granted with conditions as follows:

- All waste generated in the process of wine making (grape skins, waste from tank cleaning, etc.) must be disposed of in accordance with a Nutrient Management Plan approved by Baltimore County Soil Conservation District (SCD) or in accordance with an NPDES permit approved by Maryland Department of the Environment (MDE). It may NOT be disposed of through the existing septic system serving the house.
- No on-site tasting of wine or sales of wine for consumption on the premises may begin until a new bathroom facility, meeting all applicable requirements of Baltimore County, is installed in the bonded area of the main production facility for use by visitors to the winery.
- Owner must submit a letter stating the intended frequency and maximum number of persons/day for wine tasting events.

Please place
in the case
file.

Thank you.

TB 7/20
2PM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 20 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: July 20, 2010

SUBJECT: Zoning Item 2009-0017X
1090 Jordan Sawmill Road
Albin Property

Zoning Advisory Committee Meeting of July 27, 2008

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

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

Additional Comments: For several months, members of the Department of Environmental Protection and Resource Management have had discussions with Mr. Roddy in an attempt to resolve the outstanding issues related to this zoning case. All of our issues have been addressed except for those related to the Groundwater Management Section (see attached).

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: July 20, 2010

TO: Dave Lykens, Manager, Development Coordination
Department of Environmental Protection & Resource Management

FROM: Kevin W. Koepenick, R.S., Ground Water Management
Department of Environmental Protection & Resource Management

SUBJECT: Special Exception Request for Albin Farm

The Ground Water Management Section is unable to recommend approval of the requested special exception because the applicant has not submitted adequate information in order to assess the water usage and wastewater requirements.

At a minimum, we are requesting a letter from the owner describing the proposed use of the property with details pertaining to how much and where wine will be processed, and how much and where wastewater from wine making will be disposed. We also want a description of where and how the wine will be sold; how much water will be used on a daily basis; the number of employees to be employed in the operation, if wine tasting will be offered; if food will be offered; if public restrooms will be offered; and if periodic public events functions are anticipated. We also need to see a site plan showing the location of the buildings to be used in the operation, existing and proposed wells, and septic systems along with property boundaries, topography, and streams.

From: "Patrick H. Roddy" <PRoddy@rlls.com>
To: tbostwick@baltimorecountymd.gov
Date: 12/02/08 4:54:09 PM
Subject: RE: Albin Property - 1090 Jordan Sawmill Road - Case No. 2009-0017-X

Tom I have been preparing a justification as to why this agricultural activity is exempt from the forest conservation statute. I have to complete that and then have meeting with Jonas. Thanks for reminding me to put it on the front burner.

Patrick H. Roddy
Rifkin, Livingston, Levitan and Silver
Suite 305
600 Washington Ave
Towson, Md. 21204
V:410-583-9433
F:410-583-9439

CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

CONFIDENTIALITY NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please do not print, copy, retransmit, disseminate or otherwise use the information. Also, please indicate to the sender that you have received this message in error and delete the copy you received. Thank you.

-----Original Message-----

From: Thomas Bostwick [mailto:tbostwick@baltimorecountymd.gov]
Sent: Tuesday, December 02, 2008 4:49 PM
To: Patrick H. Roddy
Cc: David Lykens; Thomas Panzarella
Subject: Albin Property - 1090 Jordan Sawmill Road - Case No. 2009-0017-X

Pat,

You may recall that we had a hearing in connection with the above-referenced matter back on September 17, 2008. You represented Petitioners Mr. and Mrs. Albin, who desire to utilize their property for a winery. However, in the file and during the hearing, I was made aware of several issues with DEPRM that needed to be addressed and resolved before I could consider granting the requested relief. I kept the record of the case open for that purpose.

Just so I wouldn't forget the whole thing, I prepared most of a draft order back then and have essentially been "sitting" on this matter since then. Since a few months have gone by, I wanted to make contact with you and the gentlemen from DEPRM to ask if there have been any new developments since the hearing.

Looking forward to your response. Thanks.

Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
Phone: (410) 887-3868
Fax: (410) 887-3468

RIFKIN, LIVINGSTON, LEVITAN & STONER, LLC

ATTORNEYS AT LAW

ALAN M. RIFKIN
SCOTT A. LIVINGSTON (MD, DC)
LAURENCE LEVITAN
EDGAR P. SILVER†
MICHAEL V. JOHANSEN
JOEL D. ROZNER (MD, DC)
RICHARD K. REED
NORMAN D. RIVERA
M. CELESTE BRUCE (MD, DC)
JAMIE B. EISENBERG (MD, DC, NY)
CHARLES S. FAX (MD, DC, NY) ††
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PATRICK H. RODDY
ELLEN B. FLYNN (MD, DC, CT)
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JOYCE E. SMITHEY (MD, DC, NH)
L. TERI SPRADLIN-DAHN†
MELVIN A. STEINBERG†
MICHAEL S. NAGY (MD, VA)
MEGAN BRAMBLE OWINGS
LANCE M. YOUNG
LIESEL J. DANJCZEK (MD, DC)
CHRISTOPHER L. HATCHER
MICHAEL A. MILLER
JULIA E. BRAATEN
LANCE W. BILLINGSLEY†
ELIZABETH K. MILLER†
† OF COUNSEL
†† COUNSEL

(NONLAWYERCONSULTANT)
JOSH M. WHITE

600 WASHINGTON AVENUE • SUITE 305
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(410) 583-9433 • FAX (410) 583-9439
WWW.RLLS.COM

225 DUKE OF GLOUCESTER STREET
ANNAPOLIS, MARYLAND 21401
(410) 269-5066 • FAX (410) 269-1235

7979 OLD GEORGETOWN ROAD • SUITE 400
BETHESDA, MARYLAND 20814
(301) 951-0150 • FAX (301) 951-0172

14601 MAIN STREET
UPPER MARLBORO, MARYLAND 20772
(301) 345-7700 • FAX (301) 345-1294

RECEIVED

JUL 26 2010

ZONING COMMISSIONER

July 23, 2010

Mr. Kevin W. Koepenick, R.S.
Groundwater Management Section
Department of Environmental Protection
& Resource Management
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Albin Farm – Special Exception – 2009-0017X

Dear Mr. Koepenick:

This letter is in response to the points identified in your inter-office Memo of July 20th. In that correspondence, you relayed to Mr. David Lykens information which you need in order to make an assessment of the water usage and waste water requirements at the Royal Rabbit Vineyards which is proposed to be located on the Albin Property at 1090 Jordan Sawmill Road.

As a result of that correspondence, the Albins have asked me to submit to you the following:

1. Attached please find a Detailed Site Plan which was submitted to the Zoning Commissioner on September 17, 2008 as part of the request for a special exception on the Albin property.
2. Attached is a detailed drawing of the interior of the current structure at 1090 Jordan Sawmill Road where the Albins intend to operate a winery. This drawing shows

where wine is proposed to be processed and stored within the existing structure on the property.

3. The Albins plan to make 6,000 to 8,000 gallons of wine annually at maximum production. This production level will not be reached for several years. The wine will be sold in the following methods:
 - Wine will be sold directly to restaurants and retail establishments off-site. This wine will be transported to those sites by the Albins.
 - Wine will be sold in sealed containers for consumption off the premises to customers who come to the winery.
 - Wine will be sold to individuals for sampling and for by-the-glass tastings at the property. (It is important to note that the Albins have identified a bathroom in the detailed schematic drawing of their residence which we have attached. It is the intention of the Albins to install this new bathroom before any on-premise tastings or sampling of wine occurs. This was part of the testimony presented to the Zoning Commissioner on July 20, 2010 during the continuation of the zoning hearing from September 17, 2008.)
4. The Albins estimate the wine making operation will use a maximum of 147 gallons of water a day, primarily for the washing of tanks. This is based on the following factors:
 - 8,000 gallons will produce 3,361 cases of wine (there are 2.38 gallons of finished wine in every case of 12 750ml. bottles);
 - Typical winery requirements are 16 gallons of water annually for every case of finished wine (Source: "Winery Utilities", Planning Design and Operation" by David R. Storm - 2001 published by Kluwer Academic/Plenum Publishers) (see attached);
5. The water used in the washing operation described in #4 above will be collected and distributed to the vineyard for irrigation.
6. In addition to the Albin family members who will be working in the vineyard, processing the wine, and living on the property, the Albins will employ a temporary employee during harvest and bottling. The harvest and bottling parts of the wine manufacturing process are approximately two months each in length; therefore, the Albins will have one employee present four months of the year.
7. The Albins will not be offering food as part of regular operation. Any private tasting events that desire food will have a licensed caterer provide food to the premises.

Mr. Kevin W. Koeppenick, R.S.
July 23, 2010
Page 3

8. The Albins do not plan to be hosting public events. If those plans change in the future, they will be returning to the Department of Permits & Development Management for a Gathering Permit. That permit will allow DEPRM and other county departments to impose conditions on the public event as needed.

I hope this provides you adequate information in order to assess the water usage and wastewater requirements of the special exception request. Both I and the Albins are prepared to assist in providing you further information on these points.

Sincerely

A handwritten signature in cursive script, appearing to read "Patrick Roddy".

Patrick Roddy, Esq.

cc: Thomas Bostwick ✓
Deputy Zoning Commissioner

TB 7/20/10

RIFKIN, LIVINGSTON, LEVITAN & SILVER, LLC
ATTORNEYS AT LAW

ALAN M. RIFKIN
SCOTT A. LIVINGSTON (MD, DC)
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14601 MAIN STREET
UPPER MARLBORO, MARYLAND 20772
(301) 345-7700 • FAX (301) 345-1294

(NONLAWYER/CONSULTANT)
JOSH M. WHITE

August 30, 2010

VIA FACSIMILE and U.S. MAIL

Mr. Kevin W. Koepenick, R.S.
Groundwater Management Section
Department of Environmental Protection
& Resource Management
County Courts Building
100 Bosley Avenue
Towson, MD 21204

RECEIVED

SEP 01 2010

ZONING COMMISSIONER

Re: Albin Farm – Special Exception 2009-0017X

Dear Mr. Koepenick:

This letter is to respond to the points made in your Inter-Office Memo to Dave Lykens dated August 9, 2010 and to conform to the condition of the Zoning Commissioner's Order that the Albins continue communication with the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) in a timely manner.

The Albins are in the process of obtaining a Nutrient Management Plan approval from the Soil Conservation District. No waste produced from the wine making process will be disposed of in the existing septic system serving the house.

As was made a condition of the Zoning Commissioner's Order approving the Special Exception Request, no tasting events will be held at the winery until a new bathroom facility is installed and functional in the bonded area of the main production facility for use by visitors to the winery.

Mr. Kevin W. Koepenick
August 30, 2010
Page 2

Plans for the winery facility produced for the Albins by a licensed engineer, set (in accordance with applicable fire codes) a capacity limit at a maximum of 22 people. This will be the attendance limit in the winery. The Albins anticipate having a maximum of 100 visitors in the winery on any given day.

As to outdoor public events, in accordance with my letter to you of July 23, 2010, the Albins do not now anticipate hosting public events which would exceed the capacity listed above. If, as the winery grows in future years, those plans change and outdoor events become a possibility, the Albins would limit attendance at those events to a maximum of 150 people. The Albins would further limit those events to only a maximum of five a year. For each of these events the Albins would seek a Gathering Permit from Baltimore County which would allow DEPRM and other County agencies to impose conditions on the outdoor public event as needed. In each case, the Albins will be contracting with a portable toilet vendor to provide for appropriate portable, temporary sanitary facilities.

I hope this is responsive to the points you made in your correspondence of August 9, 2010. Any plans or permit applications submitted by the Albins will adhere to the terms set forth in this letter.

Thank you for your assistance in processing this Special Exception. If you have any questions, please don't hesitate to contact me.

Sincerely,



Patrick H. Roddy

PHR:pd

cc: Deputy Zoning Commissioner Thomas Bostwick ✓

9-1
Please place
in the
case file.
Thank you.

CASE NAME _____
CASE NUMBER 2009-0017-X
DATE 9-17-08

[illegible]

CASE NAME _____
CASE NUMBER 2029-0017-X
DATE _____

[illegible]

CASE NAME Qesin
CASE NUMBER 2008-0017-X
DATE 7-20-10

[illegible]

CASE NAME Qesin
CASE NUMBER 2009-0017-X
DATE 7-20-10

[illegible]

[illegible]

A-17

RURAL ACCESSORY USES

Reference S. 400, 101, 404.2

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

To: Wallace S. Lippincott, Jr.
Program Administrator
DEPRM

Date: May 19, 2008

From: Director, Permit & Development Mgmt.
111 W. Chesapeake Ave., Towson, Maryland

RE: Legitimacy of Farm Use

To be supplied by applicant

Election District 7Owner: Roy AlbrightAddress: 1090 Jordan Sawmill Rd
Parkton Md 21120Phone # 4103578967

Tax Account Number

25 00 000558

Pursuant to the Zoning Commissioner's Policy A-17 _____ this office is officially requesting verification of the legitimacy of a farm use on the referenced property. In the judgement of the Zoning Supervisor and/or the Zoning Commissioner, in consideration of your findings, a special hearing may be required before the Zoning Commissioner prior to any zoning approvals. We are submitting a copy of:

To be supplied by applicant

- | | MAP | BLOCK | PARCEL |
|--|----------|-------|------------|
| 1. The deed to the property | | | |
| 2. The state tax map for that area | <u>7</u> | | <u>301</u> |
| 3. Letter describing farm operation | | | |
| 4. Photographs of agricultural operation | | | |

We appreciate your verification and/or recommendations concerning this property.

LEGITIMACY OF A FARM USE ON THE REFERENCED PROPERTY

☒ Yes ☐ No ☐ Comment _____

Signed: Danach Greene
Representative of the Agricultural Land
Preservation Board for Baltimore County

Date: 5/20/08

SAMPSON RD

0702020410

20611

1600005141

JORDAN SAWMILL RD

0708080500

2100007979

1017

1121



copy from

Approved DCI
+CP

Intrafamily Transfer Declaration of Intent

Tax Account # 16-00005141 District 7 Map 7 Grid 16 Parcel 199

Name(s) ROY W. ALBIN & ROSELLA M. ALBIN, TRUSTEES

Location 1100 JORDAN SAWMILL ROAD

(NORTHEASTERN QUADRANT INTERSECTION JORDAN SAWMILL ROAD & SAMPSON ROAD)

I (we), ROY W. ALBIN & ROSELLA M. ALBIN the Owner of the
real property located at 1100 JORDAN SAWMILL ROAD

as described as 1100 JORDAN SAWMILL ROAD (DEED 15180/651, 28.61 AC.)

hereby declare my (our) intention to invoke the intrafamily transfer exemption for the above property, in accordance with the provisions of the Baltimore County Forest Conservation Program Section 14-403(B)(13) and COMAR 08.19.01.04, for a period of at least five (5) consecutive full taxable years following this date.

This declaration grants an exemption for the purpose of constructing a dwelling house intended for the use of the owner, or a child or grandchild of the owner based on the Baltimore County Forest Conservation Program. If the land does not remain in the possession of a child or grandchild, the Owner must notify the Baltimore County Department of Environmental Protection and Resource Management and may lose this exemption. If the Owner makes application for an activity regulated under the Forest Conservation Program, clears more than 40,000 square feet of forest, or violates the requirements of a previous Forest Conservation Plan on all or part of the lot within the five (5) year period, Baltimore County may require the Owner to meet the forest conservation threshold established in the Forest Conservation Program and COMAR 08.19.03, and may also assess a noncompliance fee for forested areas cut in violation of this exemption.

I (we) declare, under the penalties of law, that this declaration, including any accompanying forms and statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

Signature(s)

Roy W. Albin

Date

7/15/2005

Rosella M. Albin

Date

July 15, 2005

Notary

Lorie A. Barski

Date

July 15, 2005

tnm

LORIE A. BARSKI
NOTARY PUBLIC OF NEW JERSEY

DOI1/DEPRM/EIR/rev. 3-17-93 Commission Expires May 23, 2006

Case No.: 2009-0017-X

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Letters of Support	
No. 3	Floorplan of proposed operation	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Herbert J. Schafer, Jr.
20611 Sampson Road
Parkton, Maryland 21120
Phone (410) 329-8209 Fax (410) 357-4099

July 29, 2008

To Whom It May Concern:

Mr. Roy Albin is submitting this letter to the Council in my behalf.

It is my understanding that Mr. Roy Albin has intentions to begin operating a Winery at 1090 Jordan Saw Mill Road, Parkton, Maryland 21120. Please convey to the County Officials that as a neighbor, I am in full support of this endeavor and ask that a special exception be granted to Mr. Albin for his Winery.

Sincerely,


Herbert J. Schafer, Jr.

PETITIONER' S

EXHIBIT NO. 2A-5

20004 Kirkwood Shop Road
White Hall, MD 21161
July 24, 2008

Roy G. Albin
1090 Jordan Sawmill Road
Parkton, MD 21120

Dear Mr. Albin,

It is my understanding that you plan on operating a winery at your home address, 1090 Jordan Sawmill Road. Personally I am a strong supporter of small business, especially those close to my residence. At the hearing please tell the county officials that I ask their support in granting the exception.

Best regards,



Carol H. Lonsdale

P.S. I understand that you will be
submitting this on my behalf.
CHL.

July 28, 2008

Calvin Palmer
20515 Sampson Road
Parkton, MD 21120

Roy Albin
1090 Jordan Sawmill Road
Parkton, MD 21120

Dear Mr. Albin,

I understand that you will be submitting this on my behalf. I understand your plans to operate a winery at 1090 Jordan Sawmill Road.

Please tell the county officials that I am a neighbor and I ask that they support granting a special exception.

Sincerely,

A handwritten signature in cursive script that reads "Calvin Palmer".

July 28, 2008

Joyce Hudson
20411 Sampson Road
Parkton, MD 21120

Roy Albin
1090 Jordan Sawmill Road
Parkton, MD 21120

Dear Mr. Albin,

I understand your plans to operate a winery at 1090 Jordan Sawmill Road. I have been a neighbor of that property for thirty-five years. I have no objection to you operating a winery at that location.

Please let the county officials know that we support granting the special exception.

Sincerely,

Joyce Hudson

To Whom It May Concern:

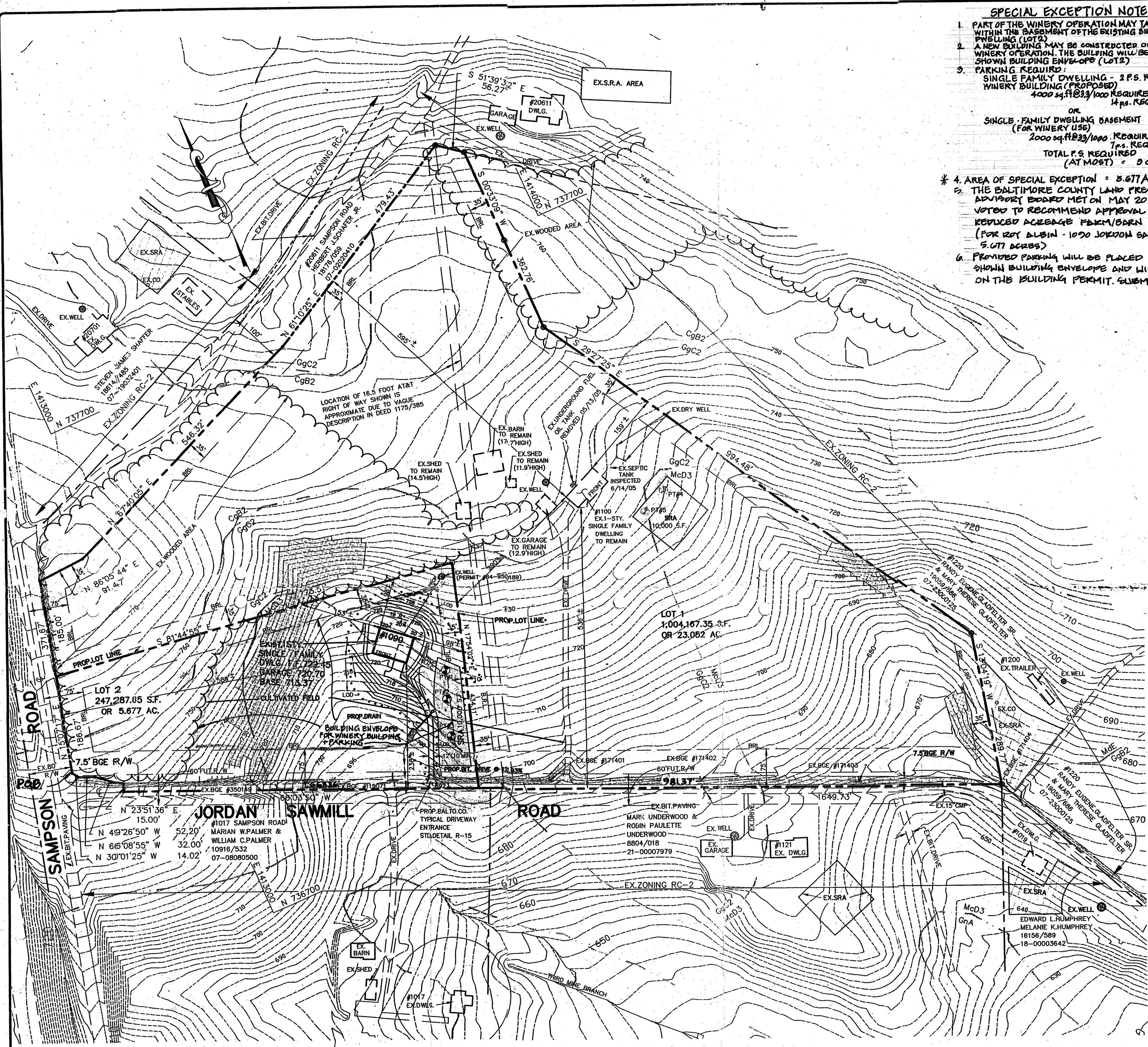
I am pleased to write this letter on behalf of Roy & Linda Albin.
It has been brought to our attention, as neighbors and Baltimore County
property owners in that Roy Albin is pursuing the development of a Winery
and we could not be more pleased. We greatly welcome such a cause.
This is a ^{quiet} ~~quite~~ country setting in this area which I hope it stays, and a
Winery across the road from our property is the perfect answer.

Thank you for your Time
Mark & Robin Underwood

7-24-08

Mark Underwood

P.S. I understand you will be
submitting this on my Behalf.
M.U.
H

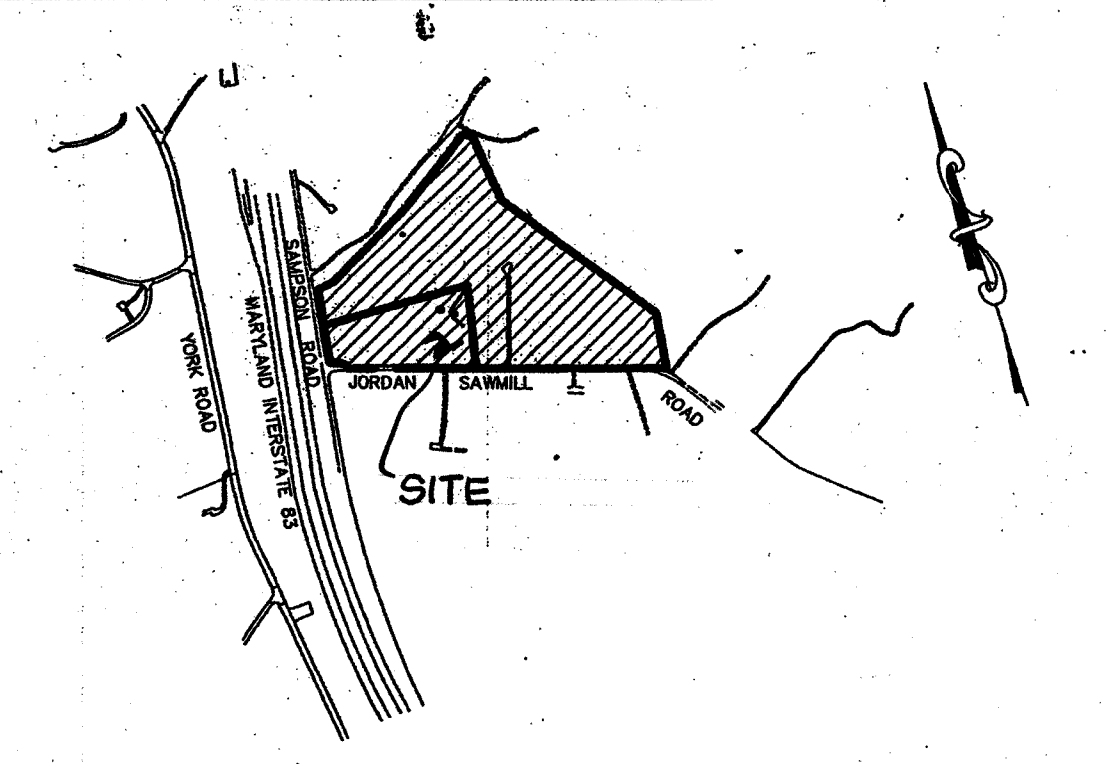


SPECIAL EXCEPTION NOTES

- PART OF THE WINERY OPERATION MAY TAKE PLACE WITHIN THE BASEMENT OF THE EXISTING SINGLE-FAMILY DWELLING (LOT 2)
- A NEW BUILDING MAY BE CONSTRUCTED ON LOT 2 FOR THE WINERY OPERATION. THE BUILDING WILL BE WITHIN THE SHOWN BUILDING ENVELOPE (LOT 2)
- PARKING REQUIRED:
SINGLE FAMILY DWELLING - 2 P.S. REQUIRED
WINERY BUILDING (PROPOSED) - 4000 sq.ft. @ 133/1000 REQUIRED
14 P.S. REQUIRED
OR
SINGLE-FAMILY DWELLING BASEMENT (FOR WINERY USE) - 2000 sq.ft. @ 23/1000 REQUIRED
7 P.S. REQUIRED
TOTAL P.S. REQUIRED (AT MOST) = 9 or 16 PROVIDED
- AREA OF SPECIAL EXCEPTION = 5.677 AC
- THE BALTIMORE COUNTY LAND PRESERVATION ADVISORY BOARD MET ON MAY 20, 2008 AND VOTED TO RECOMMEND APPROVAL OF THE REDUCED ACREAGE FARM/BARN REQUEST (FOR ROY ALBIN - 1090 JORDAN SAWMILL ROAD, 5.677 ACRES)
- PROPOSED PARKING WILL BE PLACED WITHIN THE SHOWN BUILDING ENVELOPE AND WILL BE LOCATED ON THE BUILDING PERMIT SUBMISSION.

GENERAL NOTES

- All existing structures to remain.
- There is no zoning case history for this site.
- There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management.
- Any Forest Buffer Easement shown, hereon, is subject to Protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
- The insurance of the building permit and all grading will be done in accordance with the approved Sediment and Erosion Control Plan approved by the Baltimore County Soil Conservation District.
- There are no known underground storage tanks on the lots shown hereon except as noted.
- There are no 100 year flood plains on the lots shown hereon.
- Topography shown hereon is from Baltimore County GIS Topography.
- There is no rare, threatened or endangered species habitat on these lots.
- Downspouts are to be discharged onto pervious areas or into drywells where feasible.
- This property as shown on the plan has been held intact since 12/31/71. The developer's surveyor has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, or represented as density or area to support any off-site dwellings.
- There are no non-tidal wetlands on this site.
- There are no known offsite wells, underground tanks or sewage disposal system within 100' of property boundary except as shown.
- Maximum building height is 35' feet.
- There are no existing structures within 200 feet of the tract boundary except as shown hereon.
- Inconveniences arising from Agricultural operations: Any Dwelling in an R.C. 2 zone may be subject to inconveniences or discomforts arising from agricultural operations, including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. The county shall not consider an agricultural operation to be a public or private nuisance, if the operation complies with these regulations and all federal, state, or county health or environmental requirements.
- All site runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving waterbody, watercourse, wetland, storm drain or adjacent property.
- All impervious areas should be limited to 30% of cleared area and conveyed as sheet flow through vegetated areas without concentrating or cause erosion.
- Additional subdivision on these parcels and/or lots will require SWM controls for this site and the additional subdivision.
- There are no perennial or intermittent streams, bodies of water, springs, and seeps on or within 200 feet of the subject property.
- Forest Conservation (B-224-92) section 14-10.1(B) (13)(a) & b. Forest Conservation regulations do not apply to this site as construction of a dwelling or the use of a child of the owner is proposed and less than 40,000 s.f. of cutting, clearing or grading of forest is proposed and that the site will be the subject of a declaration of intent filed with Baltimore County DEPRM per section 14-40.3, which states that transfer of ownership may result in a loss of, exemption from, forest conservation regulations.
- See Approved Grading Plan and Grading Permit for Final grades & storm drain details.
- THERE ARE NO HISTORIC STRUCTURES ON SITE
- THIS SITE IS NOT WITHIN ANY MONITORING AREA



VICINITY MAP
(SCALE: 1" = 1,000')

SITE DATA

- AREA OF TRACT: 247,288 S.F. OR 5.677 AC.
- EXISTING ZONING: RC-2
- ORIGINAL DENSITY CALCULATION:
1. LOTS ALLOWED = RC-2 (2-100 ACRES) = 2 LOTS
2. LOTS PROPOSED = 2 LOTS
- OWNER: ROY G. ALBIN & LINDA ALBIN
#1090 JORDAN SAWMILL ROAD
PARKTON, MARYLAND 21120-9155
(973) 895-2249
- TAX ACCOUNT #: 07-2500000558
- DEED REFERENCE: 24820/159
- TAX MAP: 7
- PARCEL #: 301, Lot #2
- CENUS TRACT: 4071.00
- REGIONAL PLANNING DISTRICT: 301A
- SCHOOL DISTRICT: 54
- WATERSHED: LOCH RAVEN
- SUB-SEWERSHED: NONE
- MASTER WATER DESIGNATION: W-7
- MASTER SEWER DESIGNATION: S-7
- ZONING MAP #: 007B2
- FAR, AOS, & RTA DO NOT APPLY

STORM WATER MANAGEMENT

A STORM WATER MANAGEMENT VARIANCE, WAS GRANTED PER SECTION 33-4-113 OF THE BALTIMORE COUNTY CODE, FEBRUARY 28, 2006; SUBJECT TO THE PAYMENT OF A FEE-IN-LIEU OF \$5,600.00 AND OTHER CONDITIONS.

SPECIAL EXCEPTION REQUEST
The applicant is requesting a Special Exception for a winery in the RC-2 Zone pursuant to Section 1A01.2.C.29.h of the BCZC.

PERCOLATION TEST LEGEND

PERC TEST (PASSED) & SRA APPROVED APRIL 5, 2005

LEGEND

	EXISTING 25% & GREATER SLOPES
	LOD
	LIMIT OF DISTURBANCE
	SEPTIC RESERVE AREA
	SOILS LINE
	EXISTING CONTOUR
	PROPOSED CONTOUR
	EXISTING WELL

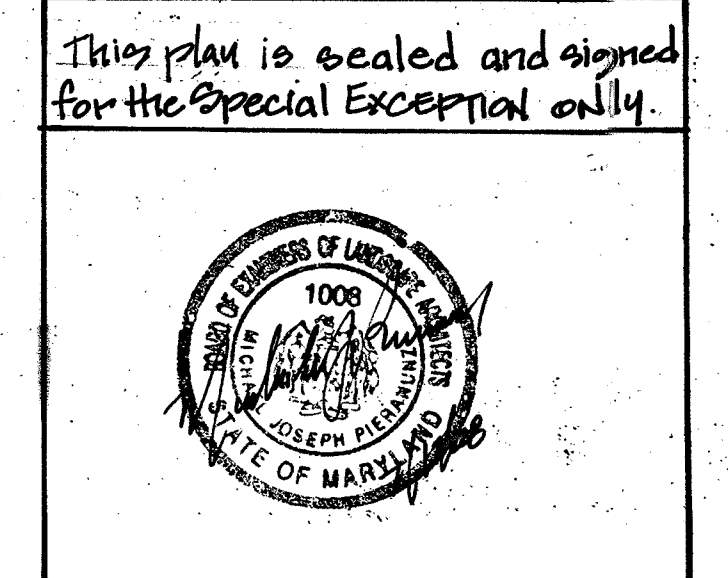
DATA SOURCES

DATA FOR SPECIAL EXCEPTION PLAN OBTAINED FROM MINOR SUBDIVISION PLAN APPROVED ON 7-8-00, BY BAPTIS & ASSOCIATES, INC. MINOR SUBDIVISION PLAN 05-044-M

SOILS DATA CHART

TYPE	SERIES	WITH BASEMENT	WITHOUT BASEMENT	STREETS AND PARKING LOT	CLASS	K'
CgB2	CHESTER	SLIGHT	SLIGHT	MODERATE SLOPE	B	0.32
GcC2	GLENELG	SLIGHT	SLIGHT	MODERATE SLOPE	B	0.28
McD3	MANOR	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	B	0.32

CHESTER: GRAVELLY SILT LOAM, 3 TO 8 PERCENT SLOPES
GLENELG: CHANNERY LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED
MANOR: CHANNERY LOAM, 15 TO 25 PERCENT SLOPES, SEVERELY ERODED



ENGINEER: **THIRTY CENTURY** ENGINEERING
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: (410) 823-8070 Fax: (410) 823-2184

1090 JORDAN SAWMILL ROAD
PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
ELECTION DIST. #7 COUNCILMANIC DISTRICT #9
BALTIMORE COUNTY, MD
Scale: 1"=100'

PETITIONER'S
EXHIBIT NO. 1



Plan Sheet: 007B2

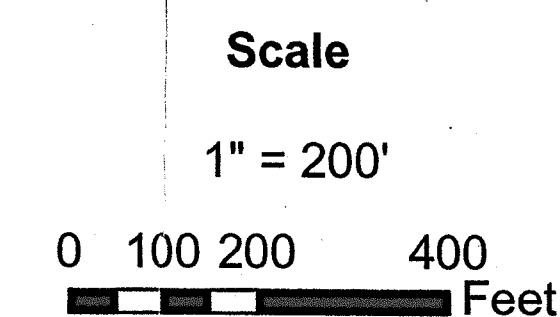
Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- | | | | | | |
|--|-----------|--|---------|--|------------|
| | Zoning | | Streams | | Vegetation |
| | Buildings | | Roads | | Rail Lines |

Baltimore County Office of Planning and Zoning Official Zoning Map

006C1	007A1	007B1	007C1	008A1
006C2	007A2	007B2	007C2	008A2
006C3	007A3	007B3	007C3	008A3



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

2009-0017-X

Back of Building
(North East Facing)

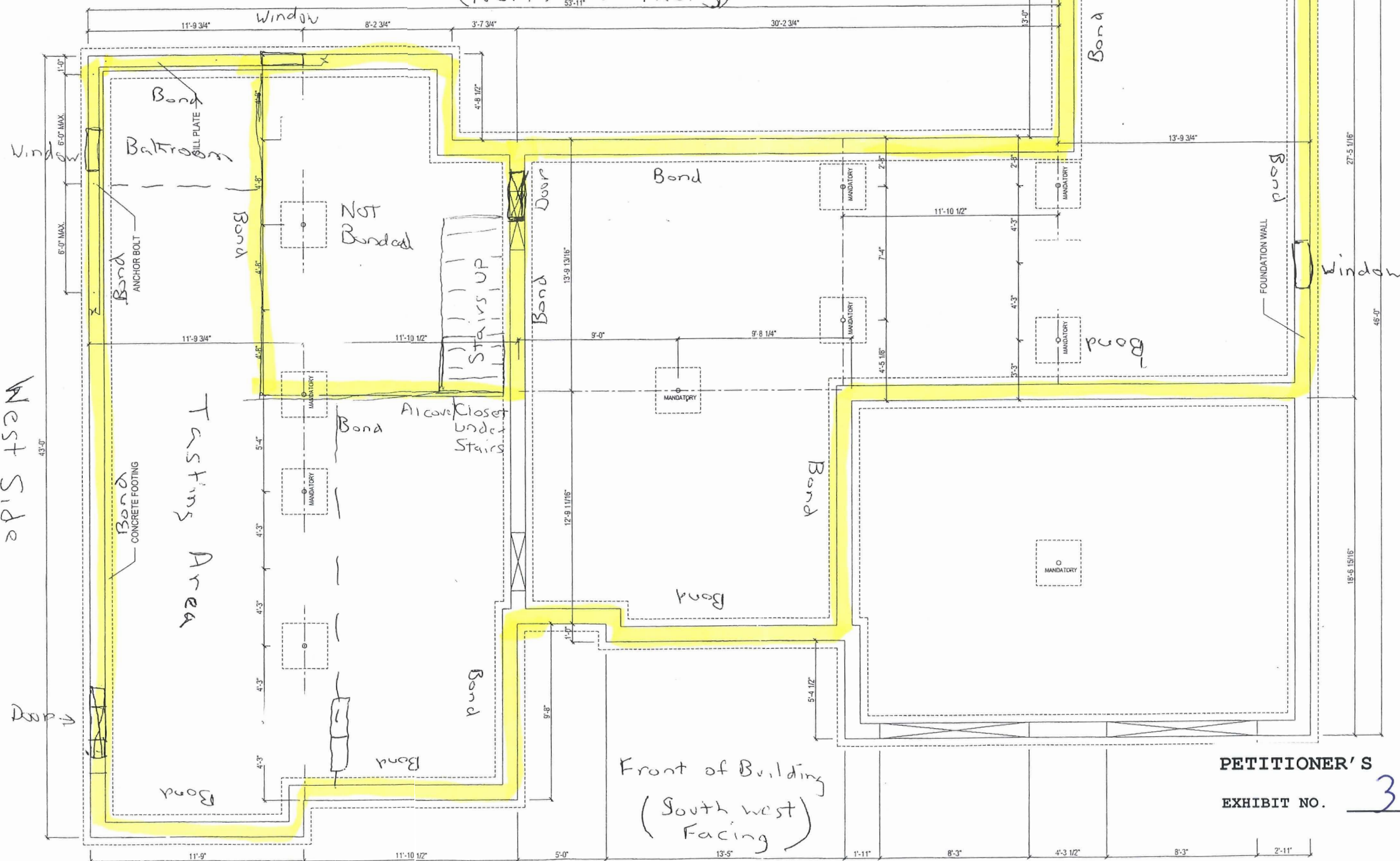


EXHIBIT NO.

3

DOWN BY	#	DATE
JLP	2	1-06-05

FOUNDATION
SHEET # 2a
OWN. BY: BAH & JZN
CHECKED BY: --
DATE: 12.17.04

RANCH
PROJ. ID #: 240530
SERIAL #:

BUILDER:
MARYLAND MODULAR
ADDRESS:
10300 HARFORD ROAD
CLEN ARLAND, MD 21057

PROJECT NAME: ALBIN
PROJECT SITE: 1100 JORDAN SAWMILL ROAD

Signature Building Systems Inc.
1004 SPRINGBROOK AVENUE -- MOOSIC, PA 18507
Tel. (570) 774-1000 Fax. (570) 774-1010