

12/2/15

IN THE MATTER OF
PETITION FOR VARIANCE BY
RECOVERMAT MID-ATLANTIC, LLC
- LEGAL OWNERS /PETITIONER FOR
THE PROPERTY LOCATED ON THE
W/S HALETHORPE FARMS ROAD, 395' S OF
C/L TRIDENT COURT
(2202 HALETHORPE FARMS ROAD)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 14-178-A

* * * * *

ORDER OF DISMISSAL

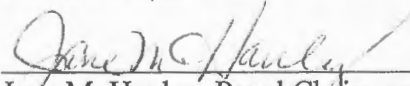
This matter comes to the Board of Appeals by way of an appeal filed by Howard L. Alderman, Jr., Esquire on behalf of Recovermat Mid-Atlantic, LLC, Legal Owners/Petitioners, from a decision of the Administrative Law Judge dated October 1, 2014 in which the requested Petition for Special Hearing was granted with restrictions.

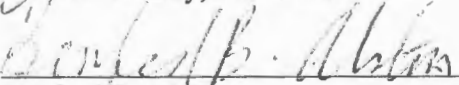
WHEREAS, the Board is in receipt of a voluntary of withdrawal of the Petition for Variance, filed November 3, 2015 and signed by Howard J. Alderman, Jr., Esquire, Counsel for Recovermat Mid-Atlantic, LLC, Legal Owners/Petitioners, (a copy of which is attached hereto and made a part hereof); and

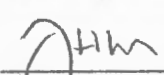
WHEREAS, said Counsel for Petitioners requests that the Petition for Variance in this matter be withdrawn without prejudice as of November 3, 2015; and

IT IS THEREFORE ORDERED this 3rd day of December, 2015 by the Board of Appeals of Baltimore County that the Petition for Variance in Case No. 14-178-A be and the same is hereby **DISMISSED without prejudice**, thereby rendering the October 1, 2014 Order of the Administrative Law Judge as **null and void as to the Petition for Variance only**. The Administrative Law Judge's Order dated October 1, 2014 with regard to the consolidated matter, 14-278-SPH, shall retain its full force and effect.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Jane M. Hanley, Panel Chairman


Benfred/B. Alston


James H. West



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 3, 2015

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204

Edward J. Gilliss, Esquire
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

RE: In the Matter of: Recovermat Mid-Atlantic, LLC – Legal Owners/Petitioner
Petition for Variance
Case No.: 14-178-A

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington Ham".

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: See Distribution List attached

c: Recovermat Mid-Atlantic, LLC
North Point Recycling, LLC
Robert D. Capalongo, RLA/CNA Engineers
Paul Tharp
Katie Heam
Dale Fields, Business Licensing/Motor Vehicle Administration
Phil Dacey, Esquire/Motor Vehicle Administration
Office of People's Counsel
Arnold Jablon, Deputy Administrative Officer, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

11/3/15

BEFORE THE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

IN RE: PETITION FOR VARIANCE
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: 2014-0178-A

Recovermat Mid-Atlantic, LLC,

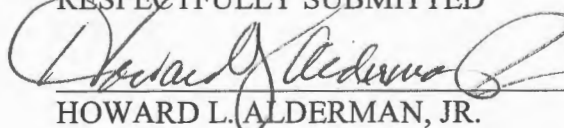
Legal Owner

WITHDRAWAL OF PETITION FOR VARIANCE – WITHOUT PREJUDICE

Case No. 2014-0178-A

Recovermat Mid-Atlantic, LLC (“Recovermat”), Owner of the above-referenced property, in accordance with *Code of Baltimore County Regulations, Rules of Practice and Procedure of the Baltimore County Board of Appeals*, Rule 3.b.2., hereby withdraws its Petition for Variance in Case No. 2014-0178-A. As this withdrawal has been filed before a hearing on the appeal of the variance has been finally scheduled, the withdrawal of the Petition for Variance and the relief requested therein is **without prejudice**.

RESPECTFULLY SUBMITTED



HOWARD L. ALDERMAN, JR.

Levin & Gann, PA

Nottingham Centre, 8th Floor

502 Washington Avenue

Towson, Maryland 21204

410-321-0600

410-296-2801 (Fax)

Attorneys for Recovermat Mid-Atlantic, LLC

RECEIVED

NOV 03 2015

BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

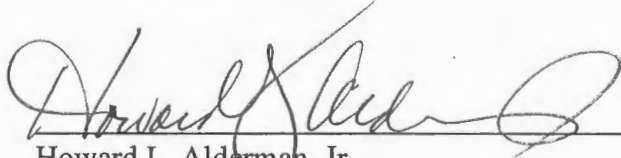
I HEREBY CERTIFY that on this 3rd day of November, 2015, a copy of the foregoing

Withdrawal of Petition for Variance Without Prejudice was mailed, postage prepaid, First Class
United States Mail to:

Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

and

Edward J. Gilliss, Esquire
RMMR, LLP
102 W. Pennsylvania Ave, Suite 600
Towson, MD 21204



Howard L. Alderman, Jr.

**BEFORE THE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY**

IN RE: **PETITION FOR VARIANCE**
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: **2014-0178-A**

Recovermat Mid-Atlantic, LLC,
Legal Owner

ORDER

The Board, having received a Withdrawal of Petition for Variance and relief stated therein in the above-captioned case, and the Withdrawal having been filed before a final hearing on the appeal of the relief granted in the Petition, in accordance with *Code of Baltimore County Regulations, Rules of Practice and Procedure of the Baltimore County Board of Appeals*; Rule 3.b.2.

it is this _____ day of _____, 2015, ORDERED,

That the Petition for Variance in Case No. 2014-0178-A is hereby WITHDRAWN
WITHOUT PREJUDICE.

BOARD OF APPEALS FOR
BALTIMORE COUNTY

7/24/15

RECEIVED

JUL 24 2015

BALTIMORE COUNTY
BOARD OF APPEALS

In RE: PETITION FOR VARIANCE AND
SPECIAL HEARING
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District
Recovermat Mid-Atlantic, LLC
Legal Owner
Petitioner

* BEFORE THE
* BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* Case Nos.: 2014-178-A
and 2014-0278-SPH

* * * * *

OPPOSITION TO
MOTION TO DISMISS APPEAL AND MOTION FOR JUDGMENT

North Point Recycling, LLC, by its undersigned counsel, hereby files the following
Opposition to Recovermat's Motion to Dismiss Appeal and Motion for Judgment, and as reason
therefor states:

PROCEDURAL POSTURE

In Case No. 2014-0278-SPH, North Point Recycling, LLC ("North Point") sought a
declaration that Recovermat Mid-Atlantic, LLC ("Recovermat") was operating a "junkyard," as
that term is defined by the Baltimore County Zoning Regulations (the "BCZR"). Administrative
Judge John E. Beverungen (the "ALJ") determined that it did, and Recovermat appealed that
determination to the Baltimore County Board of Appeals (the "Board"). These proceedings are
referred to herein as the "Special Hearing Petition" and "Special Hearing Appeal" respectively.

In Case No. 2014-178-A, Recovermat sought a variance for its property, which was
granted by the ALJ. North Point appealed that decision to the Board. These proceedings are
referred to herein as the "Variance Petition" and "Variance Appeal" respectively.

These appeals were scheduled for hearing before the Board on June 2, 2015. On May 21,
2015, the Baltimore County Council passed Bill 35-15, which became effective June 1, 2015.

Recovermat has now filed two motions. The first, with respect to the Special Hearing
Appeal, argues that its own appeal should be dismissed as moot (in reality, Recovermat is not

ROYSTON, MUELLER,
MCLEAN & REID, LLP
SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

seeking dismissal, but a reversal of the ALJ by way of summary judgment, discussed below). The second, with respect to the Variance Appeal, argues that North Point's appeal should be denied because it does not have standing to maintain it. These two motions are collectively referred to as "the Motions" or "Recovermat's Motions" herein.

Both Motions must be denied by the Board, for the reasons set out below.

ARGUMENT

- I. These proceeding cannot be dismissed based on standing because Recovermat has cited the incorrect standard for administrative standing.

Recovermat has argued in its Motions that North Point did not have standing to request a special hearing, and does not have standing to oppose Recovermat's Special Hearing Appeal. Recovermat has also argued that North Point did not have standing to oppose Recovermat's request for variance, and does not have standing to pursue the Variance Appeal. Both arguments are incorrect. Recovermat has cited the incorrect standard for administrative standing in its Motions. The correct standard provides standing to any person who is an "interested person," and is a much more relaxed standard than the classic "aggrievement" standard cited by Recovermat. North Point clearly meets this requirement, and therefore Recovermat's Motions must be denied.

The law is clear that there are different standards for standing to be a party at the administrative level and standing to maintain a judicial review action in the circuit court. *See Sugarloaf Citizens' Ass'n v. Dep't of Env't*, 344 Md. 271, 285, 686 A.2d 605, 612 (1996). All of the caselaw cited by Recovermat deals with the latter issue, and hence is not applicable to the present situation.¹ The correct standard, as articulated by the Court of Appeals, is as follows:

¹ The following should not be construed as any admission that North Point would not have standing to seek judicial review of the Board's decision. The only point made here is that the issue of this higher threshold is not before the Board, because this proceeding is still at the administrative level.

The cases in this Court, and the language of the Administrative Procedure Act itself, § 10-222(a)(1) of the State Government Article, recognize a distinction between standing to be a party to an administrative proceeding and standing to bring an action in court for judicial review of an administrative decision. Thus, a person may properly be a party at an agency hearing under Maryland's "relatively lenient standards" for administrative standing but may not have standing in court to challenge an adverse agency decision. *Maryland-Nat'l v. Smith*, 333 Md. 3, 11, 633 A.2d 855, 859 (1993). See *Medical Waste v. Maryland Waste*, 327 Md. 596, 611-614, 612 A.2d 241, 248-250 (1992) (organization was a party at the administrative proceeding but lacked standing to maintain a judicial review action.)

The requirements for administrative standing under Maryland law are not very strict. Absent a statute or a reasonable regulation specifying criteria for administrative standing, one may become a party to an administrative proceeding rather easily. In holding that a particular individual was properly a party at an administrative hearing, Judge J. Dudley Digges for the Court in *Morris v. Howard Res. & Dev. Corp.*, 278 Md. 417, 423, 365 A.2d 34, 37 (1976), explained as follows:

"He was present at the hearing before the Board, testified as a witness and made statements or arguments as to why the amendments to the zoning regulations should not be approved. This is far greater participation than that previously determined sufficient to establish one as a party before an administrative agency. See, e.g., *Baxter v. Montgomery County*, 248 Md. 111, 113, 235 A.2d 536 (1967) (per curiam) (submitting name in writing as a protestant); *Bryniarski v. Montgomery Co.*, 247 Md. 137, 143, 230 A.2d 289, 293-94 (1967) (testifying before agency); *Hertelendy v. Montgomery Cty.*, 245 Md. 554, 567, 226 A.2d 672, 680 (1967) (submitting into evidence letter of protest); *DuBay v. Crane*, 240 Md. 180, 184, 213 A.2d 487, 489 (1965) (identifying self on agency record as a party to proceedings); *Brashears v. Lindenbaum*, 189 Md. 619, 628, 56 A.2d 844, 849 (1948) (same). Bearing in mind that the format for proceedings before administrative agencies is intentionally designed to be informal so as to encourage citizen participation, we think that absent a reasonable agency or other regulation providing for a more formal method of becoming a party, anyone clearly identifying himself to the agency for the record as having an interest in the outcome of the matter being considered by that agency, thereby becomes a party to the proceedings."

More recently, Judge McAuliffe for the Court in *Maryland-Nat'l v. Smith*, supra, 333 Md. at 10, 633 A.2d at 859, summarized Maryland law relating to status as a party in administrative proceedings:

"*Morris* and other cases of this Court indicate that the threshold for establishing oneself as a party before an administrative agency is indeed

low. Although we have said that one's presence at the hearing and testimony in favor of an asserted position is sufficient, *id.*, we have also said that personal appearance and testimony at the hearing are not required. *Hertelendy v. Montgomery Cty.*, 245 Md. 554, 567, 226 A.2d 672 (1967); *Largo Civic Ass'n v. Pr. Geo's Co.*, 21 Md.App. 76, 81, 318 A.2d 834 (1974). In fact, it has been held to be sufficient that the hearing examiner considered the appellant to be a party, *Northampton Corp. v. Pr. George's Co.*, 21 Md.App. 625, 633-34, 321 A.2d 204, *rev'd on other grounds*, 273 Md. 93, 327 A.2d 774 (1974), or that the appellant's name was submitted to the Board of Appeals as one who would be aggrieved by an adverse decision. *Wright v. McCubbin*, 260 Md. 11, 14, 271 A.2d 365 (1970). *See also Baxter v. Montgomery County*, 248 Md. 111, 113, 235 A.2d 536 (1967) (submitting name in writing as a protestant is sufficient); *Bryniarski v. Montgomery Co.*, 247 Md. 137, 143, 230 A.2d 289 (1967) (testifying before agency is sufficient); *DuBay v. Crane*, 240 Md. 180, 184, 213 A.2d 487 (1965) (identifying self on agency record as a party is sufficient)."

See Medical Waste v. Maryland Waste, supra, 327 Md. at 611-612, 612 A.2d at 248-249.

Sugarloaf Citizens' Ass'n v. Dep't of Env't, 344 Md. 271, 285-87, 686 A.2d 605, 613 (1996).

This standard has been repeated time and again by the Courts. *See Comm. for Responsible Dev. on 25th St. v. Mayor & City Council of Baltimore*, 137 Md. App. 60, 71, 767 A.2d 906, 911 (2001) ("the requirements for administrative standing are such that one may have administrative standing, but lack standing to seek judicial review."); *Maryland-Nat'l Capital Park & Planning Comm'n v. Smith*, 333 Md. 3, 10, 633 A.2d 855, 859 (1993) ("the threshold for establishing oneself as a party before an administrative agency is indeed low.")

This relaxed standard was again discussed and reaffirmed in *Chesapeake Bay Found., Inc. v. Clickner*, 192 Md. App. 172, 993 A.2d 1163 (2010). Quoting *Sugarloaf* at length, the Court noted that, "Maryland land use cases draw a distinction between an "interested party" and an "aggrieved party" for purposes of standing in administrative proceedings." *Id.* at 183, 1170. The Court in *Clicker* made clear that, absent a specific standing requirement, the "interested

person” standard applies to administrative standing, and not the more restrictive “aggrieved person” standard.

Like Anne Arundel County (which was analyzed in *Clicker*), Baltimore County is a charter county. The Baltimore County Board of Appeals is a local government entity authorized by the Legislature through the Express Powers Act, MD. CODE ANN., Local Government § 10-305 (formerly Article 25A, § 5(U)). That Act provides that a county may “enact local laws to provide for . . . a decision by the county board of appeals on petition of any interested person . . .” MD. CODE ANN., Local Government § 10-305(a)(4)(emphasis added). Baltimore County’s Charter implements this provision and provides the Baltimore County Board of Appeals with authority to hear a broad range of appeals, consistent with Article 25A’s authorization. *See* Baltimore County Charter Art. IV, Sec. 602. Such appeals include the appeal of a final decision of an ALJ on a special hearing or a variance request, as are at issue here. The Baltimore County Code (the “BCC”) provides that, “A person aggrieved or feeling aggrieved by a decision of the Zoning Commissioner or the Director of Permits, Approvals and Inspections may appeal the decision or order to the Board of Appeals.” BCC § 32-3-401(a).

As discussed in *Sugarloaf, supra*, the concept of a “person aggrieved,” is a common law concept that imposes a higher standard than an “interested person” or “person feeling aggrieved.”² The class of persons who, under the Baltimore County Code, may “feel aggrieved” (but who are not strictly aggrieved) is broader. The Court of Appeals has specifically noted that the category of people “feeling aggrieved” under the Baltimore County Code is a separate and

² The Court of Special Appeals has indicated, in *dicta*, that Charter Counties (such as Baltimore County) may not be able to enact a more restrictive standard to appeal to a board of appeals than the “interested person” standard provided for by the Maryland Code. *See Chesapeake Bay Foundation, Inc. v. Clickner*, 192 Md. App. 172, 186-187, 993 A.2d 1163, 1172-1173 (2010). Thus, whether or not there is a distinction between an “an interested person” and a “person feeling aggrieved” is not material in this context. Using the term “a person feeling aggrieved” may provide an appeal right to a broader category than “interested persons,” but may not restrict such rights to a lesser group.

broadest category than those people "aggrieved" in strict legal sense. See *Toomey v. Gomeringer*, 235 Md. 456, 461, 201 A.2d 842, 844 (1964)(at footnote 1).

Thus, under the specific Baltimore County Code provisions and the concepts discussed in *Sugarloaf* and *Clicker*, North Point does not need to show classic aggrievement to have standing, as argued by Recovermat in its Motions. Instead, because North Point meets the more relaxed standard for administrative standing, it would be a legal error to dismiss North Point's Variance Appeal based on standing. The Motion for Judgment must therefore be denied.

II. The ALJ's decision on the Special Hearing Petition was correct and must be reaffirmed.

The decision issued by the ALJ that Recovermat has been operating a junkyard on the premises was and is legally correct, and the Board must therefore come to the same conclusion on appeal. In the event that Recovermat believes that Bill 35-15 now permits it to do what previously was not permitted, it is incumbent upon it to dismiss its own appeal and proceed to operate its business on that basis. The passage of Bill 35-15, however, does not mean that the ALJ's decision was incorrect, and it does not entitle Recovermat to a reversal of that decision.³

Even though an appeal to the Board of Appeals is heard *de novo*, the Court of Appeals has specifically held that such appeals to the Baltimore County Board of Appeals are "restricted to the specific issue or issues resolved by [the ALJ] from which an appeal has been taken."

Daihl v. Cnty. Bd. of Appeals of Baltimore Cnty., 258 Md. 157, 163, 265 A.2d 227, 230 (1970).

Thus the proper scope of the current proceeding is simply whether Recovermat's operation falls within the definition of a junkyard under the Baltimore County Code, the issue decided by the ALJ (and not whether Recovermat falls within a new subset of junkyards created by Bill 35-15).

³ Tellingly, even though Recovermat has argued that these matters are now "moot," its proposed Order seeks a declaration from the Board that its operation "... is not a junkyard as previously found by the ALJ." Rather than being moot, Recovermat thus continues to press for an affirmative reversal of the ALJ's legal conclusion. See Proposed Order, paragraph C.

The Board must reaffirm the ALJ's decision by reaching the same legal conclusion—that Recovermat's operation falls within the definition of a junkyard—because it is a correct interpretation of the law.

III. There are factual issues which preclude resolution of this case by way of motion.

Even assuming that the function of this appeal is to determine whether, moving forward, Recovermat is now permitted to continue its heretofore illegal use of the property, there are still factual issues which would preclude summary judgment by way of motion, with respect to Recovermat's Special Hearing Appeal.

Bill 35-15 did not alter the definition of a junkyard, nor did it alter the fact that junkyards are only permitted in MH-IM zones by way of special exception. *See* BCZR § 256.2. That was the law of Baltimore County prior to the passage of Bill 35-15, and it continues to be the law today. As the ALJ properly held, by definition, *any* operation that involves the storage or sale of scrap metal falls within this category, including Recovermat's operation on the property.⁴ What Bill 35-15 did was carve out a specific subset of junkyard uses (termed "scrap metal processing facilities") and provided that this specific subset of junkyard uses is permitted of right, under certain conditions that only Recovermat can meet.⁵ Even assuming that legislation is valid, there is still an open issue of whether certain components of Recovermat's operation fall *outside* the scope of Bill 35-15, but still fall *within* the scope of junkyards. For example, Bill 35-15 does not apply to Recovermat's business of buying, storing, and selling more valuable metals such brass,

ROYSTON, MUELLER,
MCLEAN & REID, LLP
SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

⁴ That interpretation is entirely consistent with *every other* local or statewide regulatory scheme, whether MD. CODE ANN., Business Regulation § 17-1001, *et. seq.*, Baltimore County Code § 21-21-101(c)(1), or MD. CODE ANN., Transportation § 8-803(a) and 8-801(e) and (d). Each and every one of these schemes treat scrap metal processors as a lesser included subset of the broader category of junkyards.

⁵ Legislation that is "the arbitrary and unreasonable devotion of a small area within a zoning district to a use which is inconsistent with the use to which the rest of the district is restricted," and which "has appeared in many cities in America as the result of pressure put upon councilmen to pass amendments to zoning ordinances solely for the benefit of private interests" constitutes "spot zoning" and hence is invalid. *See Cassel v. Mayor & City Council of Baltimore*, 195 Md. 348, 354, 73 A.2d 486, 488 (1950). Because this Bill was designed solely for this one piece of property, the Board should find that Bill 35-15 meets this definition, and is therefore invalid.

copper and the like (that do not run through a shredder and hence do not involve scrap metal "processing" by use of a shredder). Such operations, however, still fall within the definition of a junkyard, because they involve storing and selling scrap metals. As such, in order to continue such uses, a special exception would still be required. These issues are factual issues, however, which are not appropriate for the Board to resolve by way of a summary judgment motion.

All of that being said, the issue of whether Bill 35-15 now provides that certain subsets of junkyard uses are now permitted as of right is not before the Board on appeal. The issue is whether the ALJ's decision that Recovermat's operation falls within the definition of a junkyard was correct. It clearly does and the ALJ's decision was correct. For this reason, not only is Recovermat not entitled to summary judgment on its appeal, the Board must reaffirm the ALJ's decision on appeal. The Motion to Dismiss must therefore be denied.



Edward J. Gilliss
James L. Shea, Jr.
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, MD 21204
Attorney for North Point Recycling, LLC

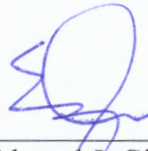
**ROYSTON, MUELLER,
MCLEAN & REID, LLP**
SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of July, 2015, a copy of the foregoing Opposition to Recovermat's Motion to Dismiss Appeal and Motion for Judgment was mailed to:

Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
Nottingham Center
502 Washington Avenue, Suite 800
Towson, MD 21204-4525

Peter Max Zimmerman, Esq. and Carol S. Demilio, Esq.
People's Counsel for Baltimore County
Jefferson Building Room 204
105 West Chesapeake Avenue
Towson, MD 21204



Edward J. Gilliss

ROYSTON, MUELLE,
MCLEAN & REID, L.P.
SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

July 24, 2015

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECEGOST
LISA J. McGRATH

JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

OF COUNSEL
LAUREL PARETTA REESE
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
JOHN A. PICA, JR.

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

Via Hand Delivery

Ms. Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

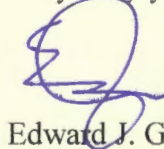
RECEIVED
JUL 24 2015
BALTIMORE COUNTY
BOARD OF APPEALS

Re: Recovermat Mid-Atlantic, LLC
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District
Case No. 14-0278-SPH and
Case No. 14-0178-A

Dear Ms. Cannington:

Enclosed for filing in the above-captioned matter please find an Opposition to Motion to Dismiss Appeal and Motion for Judgment.

Very truly yours,



Edward J. Gilliss

EJG/ajf

Enclosure

cc: Howard L. Alderman, Jr., Esquire (via e-mail and regular mail)
People's Counsel for Baltimore County (via regular mail)
North Point Recycling, LLC (via e-mail)

7/2/15

**BEFORE THE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY**

IN RE: **PETITION FOR VARIANCE**
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: **2014-0178-A**

Recovermat Mid-Atlantic, LLC,

Legal Owner

IN RE: **PETITION FOR SPECIAL HEARING**
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: **2014-0278-SPH**

North Point Recycling, LLC,

Petitioner/Competitor

MOTION FOR JUDGMENT

Case No. 2014-0278-SPH

MOTION TO DISMISS APPEAL

Case No. **2014-0178-A**

Recovermat Mid-Atlantic, LLC ("Recovermat"), Owner of the above-referenced property and a party (without waiving objection as to standing) in both of the above-captioned cases, hereby requests that the Petition for Special Hearing be ruled Moot and dismissed, that any prior finding regarding the relief in said Petition be reversed as Moot, and that the appeal filed by North Point Recycling, LLC in Case No. 2014-0178-A be dismissed based on lack of standing, and in support thereof states as follows:

1. Recovermat is the fee-simple owner of the property located at 2202 Halethorpe Farms Road ("subject property").

2. The subject property is located in the Halethorpe community of Baltimore County, also being within the First Councilmanic District.

3. North Point Recycling, LLC ("North Point"), whose address is listed on the Petition for Special Hearing it filed in Case No. 2014-0278-SPH as being in Baltimore City, is purportedly operating a business at 2723 North Point Road, in the Dundalk area of Baltimore County, also being within the Seventh Councilmanic District.

4. Recovermat and its predecessor have operated a manufacturing processing/recycling business on the subject property since 1994.

5. In 1995, the County approved the introduction of 'white goods' [washers, dryers, metal shelving, etc.] into the manufacturing process that was occurring on the subject property.

6. In 2008, then Baltimore County Director of the Department of Permits and Development Management, Timothy Kotroco, approved Recovermat's introduction of additional scrap metal in the form of automobile bodies into the manufacturing process that was occurring on the subject property. A copy of that "spirit and intent" letter is attached hereto and incorporated herein as Exhibit "A".

7. On or about June 18, 2014, North Point, through its local legal counsel, filed a Petition for Special Hearing with regard to the subject property, docketed as Case No. 2014-0278-SPH, requesting that the Administrative Law Judge ("ALJ") "[d]etermine that the use of the property, zoned MH-IM, as a junk yard [*sic*] is illegal since junk yards are not permitted without a special exception, and the November 24, 2008 'spirit and intent' letter is insufficient to grant junk yard use."

8. The ALJ found as a fact, in Case No. 2014-0178-A that: "Recovermat operates at the

site a scrap metal processing business.” ALJ *Opinion and Order*, October 1, 2014, at pages 1-2. A copy of the October 1st *Opinion and Order* is attached hereto and incorporated herein as Exhibit “B”.

9. Over objection from Recovermat, who participated in the Special Hearing case without waiving its objection that North Point did not have standing to file such a Petition and that the Petition was filed by a competitor of Recovermat solely to stifle the business of Recovermat, the ALJ made a finding in Case No. 2014-0278-SPH that the scrap metal processing manufacturing operation on the subject property met the definition of ‘junkyard’ as defined in the *Baltimore County Zoning Regulations* (“BCZR”). To make that finding, the ALJ relied on only the first fourteen (14) words of the one hundred twenty-five (125) word BCZR definition of ‘junkyard’ and most curiously and without explanation omitted the exclusion provision thereof that provides “but excluding scrap for use in manufacturing processes on the premises or waste materials resulting from such processes”. BCZR § 101.1. A verbatim copy of the BCZR definition of ‘junkyard’ is attached hereto and incorporated herein as Exhibit “C”.

10. Recovermat noted a timely appeal to this Board of the ‘junkyard’ determination rendered by the ALJ in Case No. 2014-0278-SPH.

11. The hearing on that appeal (as well as North Point’s appeal of the setback variance relief requested by Recovermat in Case No. 2014-0178-A, supported by the directly adjoining neighbor and granted by the ALJ) has been set and postponed at the request of counsel representing the parties to this case.

12. During the periods of postponement, the Honorable Thomas Quirk, Baltimore County Councilman for the First Councilmanic District, introduced Council Bill No. 35-15, entitled “Zoning Regulations - Scrap Metal Processing Facility”. After consideration and amendment, the County

Council unanimously adopted Council Bill No. 35-15, a copy of which is attached hereto and incorporated herein as Exhibit "D" and which is now law.

13. A 'scrap metal processing facility' is now permitted as of right in the MH zone, subject to certain qualifications/conditions.

14. Attached hereto and incorporated herein as Exhibit "E" is the affidavit of Robert Capalongo, RLA who investigated each of the qualifications/conditions on a scrap metal processing facility. Mr Capalongo, under oath and based on personal knowledge, determined that the Recovermat operation qualifies with specific requirements of a scrap metal processing facility as defined in the BCZR.

15. Attached hereto and incorporated herein as Exhibit "F" is the affidavit of Paul Smith, Managing Member of Recovermat, who is familiar with the subject property and who is familiar with all aspects of the scrap metal processing conducted on the subject property, the equipment used and electrical requirements, as well as the manufactured output of that processing. Mr Smith under oath and based on personal knowledge, determined that the Recovermat operation qualifies with specific requirements of a scrap metal processing facility as defined in the BCZR.

16. As demonstrated in the two Affidavits (Exhibits "E" & "F"), Recovermat's location, operation, equipment, electrical requirements and manufactured output meet specifically all requirements of a scrap metal processing facility as now defined and permitted in Baltimore County.

17. Recovermat's scrap metal processing use is, as a result of unanimous legislative action, now permitted as of right.

18. Given that Recovermat's operations are a scrap metal processing facility permitted as of right in the MH zone, the prior determination by the ALJ regarding such use as a 'junkyard'

has been rendered moot and of no further legal import.

19. North Point, presumably a payer of County taxes, does not own property or otherwise operate any business within either the sight or sound of the subject property, nor can it allege any special effect or distinct impact necessary to qualify as “plus factors” supporting specific injury that would confer standing on it as an interested person. *See Benn Ray v. Mayor and City Council of Baltimore*, 430 Md. 74, 85 (2013); *Committee for Responsible Dev. On 25th Street v. Mayor and City Council of Baltimore*, 137 Md. App. 60, 86 (2001); *Bryniarski v. Montgomery County Board of Appeals*, 247 Md. 137 (1967).

20. North Point’s motivation for filing the Petition for Special Hearing was solely to stifle competition. There are limits on the nature of the required, affected interest(s) of a protestant and prevention of competition is not a proper element to be considered, nor is a protestant aggrieved for standing purposes when its interest is to stave off competition with its established business. *See Superior Outdoor Signs, Inc. v. Eller Media Co.*, 150 Md. App. 479, 500 (2003); *Eastern Service Ctrs., Inc. v. Cloverland Farm Dairy, Inc.*, 130 Md. App. 1, 9 (2000).

21. Recovermat hereby renews its motion (denied by the ALJ) that North Point’s Petition for Special Hearing [Case No. 2014-0278-SPH] and North Point’s participation in opposition to the relief requested in Case No. 2014-0178-A are improper as North Point has no legal standing to maintain either.

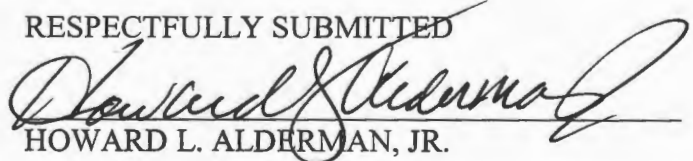
22. There is no genuine dispute of fact that (a) the *Baltimore County Zoning Regulations* were amended by unanimous act of the County Council adding “Scrap Metal Processing Facility” to the uses permitted as of right in the MH zone; (b) Recovermat’s processing/manufacturing operation, property location and equipment/electricity used in that operation and the output thereof

meet all requirements of a Scrap Metal Processing Facility as defined in the BCZR; and (c) the County property on which North Point conducts its business is in Dundalk and is not in the vicinity of nor within sight or sound of Recovermat's property is in Halethorpe.

FOR ALL OF THE FOREGOING REASONS, Recovermat respectfully requests that the Board:

- A. Render the decision of the ALJ in Case No. 2014-0278-SPH **MOOT**, as the *Baltimore County Zoning Regulations* now permit a Scrap Metal Processing Facility such as Recovermat as a use permitted as of right in the MH zone;
- B. **DISMISS** with prejudice the Petition for Special Hearing filed by North Point in Case No. 2014-0278-SPH;
- C. **REVERSE** the finding of the ALJ in Case No. 2014-0278-SPH that Recovermat's manufacturing operation and processes are a 'junkyard' as defined in the *Baltimore County Zoning Regulations*;
- D. **DISMISS** with prejudice North Point's appeal of the ALJ's decision in Case No. 2014-0178-A granting a rear yard setback variance; and
- E. **GRANT** such further relief as the nature of this case may require.

RESPECTFULLY SUBMITTED



HOWARD L. ALDERMAN, JR.

Levin & Gann, PA

Nottingham Centre, 8th Floor

502 Washington Avenue

Towson, Maryland 21204

410-321-0600

410-296-2801 (Fax)

Attorneys for Recovermat Mid-Atlantic, LLC

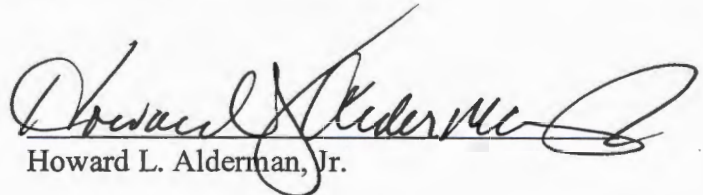
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of July, 2015, a copy of the foregoing Motion for Judgment and Motion to Dismiss Appeal was mailed, postage prepaid, First Class United States Mail to:

Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

and

Edward J. Gilliss, Esquire
RMMR, LLP
102 W. Pennsylvania Ave, Suite 600
Towson, MD 21204


Howard L. Alderman, Jr.

**BEFORE THE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY**

IN RE: **PETITION FOR VARIANCE**
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: **2014-0178-A**

Recovermat Mid-Atlantic, LLC,
Legal Owner

IN RE: **PETITION FOR SPECIAL HEARING**
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: **2014-0278-SPH**

North Point Recycling, LLC,
Petitioner/Competitor

ORDER

Upon consideration of the Motion for Judgment in Case No. 2014-0278-SPH, and the Motion for Dismissal of Appeal filed in Case No. 2014-0178-A, filed on behalf of the Owner in this matter and after review of any timely response filed thereto, it is this _____ day of _____, 2015, ORDERED,

- A. The entire decision of the Administrative Law Judge in Case No. 2014-0278-SPH has been rendered MOOT by legislative action of the Baltimore County Council;
- B. The Petition for Special Hearing filed by North Point Recycling, LLC, in Case No. 2014-0278-SPH is hereby DISMISSED with prejudice;
- C. The Board finds that the use on the property owned by Recovermat Mid-Atlantic, LLC is a scrap metal processing facility as now defined and permitted in the *Baltimore County Zoning Regulations* and such use is not a 'junkyard' as previously found by the ALJ;

D. North Point Recycling, LLC, does not own property or operate any business activity within the sight and sound of the scrap metal processing facility on the property of Recovermat Mid-Atlantic, LLC, and therefore lacks the required aggrievement and standing to maintain an appeal of the Opinion and Order of the ALJ in Case No. 2014-0178-A, therefore that appeal is hereby DISMISSED with prejudice.

BOARD OF APPEALS FOR
BALTIMORE COUNTY



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 24, 2008

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

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

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

Dear Mr. Alderman:

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

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

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

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

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



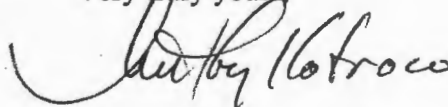
or manufacturing use", as specified in section 256.3 of the Baltimore County Zoning Regulations.

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

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

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

Very truly yours,

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

Timothy M. Kotroco, Director

IN RE: PETITIONS FOR VARIANCE AND
SPECIAL HEARING
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District
Recovermat Mid-Atlantic LLC
Legal Owner
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NOS. 2014-0178-A
AND 2014-0278-SPH

* * * * *

OPINION AND ORDER

These matters come before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of the legal owner, Recovermat Mid-Atlantic LLC ("Recovermat"), and a Petition for Special Hearing filed by North Point Recycling, LLC. The Variance Petition seeks relief from the rear yard setback requirements, while the Petition for Special Hearing seeks a declaration that Recovermat is operating a "junkyard" at the site. The cases were combined for hearing.

Howard L. Alderman, Jr., Esquire with Levin & Gann, PA, represented the Petitioner in the Variance case, and Edward J. Gilliss, Esquire with Royston, Mueller, McLean & Reid, LLP, represented the Petitioner in the Special Hearing case. The Petitions were advertised and posted as required by the Baltimore County Zoning Regulations (B.C.Z.R.). Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP). That agency did not oppose the Variance request, but noted in the Special Hearing case that it "does not support a defined junkyard for this location."

PETITION FOR VARIANCE

The subject property is approximately 10 acres and is zoned M.H.-I.M. Recovermat



BALTIMORE COUNTY ZONING REGULATIONS, SECTION 101.1:

JUNKYARD: Any land used commercially or industrially for storage or for sale of scrap metal, wastepaper, rags or other junk, and any land, except as provided for by Section 428, used for the storage of unlicensed or inoperative motor vehicles, dismantling or storage of such vehicles or parts thereof, or used machinery, regardless of whether repair or any other type of commercial operation occurs, but excluding scrap for use in manufacturing processes on the premises or waste materials resulting from such processes or resulting from the construction or elimination of facilities for such processes. The term does not include unlicensed motor vehicles located at automotive service stations, service garages or new or used motor vehicle outdoor sales areas, or any vehicle stored pursuant to Section 405A.

[Bill No. 135-1986]



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 8

Bill No. 35-15

Mr. Tom Quirk, Councilman

By the County Council, April 20, 2015

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Scrap Metal Processing Facility

FOR the purpose of defining a scrap metal processing facility; permitting a scrap metal processing facility by right in the County's M.H. Zones, subject to certain conditions; permitting a scrap metal processing facility as a special exception, subject to certain conditions; prohibiting a scrap metal processing facility in the MD 43 overlay district; providing for the application of the Act; and generally relating to the regulation of a scrap metal processing facility.

BY adding

Section 101.1, the definition of "scrap metal processing facility," alphabetically
Baltimore County Zoning Regulations

~~BY repealing and re-enacting, with amendments~~

~~Section 256.1.A.1~~
~~Baltimore County Zoning Regulations~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.



AFFIDAVIT OF ROBERT D. CAPALONGO, RLA

I, Robert D. Capalongo, am over the age of eighteen, am competent to make this affidavit and have personal knowledge of the following facts:

1. I am a Maryland Registered Landscape Architect.
2. I appeared, qualified and testified, without objection, before the Baltimore County Administrative Law Judge in Case No. 2014-0178-A as an expert witness in matters of Baltimore County Zoning and Development.
3. I have reviewed the definition and specific use requirements of "Scrap Metal Processing Facility" as added to the *Baltimore County Zoning Regulations*, Sections 101.1 and 256.1, by Council Bill No. 35-15.
4. I am familiar with the real property owned by Recovermat Mid-Atlantic, LLC at 2202 Halethorpe Farms Road ("Recovermat Property").
5. I prepared and sealed the plans which accompanied Recovermat's Petition for Variance in Case No. 2014-0178-A.
6. The Recovermat Property is not located within the MD 43 Overlay District.
7. The Recovermat Property is more than seven (7) acres in size.
8. The Recovermat Property is located more than Fifteen Hundred (1,500) feet from any Density Residential (DR) zone line.
9. The Recovermat Property shares a common property line with the right-of-way of Interstate 895, a federal interstate highway and is, therefore, within 500 feet of the right-of-way of a federal interstate highway.

I do solemnly declare and affirm under the penalties of perjury that the above statements are true and correct and that, since I am on vacation out of the State with my family I have signed this Affidavit electronically.

[my electronic signature]

Robert D. Capalongo

Robert D. Capalongo, RLA
CNA, Inc.
215 Bynum Road
Forest Hill, MD 21050

DATE OF AFFIDAVIT: July 7, 2015

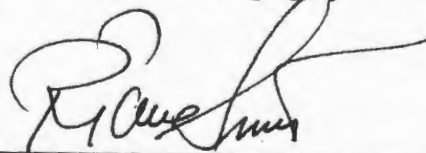


AFFIDAVIT OF PAUL SMITH

I, Paul Smith, am over the age of eighteen, am competent to make this affidavit and have personal knowledge of the following facts:

1. I am the Managing Member of Recovermat Mid-Atlantic, LLC, a Maryland limited liability company.
2. I am familiar with the real property owned by Recovermat Mid-Atlantic, LLC at 2202 Halethorpe Farms Road ("Recovermat Property").
3. I am familiar with all aspects of the scrap metal processing conducted on the Recovermat Property and the manufactured output of that processing.
4. Recovermat is engaged primarily in (a) the purchase, by weight, of ferrous and non-ferrous scrap metal; and (b) processing the metal purchased, the manufactured output of which is shipped by truck or rail as a raw material to be used for melting purposes by steel mills, foundries, smelters, refiners and similar users.
5. Recovermat conducts no retail sales on the Recovermat Property nor does Recovermat pay any retail sales tax on the ferrous and non-ferrous metal it purchases.
6. All scrap vehicles, which Recovermat purchases based on weight, are processed within forty-eight (48) hours of receipt, unless a delay is caused by equipment breakage, electrical interruption, or manufacture-required preventive maintenance.
7. I am familiar with the shredder affixed to and used in the processing of scrap metal on the Recovermat Property which is powered by electricity, requiring a minimum capacity of 3,000 KVA; the electrical supply is provided by BGE, a public utility.

I do solemnly declare and affirm under the penalties of perjury that the above statements are true and correct.



Paul Smith, Managing Member
Recovermat Mid-Atlantic, LLC
2202 Halethorpe Farms Road
Baltimore, MD 21227

DATE OF AFFIDAVIT: July 7, 2015





LEVIN & GANN, P.A.
ATTORNEYS AT LAW

Howard L. Alderman, Jr., Esquire | Principal
D: 410.321.4640 | halderman@levingann.com

July 9, 2015

RECEIVED
JUL 09 2015

BALTIMORE COUNTY
BOARD OF APPEALS

HAND DELIVERED

Krysundra Cannington, Administrator
County Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

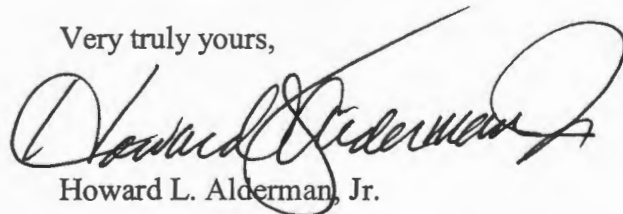
RE: Recovermat Mid-Atlantic, LLC, Legal Owner
Case Nos.: 2014-0178-A & 2014-0278-SPH
Motion for Judgment [Case No. 2014-0278-SPH] / *Motion to Dismiss Appeal* [Case No. 2014-0178-A]

Dear Ms. Cannington:

On behalf of my client, Recovermat Mid-Atlantic, LLC, please accept for filing and distribution to members of the Board, a Motion for Judgment in Case No. 2014-0278-SPH and a Motion to Dismiss Appeal in Case No. 2014-0178-A. An original and three copies of the pleading, proposed Order and all exhibits are included as directed by the Board.

Should you or any member of the Board need additional information in this regard, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosures (4)
c (w/encl.[1])

Recovermat Mid-Atlantic, LLC
Edward J. Gilliss, Esquire
People's Counsel for Baltimore County

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmlr.com

July 20, 2015

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECENGOST
LISA J. McGRATH

JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

OF COUNSEL
LAUREL PARETTA REESE
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
JOHN A. PICA, JR.

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

Via Hand Delivery

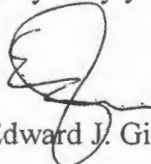
Ms. Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Recovermat Mid-Atlantic, LLC
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District
Case No. 14-0278-SPH and
Case No. 14-0178-A

Dear Ms. Cannington:

We are in receipt of Recovermat Mid-Atlantic, LLC's July 9, 2015 Motion for Judgment in Case No. 14-0278-SPH and Motion to Dismiss Appeal in Case No. 14-178-A. On behalf of our client, North Point Recycling, LLC, we intend to file oppositions to these Motions. If there is a deadline for such pleading to be filed, please advise.

Very truly yours,



Edward J. Gilliss

EJG/ajf

cc: Howard L. Alderman, Jr., Esquire (via e-mail)
North Point Recycling, LLC (via e-mail)

RECEIVED
JUL 20 2015

BALTIMORE COUNTY
BOARD OF APPEALS

5/22/15

In RE: PETITION FOR VARIANCE AND
SPECIAL HEARING
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District
Recovermat Mid-Atlantic, LLC
Legal Owner
Petitioner

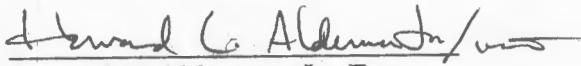
* BEFORE THE
* BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* Case Nos.: 2014-178-A
and 2014-0278 SPH

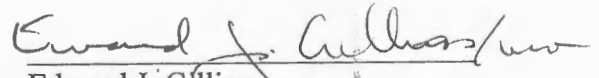
* * * * *

JOINT REQUEST FOR POSTPONEMENT

The parties, by their undersigned counsel, hereby jointly request that this matter, scheduled for hearing before the Board on June 2, 2015, be postponed inasmuch as on May 21, 2015 the Baltimore County Council passed Bill 35-15 which may obviate the need for the hearing of this matter.

The parties request a postponement of 45 days which will allow a complete analysis of the impact of Bill 35-15.


Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
Nottingham Center
502 Washington Avenue, Suite 800
Towson, MD 21204-4525
Attorney for Recovermat MidAtlantic, LLC


Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, MD 21204
Attorney for North Point Recycling, LLC

ROYSTON, MUELLER,
McLEAN & REID, LLP
SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

RECEIVED

MAY 22 2015

BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2015, a copy of the foregoing Notice of Appeal was hand delivered to:

Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
Nottingham Center
502 Washington Avenue, Suite 800
Towson, MD 21204-4525

Peter Max Zimmerman, Esq. and Carol S. Demilio, Esq.
People's Counsel for Baltimore County
Jefferson Building Room 204
105 West Chesapeake Avenue
Towson, MD 21204



for Edward J. Gilliss

ROYSTON, MUELLER,
ICLEAN & REID, LLP
SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmlr.com

OF COUNSEL

LAUREL PARETTA REESE

EUGENE W. CUNNINGHAM, JR., P.A.

BRADFORD G.Y. CARNEY

STEPHEN C. WINTER

JOHN A. PICA, JR.

CARROLL W. ROYSTON

1913-1991

H. ANTHONY MUELLER

1913-2000

RICHARD A. REID

1931-2008

* ALSO ADMITTED IN D.C.

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECENGOST
LISA J. McGRATH

JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

May 21, 2015

Via Hand Delivery

Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Petition for Variance and Special Hearing
220 Halethrope Farms Road
13th Election District
1st Councilmanic District
Recovermat Mid-Atlantic, LLC

Dear Board Members:

Enclosed please find a Joint Request for Postponement in the above-captioned matter.

Very truly yours,



for Edward J. Gilliss

EJG/ajf
Enclosure

RECEIVED
MAY 22 2015

BALTIMORE COUNTY
BOARD OF APPEALS

12/12/14

**BEFORE THE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY**

IN RE: PETITION FOR VARIANCE
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: **2014-0178-A**

Recovermat Mid-Atlantic, LLC,

Legal Owner

IN RE: PETITION FOR SPECIAL HEARING
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: **2014-0278-SPH**

North Point Recycling, LLC,

Petitioner/Competitor

REQUEST FOR POSTPONEMENT

Case No. **2014-0178-A**

Case No. 2014-0278-SPH

Recovermat Mid-Atlantic, LLC, Owner of the above-referenced property and a party (without waiving objection as to standing) in both of the above-captioned Cases, hereby requests that the Hearing presently scheduled on Wednesday, January 28, 2015 be postponed. In accordance with Rule 2(b) of the Board's rules, the basis for the requested postponement is based on one or more medical procedures to be performed on the undersigned. This request is filed more than fifteen (15) days in advance of the scheduled hearing.

In speaking with the Administrator of the Board this morning, rather than try to reschedule this matter for a firm date in March, the Board's Administrator will, in January 2015, assess the status of the situation and discuss available dates with involved counsel.

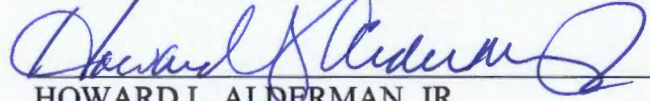
RECEIVED
DEC 12 2014

FOR ALL OF THE FOREGOING REASONS, the Owner respectfully requests that the

Board:

- A. Postpone the hearing presently scheduled for January 28, 2015; and
- B. Grant such further relief as the nature of this case may require.

RESPECTFULLY SUBMITTED



HOWARD L. ALDERMAN, JR.

Levin & Gann, PA

Nottingham Centre, 8th Floor

502 Washington Avenue

Towson, Maryland 21204

410-321-0600

410-296-2801 (Fax)

Attorneys for Recovermat Mid-Atlantic, LLC

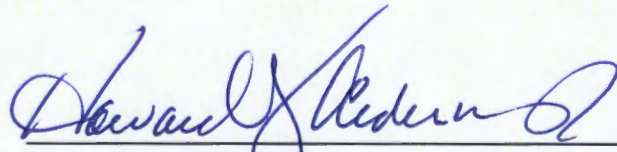
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December 2014, a copy of the foregoing Request for Postponement was mailed, postage prepaid, First Class United States Mail to:

Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

and

Edward J. Gilliss, Esquire
RMMR, LLP
102 W. Pennsylvania Ave, Suite 600
Towson, MD 21204



Howard L. Alderman, Jr.

**BEFORE THE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY**

IN RE: **PETITION FOR VARIANCE**
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: **2014-0178-A**

Recovermat Mid-Atlantic, LLC,
Legal Owner

IN RE: **PETITION FOR SPECIAL HEARING**
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: **2014-0278-SPH**

North Point Recycling, LLC,
Petitioner/Competitor

ORDER

Upon consideration of the Motion for Postponement filed on behalf of the Owner/Appellant in this matter and after review of the extraordinary circumstances which the Board has found are satisfactory in nature to justify the requests contained in the Motion, it is this _____ day of _____, 2014, ORDERED,

- A. The hearing presently scheduled for Wednesday, January 28, 2015 in this matter is hereby POSTPONED;
- B. The Board's Administrator shall contact all counsel of record during January 2015 regarding the rescheduling of this matter.

BOARD OF APPEALS FOR
BALTIMORE COUNTY

10/28/14

PETITION FOR VARIANCE
2202 Halethorpe Farms Road;
W/S Halethorpe Farms Road,
395'S/S c/line Trident Court
13th Election and 1st Councilmanic Districts
Legal Owners: Recovermat Mid-Atlantic

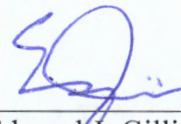
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No.: 2014-178-A

* * * * *

NOTICE OF APPEAL

North Point Recycling, LLC, by its undersigned counsel, pursuant to §500.10, Baltimore County Zoning Regulations, and §32-3-401, Baltimore County Code, notes an appeal of the Administrative Law Judge's October 6, 2014 Order entered in the above-captioned matter. This appeal is of the Administrative Law Judge's Order granting a variance. This appeal, noted within 30 days of that Order (consistent with §32-3-401) now seeks review by the Baltimore County Board of Appeals. (See §32-3-103(2)(2) confirming that the provisions of the Code control over the provisions of the Regulations).



Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue
Suite 600
Towson, MD 21204
Attorney for North Point Recycling, LLC

ROYSTON, MUELLER,
MCLEAN & REID, LLP
SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

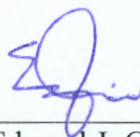
[CERTIFICATE OF SERVICE ON NEXT PAGE]

CERTIFICATE OF SERVICE

I hereby certify that on this 28 day of October, 2014, a copy of the foregoing Notice of Appeal was mailed, via first class mail, postage prepaid, to:

Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
Nottingham Center
502 Washington Avenue, Suite 800
Towson, MD 21204-4525

Peter Max Zimmerman, Esq. and Carol S. Demilio, Esq.
People's Counsel for Baltimore County
Jefferson Building Room 204
105 West Chesapeake Avenue
Towson, MD 21204



Edward J. Gilliss

**ROYSTON, MUELLEF,
MCLEAN & REID, LLP**

SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

10/28/14
T-8

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600
THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800
FACSIMILE 410-828-7859
www.rmmr.com

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECENGOST
LISA J. McGRATH

JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

OF COUNSEL
LAUREL PARETTA REESE
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
JOHN A. PICA, JR.

CARROLL W. ROYSTON
1913-1991
H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

October 28, 2014

Via Hand Delivery

Arnold Jablon, Director
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Suite 105
Towson, MD 21204

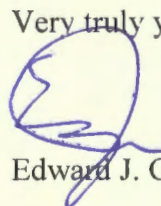
Re: Petition for Variance
2202 Halethorpe Farms Road
Case No.: 2014-178-A

Dear Mr. Jablon:

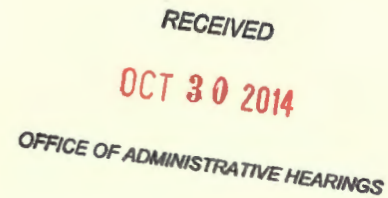
Consistent with the requirements of Baltimore County Code §32-3-401(c)(1), enclosed with this letter please find a Notice of Appeal of the above-captioned matter.

Also enclosed, consistent with the requirements of the Code, please find my law firm's advance check made payable to Baltimore County, Maryland in the amount of \$265.00 covering the filing fee expense.

Very truly yours,


Edward J. Gilliss

EJG/ajf
Enclosures



10/22/14

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

IN RE: **PETITION FOR VARIANCE**
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

Case No.: **2014-0178-A**

Recovermat Mid-Atlantic, LLC,

RECEIVED

Legal Owner

OCT 22 2014

IN RE: **PETITION FOR SPECIAL HEARING**
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District

OFFICE OF ADMINISTRATIVE HEARINGS

Case No.: **2014-0278-A**

North Point Recycling, LLC,

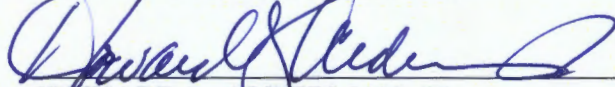
Petitioner/Competitor

NOTICE OF **LIMITED** APPEAL – Case No. 2014-0178-A

NOTICE OF APPEAL – Case No. 2014-0278-A

Recovermat Mid-Atlantic, LLC, Owner of the above-referenced property and a party and the Petitioner in Case No. **2014-0178-A**, by and through its attorneys, Howard L. Alderman, Jr., and Levin and Gann, P.A., hereby notes a limited appeal to the County Board of Appeals for Baltimore County of a portion of the Opinion and Order of the Administrative Law Judge rendered on October 1, 2014 (the "Variance Opinion and Order"), a copy of which is attached hereto and incorporated herein. This limited appeal is to only of enumerated Condition/Restriction No. 2 of the Variance Opinion and Order requiring Owner to obtain a Special Exception and all other portions defining the Petitioner's use at the subject property as a 'junkyard'. Further, Recovermat Mid-Atlantic, LLC, Owner of the above-referenced property and a party (without waiving objection as to standing) in Case No. **2014-0278-A**, by and through its attorneys, Howard L. Alderman, Jr., and Levin and Gann, P.A., hereby notes an appeal to the County Board of Appeals for Baltimore County of the Special Hearing Opinion and Order of the Administrative Law Judge rendered on October 1, 2014 (the "Special Hearing Opinion and Order"), a copy of which is attached hereto and incorporated herein. This appeal is of all and any portions of the Special Hearing Opinion and Order, the findings of fact and conclusions of law pertaining thereto, the relief granted thereby and the conditions/restrictions placed on Owner's property and variance relief imposed as a result thereof.

RESPECTFULLY SUBMITTED



HOWARD L. ALDERMAN, JR.

Levin & Gann, PA

Nottingham Centre, 8th Floor

502 Washington Avenue

Towson, Maryland 21204

410-321-0600

410-296-2801 (Fax)

Attorneys for Recovermat Mid-Atlantic, LLC

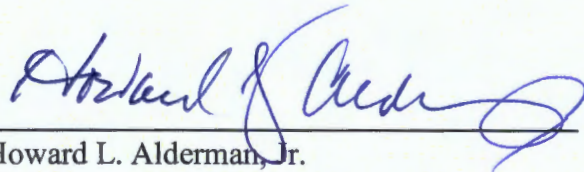
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October 2014, a copy of the foregoing Notices were mailed, postage prepaid, First Class United States Mail to:

Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

and

Edward J. Gilliss, Esquire
RMMR, LLP
102 W. Pennsylvania Ave, Suite 600
Towson, MD 21204



Howard L. Alderman, Jr.

10/1/14
**IN RE: PETITIONS FOR VARIANCE AND
SPECIAL HEARING
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District
Recovermat Mid-Atlantic LLC
Legal Owner
Petitioner**

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NOS. 2014-0178-A
AND 2014-0278-SPH**

* * * * *

OPINION AND ORDER

These matters come before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of the legal owner, Recovermat Mid-Atlantic LLC ("Recovermat"), and a Petition for Special Hearing filed by North Point Recycling, LLC. The Variance Petition seeks relief from the rear yard setback requirements, while the Petition for Special Hearing seeks a declaration that Recovermat is operating a "junkyard" at the site. The cases were combined for hearing.

Howard L. Alderman, Jr., Esquire with Levin & Gann, PA, represented the Petitioner in the Variance case, and Edward J. Gilliss, Esquire with Royston, Mueller, McLean & Reid, LLP, represented the Petitioner in the Special Hearing case. The Petitions were advertised and posted as required by the Baltimore County Zoning Regulations (B.C.Z.R.). Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP). That agency did not oppose the Variance request, but noted in the Special Hearing case that it "does not support a defined junkyard for this location."

PETITION FOR VARIANCE

The subject property is approximately 10 acres and is zoned M.H.-I.M. Recovermat

ORDER RECEIVED FOR FILING

Date 10-1-14

By DUP

operates at the site a scrap metal processing business. Paul Tharp, a Recovermat employee, described the operation of the business in some detail, and underscored that scrap metal is not stored at the site for any length of time, and that no retail sales are conducted on the premises. He explained the current building on site is deficient, and Recovermat proposes to construct a new building on the property for storage and maintenance purposes. Given the configuration of the site, and the flow of traffic in and out of the business, Mr. Capalongo (a landscape architect) stated the proposed location of the new building was really the only sensible choice. Mr. Capalongo testified the property is shaped like a "carving knife," and that environmental constraints prevent the western portion of the site from being developed.

The proposed building shown on the plan would be located 10' from the eastern property line, while the regulations require 30' and 50' (the M.H. regulations impose differing rear yard requirements along the length of the proposed structure). Recovermat submitted a letter from the Maryland Food Bank (the immediate neighbor to the east) expressing support for the requests. Petitioner's Exhibit 5, Case No. 2014-0178-A.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

While variances are not to be routinely granted, I believe Petitioner has met this test. The property is irregularly shaped and is constrained by environmental features on the western portion of the site. If the B.C.Z.R. were strictly interpreted the Petitioner would suffer a practical difficulty, since it would be unable to construct the new building in the location proposed.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the

ORDER RECEIVED FOR FILING

Date 10-1-14

By OW

B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of County agency opposition, as well as the support of the neighbor which would be most impacted by the encroachment.

PETITION FOR SPECIAL HEARING

In Case No. 2014-0278-SPH, the Petitioner seeks a declaration that Recovermat is operating a junkyard on the property. It is undisputed that a special exception is required to operate a junkyard in the M.H. zone, and Recovermat has not been granted a special exception. Instead, in an earlier zoning case (Case No. 1994-0135-A; Petitioner's Exhibit 8 in Case No. 2014-0278-SPH), Recovermat was permitted to operate a demolition and construction materials recycling business which the Deputy Zoning Commissioner determined to be a "manufacturing use" permitted in the M.H. zone. In the years that followed, Recovermat obtained from Baltimore County two "spirit and intent" letters that permitted, under the auspices of the prior zoning Order, the processing under certain conditions of "white goods" and scrap metal at the site. Petitioner's Exhibit Nos. 9 and 10, Case No. 2014-0278-SPH.

Under the B.C.Z.R., a "junkyard" is defined in pertinent part as "[a]ny land used commercially or industrially for storage or for sale of scrap metal." B.C.Z.R. § 101.1. I believe that Recovermat's operation, as described by witnesses at the hearing, constitutes a "junkyard" under the B.C.Z.R., for which a special exception is required in the M.H. zone. B.C.Z.R. § 256.2.

While Mr. Tharp stressed that no "retail" sales were conducted on site, it is clear from his testimony (as well as the testimony of Edgar Johnson) that "scrap metal" is shredded on site, and then conveyed by rail or truck to steel mills, pursuant to sales contracts entered into by

Recovermat. This "sale" (to the steel mills) of "scrap metal" leads inexorably to the conclusion

ORDER RECEIVED FOR FILING

Date 10-1-14

3

By pw

Recovermat is operating a "junkyard" (as defined by the B.C.Z.R.) on the property.

THEREFORE, IT IS ORDERED, this 1st day of October, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to permit a rear yard setback of 10 feet in lieu of the 30 feet required pursuant to §§ 258.1 and 238.2; (2) to permit a rear yard setback of 10 ft. in lieu of the 50 ft. required pursuant to §§ 258.2 and 243.3; and (3) modification of the site plan approved in Case No.: 94-135-A consistent with this Petition and Plan, be and is hereby GRANTED.

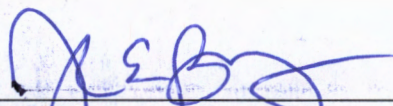
IT IS FURTHER ORDERED that the Petition for Special Hearing, be and is hereby GRANTED, upon finding that Petitioner (i.e., Recovermat) operates a "junkyard" on the premises.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, 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. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner must (prior to issuance of permits) obtain a special exception to operate a junkyard, or a final decision from a court of competent jurisdiction reversing the decision in Case No. 2014-0278-SPH.

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

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 10-1-14

By DW



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 1, 2014

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
502 Washington Ave., Ste. 800
Towson, Maryland 21204

Edward J. Gilliss, Esquire
Royston, Mueller, McLean & Reid, LLP
102 West Pennsylvania Ave., Ste. 600
Towson, Maryland 21204

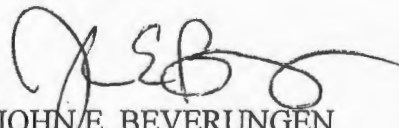
RE: Petitions for Variance and Special Hearing
Property: 2202 Halethorpe Farms Road
Case Nos. 2014-0178-A and 2014-0278-SPH

Dear Counsel:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2202 HALETHORPE FARMS ROAD

which is presently zoned MH-IM

Deed References: 11184/0619 & 11184/0622

10 Digit Tax Account # 2200018585 & 2200014866

Property Owner(s) Printed Name(s) RECOVERMAT MID-ATLANTIC, LLC

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. xxx a **Variance** from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE TIME OF THE HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Howard L. Alderman, Jr., Esq. / Levin & Gann, PA

Name- Type or Print

Signature

502 Washington Avenue, STE 800 Towson MD

Mailing Address

City

State

21204

4103210600

halderman@levinggann.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

RECOVERMAT MID-ATLANTIC, LLC, N/A

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2202 Halethorpe Farms Road Baltimore MD

Mailing Address

City

State

21227

301-773-1266

ptharp@j-smith-sons.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Robert D. Capalongo, RLA / CNA Engineers

Name - Type or Print

Signature

215 Bynum Road Forest Hill MD

Mailing Address

City

State

21050

4108797200

bob.capalongo@cna-engineers.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0178-A

Filing Date 3/4/14

Do Not Schedule Dates: 04/4 thru 04/16/14

Reviewer AT

CASE NO: 14-- -A

Address: 2202 Halethorpe Farms Road

Legal Owner: Recovermat Mid-Atlantic, LLC

Present Zoning: MH-IM

PETITION FOR VARIANCE

REQUESTED RELIEF:

A Variance from: i) §§ 258.1 and 238.2 to permit a rear yard setback of 10 feet in lieu of the 30 feet required; ii) §§ 258.2 and 243.3 to permit a rear yard setback of 10 feet in lieu of the 50 feet required; iii) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan; and iv) for such additional relief as the Plan to accompany this Petition and the nature of this case may require.

For Additional Information Contact:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre
502 Washington Centre
8th Floor
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

halderman@LevinGann.com

2014-0178-A



October 10, 2013
CNA Job No.: 07119

Description
Of the lands of
Recovermat Mid-Atlantic, LLC.
P/O Plat Book 67 Page 54
Deed L.11184 F.619 & L.11184 F.622
Tax Account #2200014866 & 2200018585

Beginning for the same on the westernmost right of way line of Halethorpe Farms Road, at a common corner between the lands now or formerly of Iron City Sash & Doors, also known as Lot 2-R, as shown in Plat Book 67 Page 54 and lands now or formerly of Recovermat Mid-Atlantic, LLC. as shown in deed Liber 11184 at Folio 622; thence leaving Halethorpe Farms Road and binding on said division line, and referring said courses to the Maryland State Grid Meridian North 83/91 viz.,

1. **South 69°32'06" West 623.46 feet** to a point on the aforesaid division line, and also at the corner of the lands now or formerly of Recovermat Mid-Atlantic, LLC. as shown in deed Liber 11184 at Folio 619; being Lot 3-R as shown on the aforesaid plat; thence running with the division line of Lot 2R by the following two (2) courses,
2. **South 69°32'06" West 210.81 feet** to a point; and thence,
3. **South 20°32'20" East 334.65 feet** to a point between the aforementioned Recovermat and Iron City lands on the northernmost right of way line of Interstate 895; thence leaving said Iron City lands and binding on said Interstate 895 by the following four (4) courses,
4. **South 80°08'13" West 852.90 feet** to a point;
5. **North 54°51'47" West 35.36 feet** to a point;
6. **South 85°16'47" West 50.20 feet** to a point; and thence,
7. **South 84°47'19" West 587.79 feet** to a concrete monument found at a common corner between the aforementioned Recovermat lands and the lands now or formerly of CSX Transportation, Inc. as shown in deed Liber 4903 at Folio 6001; thence leaving the aforesaid Interstate 895 and binding on the division line between Recovermat and CSX lands,

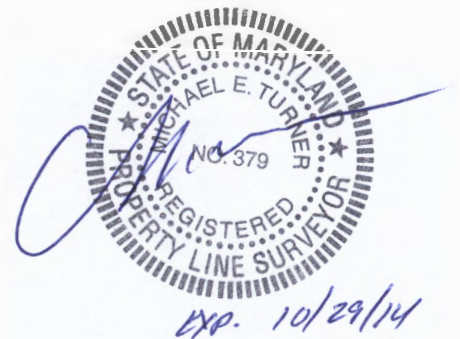
2014-0178-A

8. **North 62°13'28" East 541.63 feet** to a common corner between the aforementioned Recovermat and CSX lands and also Lot 3 as shown on a plat entitled, "Hollins End" as recorded in Plat Book 78 Page 346; thence leaving the aforesaid CSX lands and binding on the division line between the aforesaid Recovermat lands and Lot 3, and also Lot 2 of said "Hollins" plat,
9. **North 69°32'00" East 923.35 feet** to a point at the corner of the aforesaid Recovermat lands and the aforementioned Recovermat lands in deed Liber 11184 at Folio 622 on the southernmost division line of the aforesaid "Hollins End" Lot 2; thence continuing along Lot 2 and also Lot 1 of said "Hollins End,"
10. **North 69°32'00" East 849.83 feet** to the aforementioned right of way of Halethorpe Farms Road, said point being located approximately 389 feet southeasterly from the centerline of Trident Court; thence leaving "Hollins End" Lot 1 and binding on said right of way,
11. **Southeasterly by a curve to the right with a radius of 1380.24 feet, and arc length of 88.75 feet, and subtended by a chord of South 18°37'29" East 88.73 feet** to the point of beginning,

Containing in all 10.186 acres of land, more or less.

This description and the related field work was prepared by me or under my direct supervision in accordance with the requirements of COMAR Title 9 Department of Labor and Licensing, Regulations Subtitle 13, Minimum Standards of Practice as adopted in August of 2005.

L:\Survey\08000\08124_Recovermat_Percontee\Descriptions\08124_Description10-9-13.docx



No.

9465

Date:

10/31/14

Instructions: 80.000, 1100, 1100, 1100

09/11/2014 10/11/2014 10:17:15

姓名：_____ 学号：_____

18 FEB 1975 10 549570 10/31/75 1516

2. 5/10/2018 (Wednesday)

10. 10/10/54

[illegible]

Total: 265.00

Rec

From:

Edward Gilliss

For:

Append - Case No. 2014-0178-A
2202 Hawthorne Farms Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **94653**

Date: **10-22-14**

PAID RECEIPT

BUSINESS ACTUAL TIME
 10/24/2014 10/22/2014 15:02:20

REG WS05 HALKIN RROS LAB

>>RECEIPT # 768259 10/22/2014 OFLN

Dept: 5 528 ZONING VERIFICATION

CR NO. 094653

Recpt Tot \$530.00

\$530.00 DE \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				530.00

Total: **530.00**

Rec From: **Howard Alderman, Esq.**

For: **Appeal For Case Nos. 2014-0178A + 0278-SPH**

2202 Halket Farm Rd.
Revermont / North Point Recycling

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

No. 108008
Date 3/4/14

DATE RECEIVED

BUSINESS ACTUAL TIME IN

3/05/2014 3:05 PM 2014-05-03

145 150 155 160 165 170 175 180 185 190 195 200 205 210 215 220 225 230 235 240 245 250 255 260 265 270 275 280 285 290 295 300 305 310 315 320 325 330 335 340 345 350 355 360 365 370 375 380 385 390 395 400 405 410 415 420 425 430 435 440 445 450 455 460 465 470 475 480 485 490 495 500 505 510 515 520 525 530 535 540 545 550 555 560 565 570 575 580 585 590 595 600 605 610 615 620 625 630 635 640 645 650 655 660 665 670 675 680 685 690 695 700 705 710 715 720 725 730 735 740 745 750 755 760 765 770 775 780 785 790 795 800 805 810 815 820 825 830 835 840 845 850 855 860 865 870 875 880 885 890 895 900 905 910 915 920 925 930 935 940 945 950 955 960 965 970 975 980 985 990 995

REF ID: A67102 3-14-2014 05:04

Dec 1 5 520 1970

11928

Receipt Total: \$570.00

1500 20 05 1.00 - 12

Baltimore, Maryland

[illegible]

Total: \$500

From:

For:

2202 HALETHORPE FARMS RD

2014-0178-A

DISTRIBUTION

WHITE CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: 04-11-2014
Attention: Ms. Kristen Lewis

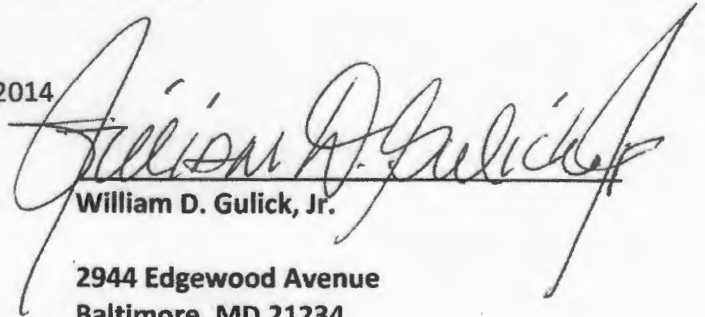
Re: Case Number: 2014-0178-A

Petitioner/Developer: Recovermat Mid - Atlantic, LLC

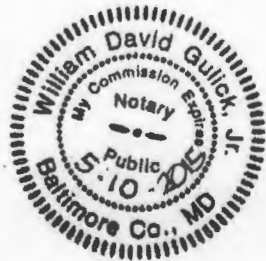
Date of Hearing/Closing: May 2, 2014

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: 2202 Halethorp Farms Road @ Intersection of Entrance Driveway onsite, see attached Photos.

The sign(s) were posted on: April 11, 2014


William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293





ZONING NOTICE

CASE # 2014-0178 - A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BUILDING, ROOM 205
105 WEST CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

FRIDAY
DATE AND TIME: MAY 2, 2014 AT 1:30 PM

REQUEST: VARIANCE TO PERMIT A REAR
YARD SETBACK OF 10 FT. IN LIEU OF THE
30 FT. REQUIRED; TO PERMIT A REAR YARD SETBACK
OF 10 FT. IN LIEU OF THE 50 FT. REQUIRED; MODIFICATION
OF THE SITE PLAN APPROVED IN CASE NO. 14-135-A
CONSISTENT WITH THE PETITION AND PLAN; AND
FOR SUCH ADDITIONAL RELIEF AS THE PLAN TO
ACCOMPANY THIS PETITION AND THE NATURE
OF THIS CASE MAY REQUIRE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391 (410)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

September 10, 2014

Re:

Case No. 2014-0178-A

Petitioner / Owner: Recovermat Mid-Atlantic, LLC

Date of Hearing: September 29, 2014

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

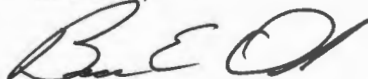
Attention: Kristen Lewis

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 **2202 Halethorpe Farms Road**.

The sign(s) were posted on **September 6, 2014**.

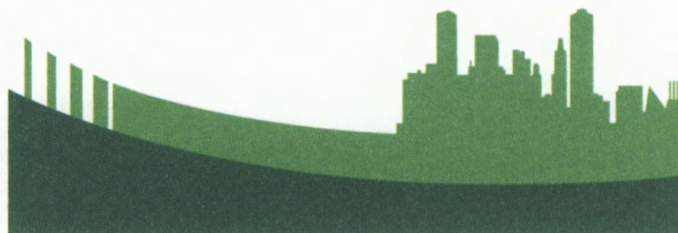
Sincerely,



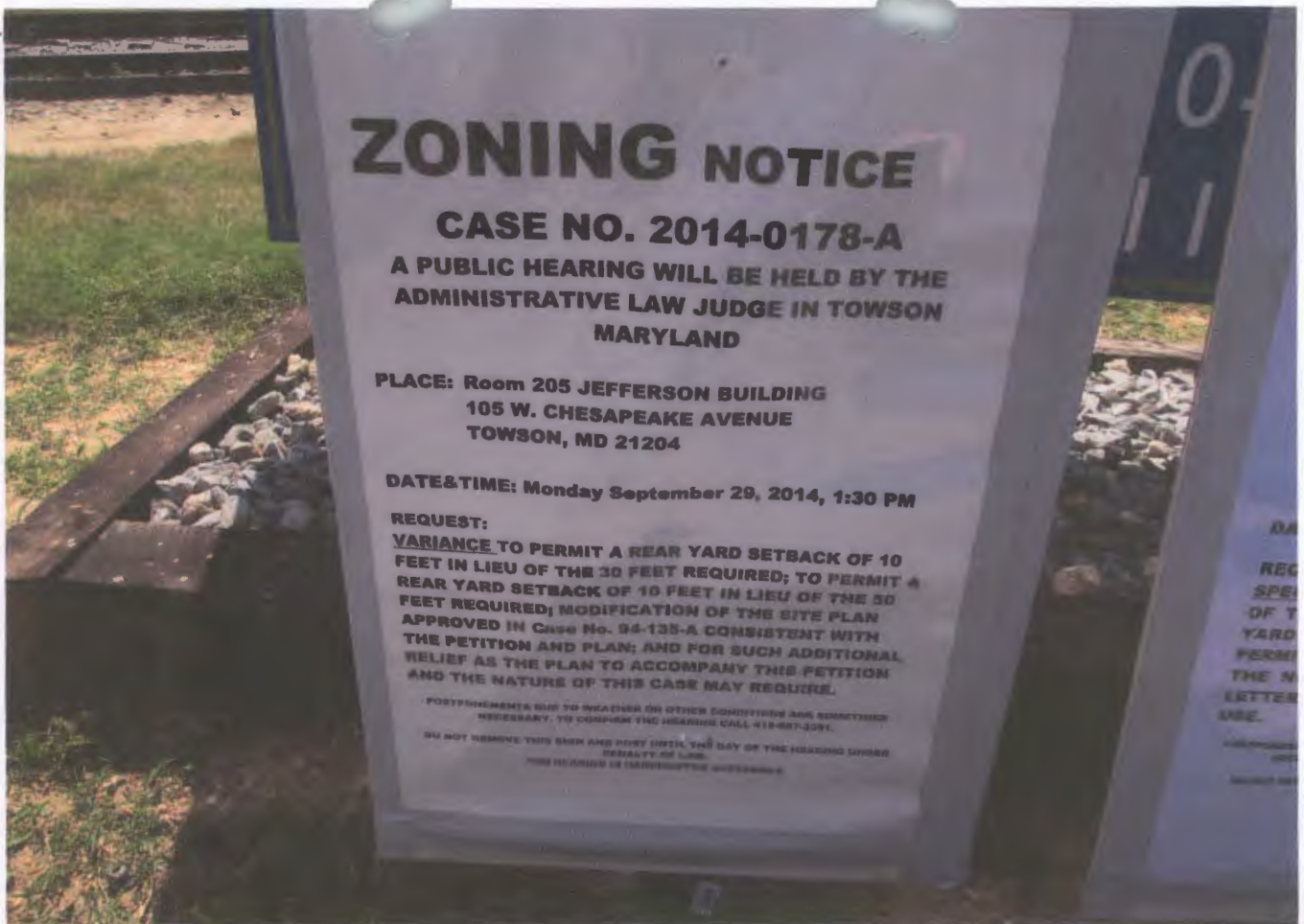
Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor





THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

April 10, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on April 10th, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2014-0178-A

2202 Halethorpe Farms Road

W/s Halethorpe Farms Road, 395 ft. S/s of centerline of Trident Court

13th Election District - 1st Councilmanic District

Legal Owner(s): Recovermat Mid-Atlantic, LLC

Variance to permit a rear yard setback of 10 ft. in lieu of the 30 ft. required; to permit a rear yard setback of 10ft. in lieu of the 50 ft. required; modification of the site plan approved in Case No. 94-135-A consistent with the Petition and plan; and for such additional relief as the plan to accompany this petition and the nature of this case may require.

Hearing: Friday, May 2, 2014 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
4/140 April 10 975176



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

September 11, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on September 9, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2014-0178-A

2202 Halethorpe Farms Road
W/s Halethorpe Farms Road, 395 ft. S/s of centerline of Trident Court

13th Election District - 1st Councilmanic District
Legal Owner(s): Recovermat Mid-Atlantic, LLC

Variance: to permit a rear yard setback of 10 ft. in lieu of the 30 ft. required; to permit a rear yard setback of 10 ft. in lieu of the 50 ft. required; modification of the site plan approved in Case No. 94-135-A consistent with the Petition and plan; and for such additional relief as the plan to accompany this petition and the nature of this case may require.

Hearing: Monday, September 29, 2014 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 9/662 September 9 993151

**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: 2014 -- 0178 --A

Petitioner: RECOVERMAT MID-ATLANTIC, LLC

Address or Location: 2202 HALETHORPE FARMS ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Paul Tharp, Information Officer

Address: 2001 Kenilworth Avenue

P.O. Box 64430

Washington, D.C. 20029-4430

Telephone Number: (301) 651-3904

TO: PATUXENT PUBLISHING COMPANY
Issue - Jeffersonian

Please forward billing to:

Paul Tharp
Information Officer
2001 Kenilworth Avenue
P.O. Box 64430
Washington, DC 20029-4430

301-651-3904

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0178-A

2202 Halethorpe Farms Road
W/s Halethorpe Farms Road, 395 ft. S/s of centerline of Trident Court
13th Election District – 1st Councilmanic District
Legal Owners: Recovermat Mid-Atlantic, LLC

Variance to permit a rear yard setback of 10 ft. in lieu of the 30 ft. required; to permit a rear yard setback of 10 ft. in lieu of the 50 ft. required; modification of the site plan approved in Case No. 94-135-A consistent with the Petition and plan; and for such additional relief as the plan to accompany this petition and the nature of this case may require.

Hearing: Friday, May 2, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 24, 2014

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2014-0178-A

2202 Halethorpe Farms Road

W/s Halethorpe Farms Road, 395 ft. S/s of centerline of Trident Court

13th Election District – 1st Councilmanic District

Legal Owners: Recovermat Mid-Atlantic, LLC

Variance to permit a rear yard setback of 10 ft. in lieu of the 30 ft. required; to permit a rear yard setback of 10 ft. in lieu of the 50 ft. required; modification of the site plan approved in Case No. 94-135-A consistent with the Petition and plan; and for such additional relief as the plan to accompany this petition and the nature of this case may require.

Hearing: Friday, May 2, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Recovermat Mid-Atlantic, LLC, 2202 Halethorpe Farms Road, Baltimore 21227
Robert Capalongo, RLA/CNA Engineers, 215 Bynum Road, Forest Hill 21050

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 22, 2014 Issue - Jeffersonian

Please forward billing to:

Paul Tharp
Information Officer
2001 Kenilworth Avenue
P.O. Box 64430
Washington, DC 20029-4430

301-651-3904

NOTICE OF ZONING HEARING

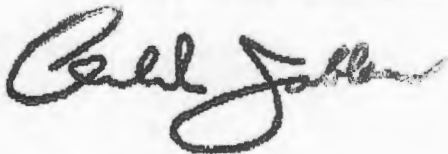
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0178-A

2202 Halethorpe Farms Road
W/s Halethorpe Farms Road, 395 ft. S/s of centerline of Trident Court
13th Election District – 1st Councilmanic District
Legal Owners: Recovermat Mid-Atlantic, LLC

Variance to permit a rear yard setback of 10 ft. in lieu of the 30 ft. required; to permit a rear yard setback of 10 ft. in lieu of the 50 ft. required; modification of the site plan approved in Case No. 94-135-A consistent with the Petition and plan; and for such additional relief as the plan to accompany this petition and the nature of this case may require.

Hearing: Tuesday, August 12, 2014 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 9, 2014

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2014-0178-A

2202 Halethorpe Farms Road

W/s Halethorpe Farms Road, 395 ft. S/s of centerline of Trident Court

13th Election District – 1st Councilmanic District

Legal Owners: Recovermat Mid-Atlantic, LLC

Variance to permit a rear yard setback of 10 ft. in lieu of the 30 ft. required; to permit a rear yard setback of 10 ft. in lieu of the 50 ft. required; modification of the site plan approved in Case No. 94-135-A consistent with the Petition and plan; and for such additional relief as the plan to accompany this petition and the nature of this case may require.

Hearing: Tuesday, August 12, 2014 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Recovermat Mid-Atlantic, LLC, 2202 Halethorpe Farms Road, Baltimore 21227
Robert Capalongo, RLA/CNA Engineers, 215 Bynum Road, Forest Hill 21050

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 23, 2014.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 9, 2014 Issue - Jeffersonian

Please forward billing to:

Paul Tharp
Information Officer
2001 Kenilworth Avenue
P.O. Box 64430
Washington, DC 20029-4430

301-651-3904

NOTICE OF ZONING HEARING

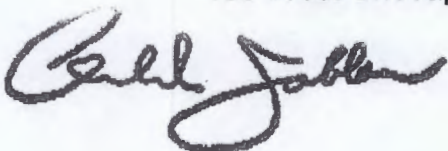
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0178-A

2202 Halethorpe Farms Road
W/s Halethorpe Farms Road, 395 ft. S/s of centerline of Trident Court
13th Election District – 1st Councilmanic District
Legal Owners: Recovermat Mid-Atlantic, LLC

Variance to permit a rear yard setback of 10 ft. in lieu of the 30 ft. required; to permit a rear yard setback of 10 ft. in lieu of the 50 ft. required; modification of the site plan approved in Case No. 94-135-A consistent with the Petition and plan; and for such additional relief as the plan to accompany this petition and the nature of this case may require.

Hearing: Monday, September 29, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspection

August 25, 2014

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2014-0178-A

2202 Halethorpe Farms Road

W/s Halethorpe Farms Road, 395 ft. S/s of centerline of Trident Court

13th Election District – 1st Councilmanic District

Legal Owners: Recovermat Mid-Atlantic, LLC

Variance to permit a rear yard setback of 10 ft. in lieu of the 30 ft. required; to permit a rear yard setback of 10 ft. in lieu of the 50 ft. required; modification of the site plan approved in Case No. 94-135-A consistent with the Petition and plan; and for such additional relief as the plan to accompany this petition and the nature of this case may require.

Hearing: Monday, September 29, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Recovermat Mid-Atlantic, LLC, 2202 Halethorpe Farms Road, Baltimore 21227
Robert Capalongo, RLA/CNA Engineers, 215 Bynum Road, Forest Hill 21050

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 9, 2014.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 2, 2014

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

Recovermat Mid-Atlantic, LLC – Legal Owner
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

14-178-A

Re: Petition for Variance from B.C.Z.R. as follows:

- 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and
- 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and
- 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan; and
- 4) for such additional relief as the Plan to accompany this Petition and the nature of this case may require.

10/1/14

Opinion and Order of the Administrative Law Judge wherein the requested relief 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan was GRANTED.

SET WITH-----

14-278-SPH

Recovermat Mid-Atlantic, LLC – Legal Owner
North Point Recycling, LLC – Aggrieved
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

Re: Petition for Special Hearing to determine that the use of the property, zoned MH-IM, as a junk yard is illegal since junk yards are not permitted without a special exception, and the November 24, 2008 "spirit and intent" letter is insufficient to grant junk yard use.

10/1/14

Opinion and Order of the Administrative Law Judge wherein the requested relief was GRANTED, upon finding that Petitioner operates a "junkyard" on the premises. Petitioner must (prior to issuance of permits) obtain a special exception to operate a junkyard, or final decision from a court of competent jurisdiction reversing the decision in Case No. 14-278-SPH.

ASSIGNED FOR: WEDNESDAY, JANUARY 28, 2015, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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 B, 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.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

See attached distribution list

Distribution List
Notice of Assignment
December 2, 2014
Page 2

cc: Counsel for Petitioner/Legal Owner: Howard L. Alderman, Jr., Esquire
Petitioner/Legal Owner: Recovermat Mid-Atlantic, LLC

Counsel for Protestant: Edward J. Gilliss, Esquire
Protestant: North Point Recycling, LLC

Robert D. Capalongo, RLA/CNA Engineers
Paul Tharp
Katie Heam
David Simon
Dale Fields/Motor Vehicle Administration/Business Licensing
Phil Dacey, Esquire/Motor Vehicle Administration
Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

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

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

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

December 12, 2014

RECEIVED
DEC 12 2014

BALTIMORE COUNTY
BOARD OF APPEALS

HAND DELIVERED

David L. Thurston, Chairman
County Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: Recovermat Mid-Atlantic, LLC
Petition for Variance
Petition for Special Hearing
Case Nos.: 2014-0178-A & 2014-0278-SPH
Hearing: Wednesday, January 28, 2014

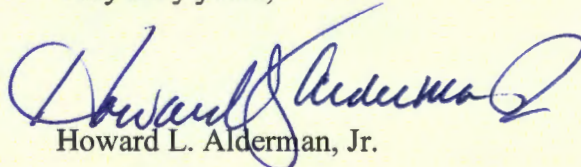
Dear Mr. Thurston:

The enclosed Motion for Postponement is filed in accordance with Board of Appeals Rule 2.c. The extraordinary circumstances justifying this request are set forth in the Motion and specifics related thereto have been discussed with Sunny, Edward Gilliss, Esquire and Peter Max Zimmerman, People's Counsel. Both Ed and Peter have advised verbally that they have no objection to the requested postponement.

Should you or any member of the Board desire any additional information or justification in support of this Motion, please have Sunny give me a call at her convenience.

Thank you for your consideration of this request.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk
Enclosure
c (w/encl.): Edward J. Gilliss, Esquire
People's Counsel for Baltimore County



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 15, 2014

NOTICE OF POSTPONEMENT

IN THE MATTER OF:

Recovermat Mid-Atlantic, LLC – Legal Owner
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

14-178-A

Re: Petition for Variance from B.C.Z.R. as follows:

- 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and
- 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and
- 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan; and
- 4) for such additional relief as the Plan to accompany this Petition and the nature of this case may require.

10/1/14

Opinion and Order of the Administrative Law Judge wherein the requested relief 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan was GRANTED.

SET WITH-----

14-278-SPH

Recovermat Mid-Atlantic, LLC – Legal Owner
North Point Recycling, LLC – Aggrieved
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

Re: Petition for Special Hearing to determine that the use of the property, zoned MH-IM, as a junk yard is illegal since junk yards are not permitted without a special exception, and the November 24, 2008 "spirit and intent" letter is insufficient to grant junk yard use.

10/1/14

Opinion and Order of the Administrative Law Judge wherein the requested relief was GRANTED, upon finding that Petitioner operates a "junkyard" on the premises. Petitioner must (prior to issuance of permits) obtain a special exception to operate a junkyard, or final decision from a court of competent jurisdiction reversing the decision in Case No. 14-278-SPH.

This matter was assigned for Wednesday, January 28, 2015 and has been postponed. It will be rescheduled to a later date.

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 B, 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.

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

Distribution List
Notice of Postponement
December 15, 2014
Page 2

cc:	Counsel for Petitioner/Legal Owner:	Howard L. Alderman, Jr., Esquire
	Petitioner/Legal Owner:	Recovermat Mid-Atlantic, LLC
	Counsel for Protestant:	Edward J. Gilliss, Esquire
	Protestant:	North Point Recycling, LLC

Robert D. Capalongo, RLA/CNA Engineers
Paul Tharp
Katie Heam
David Simon
Dale Fields/Motor Vehicle Administration/Business Licensing
Phil Dacey, Esquire/Motor Vehicle Administration
Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 15, 2014

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

Re: In the Matter of: Recovermat Mid-Atlantic, LLC
Case No: 14-178-A and 14-278-SPH

Dear Mr. Alderman:

I am in receipt of your request for postponement dated December 12, 2014. This letter is to advise you that your request for a postponement of the hearing scheduled for January 28, 2015 has been granted.

As per our discussion, I will follow up with you toward the end of January to discuss the rescheduling of this matter.

A copy of the Notice of Postponement for the January 28, 2015 date is enclosed. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

Encl.: Notice of Postponement

c (w/Encl.): Edward J. Gilliss, Esquire
Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 20, 2015

NOTICE OF REASSIGNMENT

IN THE MATTER OF:

Recovermat Mid-Atlantic, LLC – Legal Owner
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

14-178-A

Re: Petition for Variance from B.C.Z.R. as follows:

- 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and
- 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and
- 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan; and
- 4) for such additional relief as the Plan to accompany this Petition and the nature of this case may require.

10/1/14

Opinion and Order of the Administrative Law Judge wherein the requested relief 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan was GRANTED.

SET WITH-----

14-278-SPH

Recovermat Mid-Atlantic, LLC – Legal Owner
North Point Recycling, LLC – Aggrieved
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

Re: Petition for Special Hearing to determine that the use of the property, zoned MH-IM, as a junk yard is illegal since junk yards are not permitted without a special exception, and the November 24, 2008 "spirit and intent" letter is insufficient to grant junk yard use.

10/1/14

Opinion and Order of the Administrative Law Judge wherein the requested relief was GRANTED, upon finding that Petitioner operates a "junkyard" on the premises. Petitioner must (prior to issuance of permits) obtain a special exception to operate a junkyard, or final decision from a court of competent jurisdiction reversing the decision in Case No. 14-278-SPH.

ASSIGNED FOR: THURSDAY, APRIL 23, 2015, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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 B, 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.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

See attached distribution list

Distribution List
Notice of Reassignment
February 20, 2015
Page 2

cc:	Counsel for Petitioner/Legal Owner:	Howard L. Alderman, Jr., Esquire
	Petitioner/Legal Owner:	Recovermat Mid-Atlantic, LLC
	Counsel for Protestant:	Edward J. Gilliss, Esquire
	Protestant:	North Point Recycling, LLC

Robert D. Capalongo, RLA/CNA Engineers
Paul Tharp
Katie Hearn
David Simon
Dale Fields/Motor Vehicle Administration/Business Licensing
Phil Dacey, Esquire/Motor Vehicle Administration
Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

12/8/14

~10am

Howard Alderman
Recovermat

left messages

Ed Gillis

Pete Zimmerman

~March~

will request pp due
to medical reasons
is asking to be excused
for March -
hold until Jan then
follow up

Recovermat

PC = NO to 28th

~ prefer 29th or 30th

1/2



preferred

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECENGOST
LISA J. McGRATH

JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

OF COUNSEL
LAUREL PARETTA REESE
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
JOHN A. PICA, JR.

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

February 27, 2015

Via Hand Delivery

Ms. Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
FEB 27 2015

**BALTIMORE COUNTY
BOARD OF APPEALS**

Re: Recovermat Mid-Atlantic, LLC
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District
Case No. 14-178-SPH
Appeal Assigned for: Thursday April 23, 2015 at 10:00am

Dear Ms. Cannington:

This letter follows my February 26, 2015 receipt of the Board of Appeals' Notice of Reassignment scheduling this matter for Thursday April 23, 2015.

With this letter I request that the matter be re-set for a date convenient with counsel and witnesses inasmuch as the date unilaterally selected, April 23, 2015, is a date that one of my witnesses will be out-of-the-country.

I understand from our February 27, 2015 telephone conversation that you will be able to circulate available dates to Mr. Alderman and me so that an agreed date can be achieved.

Thank you for your cooperation. Please immediately contact me if you require additional information in order to remove this matter from the April 23, 2015 docket.

Very truly yours,



Edward J. Gilliss

EJG/ajf

cc: Howard L. Alderman, Jr., Esquire (via e-mail)



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 3, 2015

NOTICE OF POSTPONEMENT

IN THE MATTER OF:

Recovermat Mid-Atlantic, LLC – Legal Owner
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

14-178-A

Re: Petition for Variance from B.C.Z.R. as follows:

- 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and
- 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and
- 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan; and
- 4) for such additional relief as the Plan to accompany this Petition and the nature of this case may require.

10/1/14

Opinion and Order of the Administrative Law Judge wherein the requested relief 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan was GRANTED.

SET WITH-----

14-278-SPH

Recovermat Mid-Atlantic, LLC – Legal Owner
North Point Recycling, LLC – Aggrieved
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

Re: Petition for Special Hearing to determine that the use of the property, zoned MH-IM, as a junk yard is illegal since junk yards are not permitted without a special exception, and the November 24, 2008 "spirit and intent" letter is insufficient to grant junk yard use.

10/1/14

Opinion and Order of the Administrative Law Judge wherein the requested relief was GRANTED, upon finding that Petitioner operates a "junkyard" on the premises. Petitioner must (prior to issuance of permits) obtain a special exception to operate a junkyard, or final decision from a court of competent jurisdiction reversing the decision in Case No. 14-278-SPH.

This matter was assigned for Thursday, April 23, 2015 and has been postponed. It will be rescheduled to a later date.

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 B, 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.

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

Distribution List
Notice of Postponement
March 3, 2015
Page 2

cc:	Counsel for Petitioner/Legal Owner:	Howard L. Alderman, Jr., Esquire
	Petitioner/Legal Owner:	Recovermat Mid-Atlantic, LLC
	Counsel for Protestant:	Edward J. Gilliss, Esquire
	Protestant:	North Point Recycling, LLC

Robert D. Capalongo, RLA/CNA Engineers
Paul Tharp
Katie Heam
David Simon
Dale Fields/Motor Vehicle Administration/Business Licensing
Phil Dacey, Esquire/Motor Vehicle Administration
Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 3, 2015

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

Edward J. Gilliss, Esquire
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Ste 600
Towson, MD 21204

Re: In the Matter of: Recovermat Mid-Atlantic, LLC
Case No: 14-178-A and 14-278-SPH

Dear Counsel:

I am in receipt of the request for postponement dated February 27, 2015 by Mr. Gilliss. This letter is to advise you that your request for a postponement of the hearing scheduled for April 23, 2015 has been granted. A copy of the Notice of Postponement for the April 23, 2015 date is enclosed.

As you are aware, the Board generally has hearings on Tuesdays, Wednesdays, and Thursdays. The following dates are currently available on the Board's docket. All hearings begin at 10:00 a.m.

Tuesday, April 28, 2015,
Wednesday, April 29, 2015,
Thursday, April 30, 2015,
Tuesday, May 5, 2015, or
Thursday, May 7, 2015

Please contact this office as soon as possible regarding your availability.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

Duplicate Original
Encl.: Notice of Postponement

cc (w/Encl.): Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 10, 2015

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Recovermat Mid-Atlantic, LLC – Legal Owner
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

14-178-A

Re: Petition for Variance from B.C.Z.R. as follows:

- 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and
- 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and
- 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan; and
- 4) for such additional relief as the Plan to accompany this Petition and the nature of this case may require.

10/1/14 Opinion and Order of the Administrative Law Judge wherein the requested relief 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan was GRANTED.

SET WITH-----

14-278-SPH Recovermat Mid-Atlantic, LLC – Legal Owner
North Point Recycling, LLC – Aggrieved
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

Re: Petition for Special Hearing to determine that the use of the property, zoned MH-IM, as a junk yard is illegal since junk yards are not permitted without a special exception, and the November 24, 2008 "spirit and intent" letter is insufficient to grant junk yard use.

10/1/14 Opinion and Order of the Administrative Law Judge wherein the requested relief was GRANTED, upon finding that Petitioner operates a "junkyard" on the premises. Petitioner must (prior to issuance of permits) obtain a special exception to operate a junkyard, or final decision from a court of competent jurisdiction reversing the decision in Case No. 14-278-SPH.

ASSIGNED FOR: TUESDAY, JUNE 2, 2015, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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 B, 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.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

See attached distribution list

Distribution List
Notice of Assignment
April 10, 2015
Page 2

cc:	Counsel for Petitioner/Legal Owner:	Howard L. Alderman, Jr., Esquire
	Petitioner/Legal Owner:	Recovermat Mid-Atlantic, LLC
	Counsel for Protestant:	Edward J. Gilliss, Esquire
	Protestant:	North Point Recycling, LLC

Robert D. Capalongo, RLA/CNA Engineers
Paul Tharp
Katie Heam
David Simon
Dale Fields/Motor Vehicle Administration/Business Licensing
Phil Dacey, Esquire/Motor Vehicle Administration
Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECENGOST
LISA J. McGRATH

JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

OF COUNSEL
LAUREL PARETTA REESE
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
JOHN A. PICA, JR.

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

May 21, 2015

Via Hand Delivery

Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Petition for Variance and Special Hearing
220 Halethrope Farms Road
13th Election District
1st Councilmanic District
Recovermat Mid-Atlantic, LLC

Dear Board Members:

Enclosed please find a Joint Request for Postponement in the above-captioned matter.

Very truly yours,



for Edward J. Gilliss

EJG/ajf
Enclosure

RECEIVED
MAY 22 2015

BALTIMORE COUNTY
BOARD OF APPEALS



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 22, 2015

NOTICE OF POSTPONEMENT

IN THE MATTER OF:

14-178-A

Recovermat Mid-Atlantic, LLC – Legal Owner
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

Re: Petition for Variance from B.C.Z.R. as follows:

- 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and
- 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and
- 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan; and
- 4) for such additional relief as the Plan to accompany this Petition and the nature of this case may require.

10/1/14

Opinion and Order of the Administrative Law Judge wherein the requested relief 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan was GRANTED.

SET WITH-----

14-278-SPH

Recovermat Mid-Atlantic, LLC – Legal Owner
North Point Recycling, LLC – Aggrieved
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

Re: Petition for Special Hearing to determine that the use of the property, zoned MH-IM, as a junk yard is illegal since junk yards are not permitted without a special exception, and the November 24, 2008 "spirit and intent" letter is insufficient to grant junk yard use.

10/1/14

Opinion and Order of the Administrative Law Judge wherein the requested relief was GRANTED, upon finding that Petitioner operates a "junkyard" on the premises. Petitioner must (prior to issuance of permits) obtain a special exception to operate a junkyard, or final decision from a court of competent jurisdiction reversing the decision in Case No. 14-278-SPH.

These matters were assigned for Tuesday, June 2, 2015 and have been postponed by Joint Request of Counsel.

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 B, 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.

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

Distribution List
Notice of Postponement
May 22, 2015
Page 2

cc:	Counsel for Petitioner/Legal Owner:	Howard L. Alderman, Jr., Esquire
	Petitioner/Legal Owner:	Recovermat Mid-Atlantic, LLC
	Counsel for Protestant:	Edward J. Gilliss, Esquire
	Protestant:	North Point Recycling, LLC

Robert D. Capalongo, RLA/CNA Engineers
Paul Tharp
Katie Heam
David Simon
Dale Fields/Motor Vehicle Administration/Business Licensing
Phil Dacey, Esquire/Motor Vehicle Administration
Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

In RE: PETITION FOR VARIANCE AND
SPECIAL HEARING
(2202 Halethorpe Farms Road)
13th Election District
1st Councilmanic District
Recovermat Mid-Atlantic, LLC
Legal Owner
Petitioner

* BEFORE THE
* BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* Case Nos.: 2014-178-A
and 2014-0278-SPH

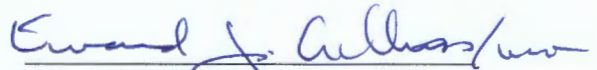
* * * * *

JOINT REQUEST FOR POSTPONEMENT

The parties, by their undersigned counsel, hereby jointly request that this matter, scheduled for hearing before the Board on June 2, 2015, be postponed inasmuch as on May 21, 2015 the Baltimore County Council passed Bill 35-15 which may obviate the need for the hearing of this matter.

The parties request a postponement of 45 days which will allow a complete analysis of the impact of Bill 35-15.


Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
Nottingham Center
502 Washington Avenue, Suite 800
Towson, MD 21204-4525
Attorney for Recovermat MidAtlantic, LLC


Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, MD 21204
Attorney for North Point Recycling, LLC

ROYSTON, MUELLER,
MCLEAN & REID, LLP
SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

RECEIVED

MAY 22 2015

BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2015, a copy of the foregoing Notice of Appeal was hand delivered to:

Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
Nottingham Center
502 Washington Avenue, Suite 800
Towson, MD 21204-4525

Peter Max Zimmerman, Esq. and Carol S. Demilio, Esq.
People's Counsel for Baltimore County
Jefferson Building Room 204
105 West Chesapeake Avenue
Towson, MD 21204



 Edward J. Gilliss

ROYSTON, MUELLER,
McLEAN & REID, LLP
SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

Howard Alderman

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, July 24, 2015 1:00 PM
To: Howard Alderman
Subject: RE: Vernon Property Continued HOH

Yes that date is reserved on the calendar for all day.

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: Howard Alderman [mailto:halderman@levingann.com]
Sent: Friday, July 24, 2015 10:43 AM
To: Kristen L Lewis
Cc: Dwight Little (dwightl@littleassociates.com); John Motsco; Michael McCann
Subject: Vernon Property Continued HOH

Kristen,

Have we locked in September 10th for the continued hearing on the VERNON PROPERTY HOH?

Thanks,
Howard

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com



Provide Feedback at <http://tinyurl.com/HLA-AVVO>



LEVIN & GANN, P.A.
Problem Solvers, Passionate Advocates.

*Recognized as One
Of Maryland's
Super Lawyers*





Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 4, 2015

NOTICE OF ASSIGNMENT **ARGUMENT ONLY ON MOTION TO DISMISS**

IN THE MATTER OF: Recovermat Mid-Atlantic, LLC – Legal Owner
2202 Halethorpe Farms Road
14-178-A 13th Election District; 1st Councilmanic District

SET WITH _____
14-278-SPH Recovermat Mid-Atlantic, LLC – Legal Owner
North Point Recycling, LLC – Aggrieved
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

ASSIGNED FOR: **THURSDAY, SEPTEMBER 10, 2015, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This will be a **MOTION ONLY HEARING** at which time the Board will hear argument only on the subject Motion to Dismiss, with no evidence or testimony as to the merits of the case to be received at that time.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, 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.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c : See attached Distribution List

Distribution List
Notice of Assignment
Argument on Motion to Dismiss
August 4, 2015
Page 2

cc:	Counsel for Petitioner/Legal Owner:	Howard L. Alderman, Jr., Esquire
	Petitioner/Legal Owner:	Recovermat Mid-Atlantic, LLC
	Counsel for Protestant:	Edward J. Gilliss, Esquire
	Protestant:	North Point Recycling, LLC

Robert D. Capalongo, RLA/CNA Engineers
Paul Tharp
Katie Heam
Dale Fields/Motor Vehicle Administration/Business Licensing
Phil Dacey, Esquire/Motor Vehicle Administration
Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

Distribution List
Notice of Assignment
Argument on Motion to Dismiss
August 4, 2015
Page 2

cc:	Counsel for Petitioner/Legal Owner:	Howard L. Alderman, Jr., Esquire
	Petitioner/Legal Owner:	Recovermat Mid-Atlantic, LLC
	Counsel for Protestant:	Edward J. Gilliss, Esquire
	Protestant:	North Point Recycling, LLC

Robert D. Capalongo, RLA/CNA Engineers
Paul Tharp
Katie Heam
Dale Fields/Motor Vehicle Administration/Business Licensing
Phil Dacey, Esquire/Motor Vehicle Administration
Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



LEVIN & GANN, P.A.
ATTORNEYS AT LAW

Howard L. Alderman, Jr., Esquire | Principal
D: 410.321.4640 | halderman@levingann.com

August 12, 2015

RECEIVED
AUG 14 2015

BALTIMORE COUNTY
BOARD OF APPEALS

REGULAR AND EMAIL ATTACHMENT

Krysundra Cannington, Administrator
County Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: Recovermat Mid-Atlantic, LLC, Legal Owner
Case Nos.: 2014-0178-A & 2014-0278-SPH
Request to Reschedule Motions Hearing

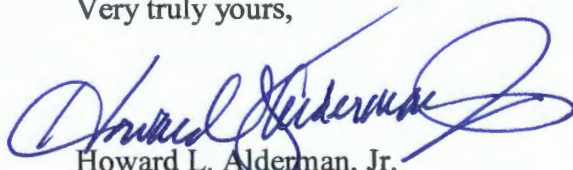
Dear Ms. Cannington:

The enclosed *Notice of Assignment* identifies Thursday, September 10, 2015 as the date that a hearing is scheduled on the Motions that I filed in the above-referenced case. I have a conflict with that date. The second day of a contested development plan hearing, as previously agreed to by counsel and specially set by the County, is scheduled for the same date and time assigned to the hearing before the Board. I therefore must request that this hearing be rescheduled.

The development plan case, captioned as "Vernon Smith Property", PAI No. 10-466, was specially set in early July and then, as reflected on the enclosed email message from Kristen Lewis, Docket Clerk, confirmed on July 24, 2015. The Board's Notice of Assignment is dated August 4, 2015.

I have notified Mr. Gilliss earlier by email of this request. Should you or any member of the Board desire additional information in support of this request to reschedule the hearing, please let me know.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosures (2)
c (w/encl.):

Recovermat Mid-Atlantic, LLC
Edward J. Gilliss, Esquire
People's Counsel for Baltimore County



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 18, 2015

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF:

Recovermat Mid-Atlantic, LLC – Legal Owner
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

14-178-A

Re: Petition for Variance from B.C.Z.R. as follows:
1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and
2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and
3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan; and
4) for such additional relief as the Plan to accompany this Petition and the nature of this case may require.

10/1/14 Opinion and Order of the Administrative Law Judge wherein the requested relief 1) from Section 258.1 and 238.2 to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.; and 2) from Section 258.2 and 243.3 to permit a rear yard setback of 10 ft. in lieu of the required 50 ft.; and 3) modification of the site plan approved in Case No. 94-135-A consistent with this Petition and Plan was GRANTED.

SET WITH-----

14-278-SPH

Recovermat Mid-Atlantic, LLC – Legal Owner
North Point Recycling, LLC – Aggrieved
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District

Re: Petition for Special Hearing to determine that the use of the property, zoned MH-1M, as a junk yard is illegal since junk yards are not permitted without a special exception, and the November 24, 2008 "spirit and intent" letter is insufficient to grant junk yard use.

10/1/14 Opinion and Order of the Administrative Law Judge wherein the requested relief was GRANTED, upon finding that Petitioner operates a "junkyard" on the premises. Petitioner must (prior to issuance of permits) obtain a special exception to operate a junkyard, or final decision from a court of competent jurisdiction reversing the decision in Case No. 14-278-SPH.

This matter was assigned for Argument on the Motion to Dismiss on Thursday, September 10, 2015 and has been postponed by request of Counsel. It is hereby rescheduled to the following

DATE AND TIME: WEDNESDAY, OCTOBER 14, 2015 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 B, 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.

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington
Administrator**

Distribution List
Notice of Postponement and Reassignment
Argument on Motion to Dismiss
August 18, 2015
Page 2

cc:	Counsel for Petitioner/Legal Owner:	Howard L. Alderman, Jr., Esquire
	Petitioner/Legal Owner:	Recovermat Mid-Atlantic, LLC
	Counsel for Protestant:	Edward J. Gilliss, Esquire
	Protestant:	North Point Recycling, LLC

Robert D. Capalongo, RLA/CNA Engineers
Paul Tharp
Katie Heam
Dale Fields/Motor Vehicle Administration/Business Licensing
Phil Dacey, Esquire/Motor Vehicle Administration
Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 18, 2015

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

Re: In the Matter of: Recovermat Mid-Atlantic, LLC
Case No: 14-178-A and 14-278-SPH

Dear Mr. Alderman:

I am in receipt of your request for postponement dated August 12, 2015. This letter is to advise you that your request for a postponement of the argument scheduled for September 10, 2015 has been granted.

Enclosed please find the Notice of Postponement and Reassignment scheduling this matter for Argument on the Motions on Wednesday, October 14, 2015 at 10:00 a.m.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Encl.: Notice of Postponement and Reassignment

c (w/Encl.): Edward J. Gilliss, Esquire
Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 30, 2015

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

Edward J. Gilliss, Esquire
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Ste 600
Towson, MD 21204

Re: In the Matter of: Recovermat Mid-Atlantic, LLC
Case No: 14-178-A and 14-278-SPH

Dear Counsel:

On October 14, 2015, the Board convened for argument on the Motion to Dismiss and Response. At the conclusion of arguments, the Board convened for a public deliberation wherein they decided to deny the Motion to Dismiss. It is my understanding that at this time, a hearing is necessary to proceed with this matter.

As you are aware, the Board generally has hearings on Tuesdays, Wednesdays, and Thursdays. The following dates are currently available on the Board's docket. All hearings begin at 10:00 a.m.

Tuesday, January 5, 2016,
Wednesday, January 6, 2016,
Thursday, January 7, 2016,
Tuesday, January 12, 2016,
Wednesday, January 13, 2016, or
Thursday, January 14, 2016

Please contact this office as soon as possible regarding your availability.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Duplicate Original



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 25, 2014

RECOVERMAT MID-ATLANTIC, LLC
2202 Halethorpe Farms Road
Baltimore MD 21227

RE: Case Number: 2014-0178 A, Address: 2202 Halethorpe Farms Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 4, 2014. 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: jaf

Enclosures

c: People's Counsel
Howard L. Alderman, Jr., Esquire, 502 Washington Avenue, Suite 800, Towson MD 21204
Robert D. Capalongo, RLA/CAN Engineers, 215 Bynum Road, Forest Hill MD 21050

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 9, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2202 Halethorpe Farms Road

INFORMATION:

Item Number: 14-178

Petitioner: Recovermat Mid Atlantic LLC

Zoning: MH-IM

Requested Action: Variance

RECEIVED

APR 10 2014

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

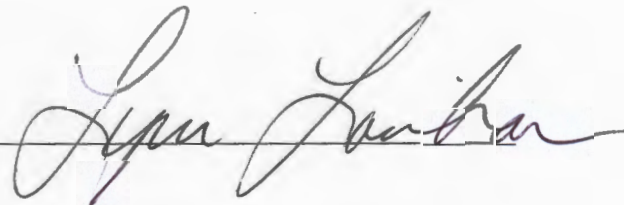
The petitioner is seeking variances to permit a rear yard setback of 10 feet in lieu of the 30 feet required and a modification of the site plan approved in Case #94-135.

The new building will replace the existing warehouse building that is currently on the site. The petitioner states that the proposed building has to be located near the rear property line to not interfere with the current metal recycling operation of the site. Staff visited the site on April 7, 2014 and noted that it is very well maintained and organized. The Department of Planning does not object to the petitioner's requests subject to the following condition:

1. Submit elevations of the proposed building.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Division Chief:
AVA/LL



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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 3-21-14

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

RE: Baltimore County
Item No. 2014-0178-A
Variance
Recovery of Mid Atlantic
LLC
2202 Halethorpe Farms Rd.

Dear Ms. Lewis:

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. 2014-0178-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 24, 2014
Item No. 2014-0178

DATE: March 21, 2014

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

A landscape installation certification is required for the planting that was previously required by zoning.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0178-03242014.doc

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
2202 Halethorpe Farms Road; W/S Halethorpe
Farms Road, 395' S/S c/line Trident Court * OF ADMINISTRATIVE
13th Election & 1st Councilmanic Districts
Legal Owner(s): RECOVERMAT Mid-Atlantic* HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2014-178-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 all documentation filed in the case.

RECEIVED

MAR 24 2014

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 24th day of March, 2014, a copy of the foregoing Entry of Appearance was mailed to Robert D. Capalongo, CNA Engineers, 215 Bynum Road, Forest Hill, Maryland 21050 and Howard Alderman, Esquire, Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



RECEIVED

OCT 31 2014

BALTIMORE COUNTY
BOARD OF APPEALS

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 31, 2014

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
502 Washington Ave., Ste. 800
Towson, Maryland 21204

Edward J. Gilliss, Esquire
Royston, Mueller, McLean & Reid, LLP
102 West Pennsylvania Ave., Ste. 600
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Case Nos. 2014-0178-A
Location: 2202 Halethorpe Farms Road

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 31, 2014. 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 contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: ☒ Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County



RECEIVED
OCT 27 2014

BALTIMORE COUNTY
BOARD OF APPEALS

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 27, 2014

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
502 Washington Ave., Ste. 800
Towson, Maryland 21204

Edward J. Gilliss, Esquire
Royston, Mueller, McLean & Reid, LLP
102 West Pennsylvania Ave., Ste. 600
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Case Nos. 2014-0178-A and 2014-0278-SPH
Location: 2202 Halethorpe Farms Road

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 22, 2014. 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 contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County

APPEAL

**Petition for Variance
(2202 Halethorpe Farms Road)
13th Election District – 1st Councilmanic District
Legal Owner: Recovermat Mid-Atlantic, LLC
Case No. 2014-0178-A**

Petition for Zoning Hearing (March 4, 2014)

Zoning Description of Property

Notices of Zoning Hearings - (3)

Certificates of Publication – (2)

Certificates of Posting (3)

Entry of Appearance by People's Counsel (March 24, 2014)

Petitioner(s) Sign-in Sheet – (1)

Citizen(s) Sign-in Sheet – (1)

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -

1. Capalongo Resume
2. Site Plan
3. Landscape Certification
4. My Neighborhood Map
5. April 30, 2014 Md. Food Bank letter

RECEIVED
OCT 27 2014

BALTIMORE COUNTY
BOARD OF APPEALS

Protestants' Exhibits –

1. Zoning Correction Notice – Sept. 8, 2008

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (GRANTED with COND. – October 1, 2014)

Notice & Receipt of Appeal – October 22, 2014 Howard L. Alderman, Esq.

APPEAL

**Petition for Variance
(2202 Halethorpe Farms Road)
13th Election District – 1st Councilmanic District
Legal Owner: Recovermat Mid-Atlantic, LLC
Case No. 2014-0178-A**

Notice & Receipt of Appeal – October 31, 2014 from Edward J. Gilliss, Esq.

All materials relative to this case were delivered to BOA on October 27, 2014 with Mr. Alderman's appeal.

Address List

Petitioner/Appellant:

Recovermat Mid-Atlantic, LLC
2202 Halethorpe Farms Road
Baltimore, MD 21227

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingha Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

Robert D. Capalongo, RLA
CNA Engineers
215 Bynum Road
Forest Hill, MD 21050

Protestant/Appellant:

North Point Recycling, LLC
3000 Vera Street
Baltimore, MD 21226

Edward J. Gilliss, Esquire
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Ave., Suite 600
Towson, MD 21204

Interested Persons:

Paul Tharp
8923 Dogwood Road
Baltimore, MD 21244

Katie Heam
509 S. Exeter Street, # 306
Baltimore, MD 21202

David Simon
2723 North Point Blvd.
Baltimore, MD 21222

Dale Fields
Motor Vehicle Administration
Business Licensing
6601 Ritchie Highway, Room 146
Glen Burnie, MD 21062

Phil Dacey, Esquire
Motor Vehicle Administration
6601 Ritchie Highway, Room 200
Glen Burnie, MD 21062

*Appealed by both
Petitioner & Protestant*

Interoffice:

Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Recovermat Mid-Atlantic – LO 14-178-A
North Point Recycling, LLC – Aggrieved party 14 278 SPH

DATE: October 14, 2015

BOARD/PANEL: Jane M. Hanley, Panel Chairman
Benfred B. Alston
James H. West

RECORDED BY: Sunny Cannington/Administrator

PURPOSE: To deliberate the following:

1. Motion to Dismiss filed by Howard Alderman, Esquire on behalf of Recovermat Mid-Atlantic, LLC; and
2. Opposition to Motion to Dismiss filed by Edward Gilliss, Esquire on behalf of North Point Recycling, LLC.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the history of this matter. This matter was heard by the ALJ and appealed to the Board of Appeals. Between then and now, the County Council passed Bill 35-15 which defined Scrap Metal Processing Facilities and revised Section 256 of the Baltimore County Zoning Regulations.
- The Board determined that at this time, there are three points at issue. First, whether North Point Recycling has standing in this matter. The Board determined that North Point does have standing.
- Second, whether Recovermat meets the requirements as set forth in Bill 35-15 for Special Exception. And lastly, the appeal filed by Mr. Alderman regarding the variance.
- The Board determined that as for points two and three, there is not enough information for them to decide those issues without taking evidence and testimony at a hearing.

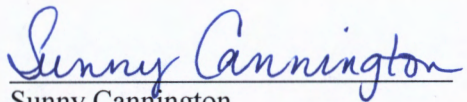
DECISION BY BOARD MEMBERS:

The Board determined that the Motion to Dismiss is denied and a hearing will be scheduled.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY THE MOTION TO DISMISS.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

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

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

May 1, 2014

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

5/3/14
to KL
call atty
also request
to have
contact
Howard to
reschedule



HAND DELIVERED

The Honorable Lawrence M. Stahl,
Managing Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

Arnold Jablon, Director
Department of Permits, Approvals
and Inspections
111 W. Chesapeake Avenue, Room 109
Towson, Maryland 21204

RE: Petition for Variance
2202 Halethorpe Farms Road
Case No. 2014-0178-A
Request for Prompt Rescheduling of Zoning Hearing

Dear Judge Stahl and Mr. Jablon:

Having not heard one way or the other whether the public hearing in the above-referenced matter had been postponed (over my client's objection), I called this morning to learn that, if fact, the hearing had been postponed "until further notice." Please consider this letter a request to reschedule promptly the hearing on this matter, coordinating the date among all counsel and parties before being finally set.

Should you need any additional information in regard to this request for prompt rescheduling, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Howard L. Alderman, Jr." with a stylized flourish at the end.

Howard L. Alderman, Jr.

HLA/gk

c: Recovermat Mid-Atlantic, LLC [via electronic mail attachment and regular mail]
People's Counsel for Baltimore County [via electronic mail attachment and regular mail]
Caroline L Hecker, Esquire [via electronic mail attachment and regular mail]
Kristen Lewis, Docket Clerk

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

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

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

April 28, 2014

RECEIVED

APR 28 2014

OFFICE OF ADMINISTRATIVE HEARINGS

HAND DELIVERED

The Honorable Lawrence M. Stahl,
Managing Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

Arnold Jablon, Director
Department of Permits, Approvals
and Inspections
111 W. Chesapeake Avenue, Room 109
Towson, Maryland 21204

RE: Petition for Variance
2202 Halethorpe Farms Road
Case No. 2014-0178-A
Opposition to Request for Postponement and Rescheduling

Dear Judge Stahl and Mr. Jablon:

On behalf of my client, Recovermat Mid-Atlantic, LLC, owner of the above-referenced property, please accept this Opposition to Request for Postponement and Rescheduling of the hearing in the above-referenced case, presently set for Friday, May 2, 2014. I am not quite sure why that request was filed with the Office of Administrative Hearings, rather than Mr. Jablon as required.

In any event, Baltimore Scrap Corp. is a competitor of my client, whose competing business is located solely in Baltimore City. There is absolutely no credible basis for a business, located solely in the City, to oppose a relatively minor request for setback variance other than to stifle competition. Moreover, Ms. Hecker asserts an 'understanding' that there is an 'outstanding violation notice' with respect to the subject property. My client is not in receipt of any current Correction Notice or Code Enforcement Citation regarding its operation at the subject property.

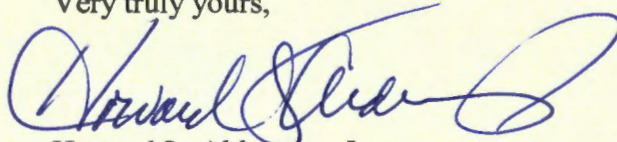
The *Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County*, specifically Rule 4.G., are clear that no postponement "shall be granted except in **extraordinary circumstances and for a reason satisfactory to the Director** or Zoning Commissioner given by the party requesting such postponement **indicating that the circumstances requiring the postponement or continuance are of an unusual and extraordinary nature.**" (Emphases supplied.) Baltimore Scrap Corp. has failed to even allege such extraordinary circumstances or unusual nature. The subject property was posted with the required Notice of Hearing on **April 11, 2014** and the County arranged for the newspaper advertisement required by the *Baltimore County Zoning Regulations*. The filing of this inappropriate request at the eleventh hour was based, perhaps, on the fact that the requestor is not located anywhere near the subject

The Honorable Lawrence M. Stahl
Arnold Jablon, Director
April 28, 2014
Page 2

property, but rather, in a completely different political jurisdiction of the State. For all of the foregoing reasons, the request for postponement should be denied.

Should you need any additional information in regard to this opposition, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Howard L. Alderman, Jr.", written in a cursive style.

Howard L. Alderman, Jr.

HLA/gk

c: Recovermat Mid-Atlantic, LLC [via electronic mail attachment and regular mail]
People's Counsel for Baltimore County [via electronic mail attachment and regular mail]
Caroline L Hecker, Esquire [via electronic mail attachment and regular mail]

6/13/14
wcr

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
LAUREL PARETTA REESE
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECKENGOST

SUITE 600
THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800
FACSIMILE 410-828-7859
www.rmmr.com

OF COUNSEL
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
LISA J. McGRATH

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

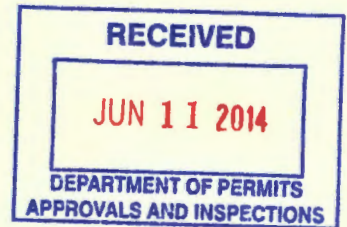
* ALSO ADMITTED IN D.C.

JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

June 11, 2014

Via Hand Delivery

Mr. Arnold Jablon
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Suite 105
Towson, MD 21204



Re: Petition for Variance
2202 Halethorpe Farms Road
Case No.: 2014-178-A

Dear Mr. Jablon:

Enclosed for filing in the above-captioned matter please find an Entry of Appearance entering my appearance as counsel for North Point Recycling, LLC.

Very truly yours,

Edward J. Gilliss

EJG/ajf
Enclosure

PETITION FOR VARIANCE

2202 Halethorpe Farms Road;
W/S Halethorpe Farms Road,
395'S/S c/line Trident Court
13th Election and 1st Councilmanic Districts
Legal Owners: Recovermat Mid-Atlantic

Petitioner

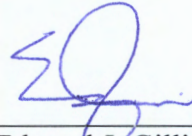
* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No.: 2014-178-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the undersigned, as counsel for North Point Recycling, LLC, an interested party in the above-captioned matter.

Notice should be sent to the undersigned of any hearing dates or other proceedings in this matter as well as any preliminary or final Orders.



Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue
Suite 600
Towson, MD 21204
Attorney for North Point Recycling, LLC

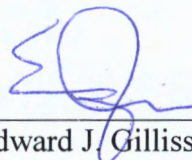
CERTIFICATE OF SERVICE

I hereby certify that on this 11 day of June, 2014, a copy of the foregoing Entry of Appearance was mailed, via first class mail, postage prepaid, to:

ROYSTON, MUELLER,
MCLEAN & REID, LLP
SUITE 600
102 W PENN. AVE.
TOWSON, MARYLAND
21204-4575
410-823-1800

Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
Nottingham Center
502 Washington Avenue, Suite 800
Towson, MD 21204-4525

Peter Max Zimmerman, Esq. and Carol S. Demilio, Esq.
People's Counsel for Baltimore County
Jefferson Building Room 204
105 West Chesapeake Avenue
Towson, MD 21204



Edward J. Gilliss

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmlr.com

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECENGOST
LISA J. McGRATH

JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

OF COUNSEL

LAUREL PARETTA REESE
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
JOHN A. PICA, JR.

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

July 2, 2015

Via Hand Delivery

Ms. Krysendra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
JUL - 2 2015

**BALTIMORE COUNTY
BOARD OF APPEALS**

Re: Recovermat Mid-Atlantic, LLC
2202 Halethorpe Farms Road
13th Election District; 1st Councilmanic District
Case No. 14-178-SPH

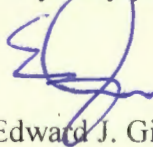
Dear Ms. Cannington:

With this letter, on behalf of North Point Recycling, LLC, I request that this matter be re-set on the Board of Appeals' docket for the de novo hearing of the above-captioned matter.

Should you desire, I will be pleased to coordinate with Mr. Alderman to identify dates that are convenient to counsel for the required hearing.

Thank you for your cooperation.

Very truly yours,



Edward J. Gilliss

EJG/ajf

cc: Howard L. Alderman, Jr., Esquire (via e-mail)



**Rosenberg
Martin
Greenberg^{LLP}**

Caroline L. Hecker
Direct Dial: (410) 727-6676
checker@rosenbergmartin.com

April 25, 2014

RECEIVED

APR 29 2014

**VIA ELECTRONIC MAIL
AND FIRST CLASS MAIL**

OFFICE OF ADMINISTRATIVE HEARINGS

The Honorable Lawrence M. Stahl
Chief Administrative Law Judge
Jefferson Building
111 West Chesapeake Ave., Suite 105
Towson, Maryland 21204

Re: Case No. 2014-0178A – 2202 Halethorpe Farms Road

Dear Judge Stahl:

This firm has just been engaged by Baltimore Scrap Corp. to represent its interests in a hearing in the above-referenced case which is scheduled for Friday, May 2, 2014. On behalf of our client, we respectfully request a postponement of this hearing, as we have not yet had the opportunity to review the pleadings or proposed site plan filed by the Applicant. In addition, it is our understanding that there is an outstanding violation notice with regard to this property; as a result, it would not be appropriate for the County to take any action with regard to this application until the violation is resolved.

Please contact me prior to the rescheduling of the case in order that I may confirm that we have no conflicts with the proposed hearing date.

Thank you for your cooperation.

Sincerely,

Caroline L. Hecker

cc: Howard L. Alderman, Jr., Esq. (via electronic and first class mail)
Baltimore Scrap Corp. (via electronic mail and first class mail)
Stanley S. Fine, Esq. (via electronic mail)

ND: 4832-8754-5370, v. 1

Hecker, Caroline

From: Debra Wiley [dwiley@baltimorecountymd.gov]
Sent: Monday, April 28, 2014 9:32 AM
To: 'halderman@levingann.com'; Cosentino, Sharon; Fine, Stanley; Simon', 'David; Stahl, Lawrence
Cc: Hecker, Caroline; Nuffer, Sherry; Stahl, Lawrence
Subject: Re: Case No. 2014-0178A - 2202 Halethorpe Farms Road

Good Morning,

Your request was received in our office on Friday, April 25th. Per B.C.Z.R., specifically Appendix G (Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County), this request is at the discretion of the Director, Arnold Jablon, since it was received more than five (5) business days from the scheduled date of the hearing.

Please re-direct your postponement request to Mr. Jablon. Thank you.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> "Cosentino, Sharon" <scosentino@rosenbergmartin.com> 4/25/2014 2:09 PM >>>
Judge Stahl:

Please see the attached postponement request in reference to the above matter, which is being forwarded to you on behalf of Caroline Hecker. The hard copy will follow via first class mail.

Thank you.

- Sharon Cosentino

Sharon Cosentino, Legal Assistant



**Rosenberg
Martin
Greenberg**

Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, MD 21201-3305
410-727-6600 phone
410-727-1115 fax
rosenbergmartin.com



**Rosenberg
Martin
Greenberg^{LLP}**

*VP until Adam Rosenblatt
notifies to meet.*

Caroline L. Hecker
Direct Dial: (410) 727-6676
checker@rosenbergmartin.com

April 28, 2014

**VIA ELECTRONIC MAIL
AND FIRST CLASS MAIL**

Arnold Jablon, Director
Baltimore County Department of Permits,
Approvals & Inspections
County Office Building
111 West Chesapeake Ave., Suite 105
Towson, Maryland 21204

Re: Case No. 2014-0178A – 2202 Halethorpe Farms Road

Dear Mr. Jablon:

This firm has been engaged by North Point Recycling, LLC (an affiliate of Baltimore Scrap Corp., having a business address of 2723 North Point Blvd.) to represent its interests in a hearing in the above-referenced case which is scheduled for Friday, May 2, 2014. On April 25, 2014, we submitted a letter to the Office of Administrative Hearings requesting a postponement of this hearing as we have not yet had the opportunity to review the pleadings or proposed site plan filed by the Applicant, and because it is our understanding that there is an outstanding violation notice with regard to this property, making it inappropriate for the County to act on the Application at this time.

As our letter was received more than five (5) business days from the date of the hearing, the Office of Administrative Hearings determined that the postponement request should be directed to your attention. Copies of our correspondence with the Office of Administrative Hearings are enclosed for your reference. Accordingly, we respectfully request a postponement of the hearing in this matter to afford us the opportunity to review the proposal for the site and adequately prepare for the hearing.

Please contact me prior to the rescheduling of the case in order that I may confirm that we have no conflicts with the proposed hearing date.

Arnold Jablon
April 28, 2014
Page - 2 -

Thank you for your cooperation.

Sincerely,



Caroline L. Hecker

Enclosures

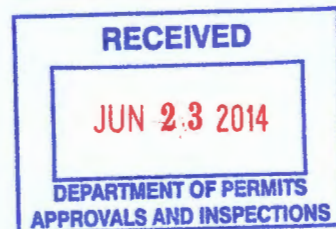
cc: Howard L. Alderman, Jr., Esq. (via electronic and first class mail)
The Honorable Lawrence M. Stahl (via electronic and first class mail)
Peter Max Zimmerman, Esq. (via electronic and first class mail)
North Point Recycling, LLC (via electronic mail)
Stanley S. Fine, Esq. (via electronic mail)



Rosenberg
Martin
Greenberg^{LLP}

6/11/14
over f file
8

Caroline L. Hecker
Direct Dial: (410) 727-6676
checker@rosenbergmartin.com



June 20, 2014

**VIA ELECTRONIC MAIL
AND FIRST CLASS MAIL**

Arnold Jablon, Director
Baltimore County Department of Permits,
Approvals & Inspections
County Office Building
111 West Chesapeake Ave., Suite 105
Towson, Maryland 21204

Re: Case No. 2014-0178A – 2202 Halethorpe Farms Road

Dear Mr. Jablon:

Please withdraw the appearance of Stanley S. Fine, Esq., Caroline L. Hecker, Esq. and Rosenberg Martin Greenberg, LLP on behalf of North Point Recycling, LLC in the above-referenced matter.

Thank you for your cooperation.

Sincerely,

Caroline L. Hecker

cc: Howard L. Alderman, Jr., Esq. (via electronic and first class mail)
The Honorable Lawrence M. Stahl (via electronic and first class mail)
Peter Max Zimmerman, Esq. (via electronic and first class mail)
Edward Gillis, Esq. (via electronic and first class mail)
North Point Recycling, LLC (via electronic mail)
Stanley S. Fine, Esq. (via electronic mail)

ND: 4812-4670-3387, v. 1

Debra Wiley - Re: Case No. 2014-0178A - 2202 Halethorpe Farms Road

From: Debra Wiley
To: 'halderman@levingann.com'; Cosentino, Sharon; Fine, Stanley; Simon', ...
Date: 4/28/2014 9:32 AM
Subject: Re: Case No. 2014-0178A - 2202 Halethorpe Farms Road
CC: Hecker, Caroline; Nuffer, Sherry; Stahl, Lawrence
BC: Lewis, Kristen

Good Morning,

Your request was received in our office on Friday, April 25th. Per B.C.Z.R., specifically Appendix G (Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County), this request is at the discretion of the Director, Arnold Jablon, since it was received more than five (5) business days from the scheduled date of the hearing.

Please re-direct your postponement request to Mr. Jablon. Thank you.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

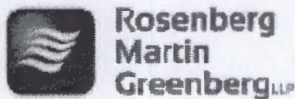
>>> "Cosentino, Sharon" <scosentino@rosenbergmartin.com> 4/25/2014 2:09 PM >>>
Judge Stahl:

Please see the attached postponement request in reference to the above matter, which is being forwarded to you on behalf of Caroline Hecker. The hard copy will follow via first class mail.

Thank you.

- Sharon Cosentino

Sharon Cosentino, Legal Assistant



Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, MD 21201-3305
410-727-6600 phone
410-727-1115 fax
rosenbergmartin.com

Message Id: 535E202C.D00 : 38 : 53259
Subject: Re: Case No. 2014-0178A - 2202 Halethorpe Farms Road
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 4/28/2014 9:32 AM
From: Debra Wiley

Recipients:

Recipient	Action	Date & Time	Comment
baltimorecrap.com	Pending		
To: 'David Simon' (dsimon@baltimorecrap.com)			
COB_PO.COB_DOM	Delivered	4/28/2014 9:32 AM	
BC: Kristen Lewis (kewis@baltimorecountymd.gov)			
levingann.com	Pending		
To: 'halderman@levingann.com' (halderman@levingann.com)			
NCH_PO.NCH_DOM	Delivered	4/28/2014 9:32 AM	
CC: Lawrence Stahl (lstahl@baltimorecountymd.gov)			
CC: Sherry Nuffer (snuffer@baltimorecountymd.gov)			
rosenbergmartin.com	Pending		
CC: Caroline Hacker (checker@rosenbergmartin.com)			
To: Sharon Cosentino (scosentino@rosenbergmartin.com)			
To: Stanley Fine (SFine@rosenbergmartin.com)			

Post Offices

Post Office	Delivered	Route
baltimorecrap.com		baltimorecrap.com
COB_PO.COB_DOM	4/28/2014 9:32 AM	baltimorecountymd.gov
levingann.com		levingann.com
NCH_PO.NCH_DOM	4/28/2014 9:32 AM	baltimorecountymd.gov
rosenbergmartin.com		rosenbergmartin.com

Files

File	Size	Date & Time
IMAGE.gif	4449	
MESSAGE	3448	4/28/2014 9:32 AM
Mime.822	16300	4/28/2014 9:32 AM
TEXT.htm	7042	4/28/2014 9:32 AM

Options

Auto Delete: No
Concealed Subject: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply requested by: None
Security: Standard
To Be Delivered: Immediate

Record Id

Record Id: 535E202C.NCH_DOM.NCH_PO.100.1687076.1.1BC7C.1
Common Record Id: 535E202C.NCH_DOM.NCH_PO.200.2000026.1.4AC7B.1

Debra Wiley - Case No. 2014-0178A - 2202 Halethorpe Farms Road

From: "Cosentino, Sharon" <scosentino@rosenbergmartin.com>
To: "'lstahl@baltimorecountymd.gov'" <lstahl@baltimorecountymd.gov>, "'halde...
Date: 4/25/2014 2:09 PM
Subject: Case No. 2014-0178A - 2202 Halethorpe Farms Road
CC: "Hecker, Caroline" <checker@rosenbergmartin.com>
Attachments: Judge Stahl ltr - 4.25.14 - 2202 Halethorpe Farms Road.pdf

Judge Stahl:

Please see the attached postponement request in reference to the above matter, which is being forwarded to you on behalf of Caroline Hecker. The hard copy will follow via first class mail.

Thank you.

- Sharon Cosentino

Sharon Cosentino, Legal Assistant



**Rosenberg
Martin
Greenberg^{LLP}**

Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, MD 21201-3305
410-727-6600 phone
410-727-1115 fax
rosenbergmartin.com

Debra Wiley - Fwd: Case No. 2014-0178A - 2202 Halethorpe Farms Road

From: Debra Wiley
To: Lewis, Kristen
Date: 4/28/2014 2:25 PM
Subject: Fwd: Case No. 2014-0178A - 2202 Halethorpe Farms Road
Attachments: Jablon Ltr - 4.28.14 - 2202 Halethorpe Farms Road.pdf

Hi Kristen,

FYI

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> "Cosentino, Sharon" <scosentino@rosenbergmartin.com> 4/28/2014 11:34 AM >>>
Mr. Jablon:

Please see the attached postponement request in reference to the above matter, which is being forwarded to you on behalf of Caroline Hecker. The hard copy will follow via first class mail.

Thank you.

- Sharon Cosentino

Sharon Cosentino, Legal Assistant



**Rosenberg
Martin
Greenberg^{LLP}**

Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, MD 21201-3305
410-727-6600 phone
410-727-1115 fax
rosenbergmartin.com

Debra Wiley - Fwd: Case No. 2014-0178A - 2202 Halethorpe Farms Road

From: Lawrence Stahl
To: Wiley, Debra
Date: 4/28/2014 12:03 PM
Subject: Fwd: Case No. 2014-0178A - 2202 Halethorpe Farms Road
Attachments: Case No. 2014-0178A - 2202 Halethorpe Farms Road

just in case you didn't get one for the file.

Lawrence M. Stahl
Managing Administrative Law Judge
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
lstahl@baltimorecountymd.gov

CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

Debra Wiley - Case No. 2014-0178A - 2202 Halethorpe Farms Road

From: "Cosentino, Sharon" <scosentino@rosenbergmartin.com>
To: "ajablon@baltimorecountymd.gov" <ajablon@baltimorecountymd.gov>
Date: 4/28/2014 11:35 AM
Subject: Case No. 2014-0178A - 2202 Halethorpe Farms Road
CC: "lstahl@baltimorecountymd.gov" <lstahl@baltimorecountymd.gov>, "halde...
Attachments: Jablon Ltr - 4.28.14 - 2202 Halethorpe Farms Road.pdf

Mr. Jablon:

Please see the attached postponement request in reference to the above matter, which is being forwarded to you on behalf of Caroline Hecker. The hard copy will follow via first class mail.

Thank you.

- Sharon Cosentino

Sharon Cosentino, Legal Assistant



**Rosenberg
Martin
Greenberg** LLP

Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, MD 21201-3305
410-727-6600 phone
410-727-1115 fax
rosenbergmartin.com

From: Howard Alderman <halderman@levingann.com>
To: Kristen Lewis <klewis@baltimorecountymd.gov>
CC: "Adam Rosenblatt (arosenblatt@baltimorecountymd.gov)" <arosenblatt@balti...>
Date: 5/28/2014 10:07 AM
Subject: Case No. 2014-0178A - 2202 Halethorpe Farms Road
Attachments: image003.jpg

RE: Case No. 2014-0178A - 2202 Halethorpe Farms Road

Kristen:

WE need you to reschedule the above-referenced variance hearing. There may be opposing counsel as well.

To assist in scheduling, here are the dates that I AM NOT AVAILABLE (as of this morning) (I'm assuming the hearing will be scheduled after 6/15):

6/16

6/18 8 am till 11 am

6/19 through and including 6/30

7/14

8/1 through and including 8/11

Again, I am NOT available during these days/times

Thanks,
Howard

C: Caroline Heckler, Esquire

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8th Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
410-456-8501 (cell)  
Email: halderman@LevinGann.com<mailto:halderman@LevinGann.com>  
Website: www.LevinGann.com<http://www.levingann.com/>

[cid:image001.png@01CDFFC1.21489BB0]

Provide Feedback at <http://tinyurl.com/HLA-AVVO>  
Find me on Completely E-Legal [Description: EmailSignature]  
<<http://completelyelegal.com/profile/HowardLAldermanJr>>

[Description: Listed\_In\_Best\_Lawyers\_Web.gif]

Recognized as

One<<http://www.superlawyers.com/maryland/lawyer/Howard-L-Alderman-Jr/eb89007c-d02e-4386-9777-3a6dca40af03.html>>

Of

Maryland's<<http://www.superlawyers.com/maryland/lawyer/Howard-L-Alderman-Jr/eb89007c-d02e-4386-9777-3a6dca40af03.html>>

[Description:

cid:image001.png@01CC6D72.6F42F460]<<http://www.superlawyers.com/maryland/lawyer/Lee-J-Eidelberg/a7954261-b136-4e16-867c-61d42a06b51c.html>>

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

NOTE: If a file in Adobe/PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following:

<http://www.adobe.com/products/acrobat/readstep2.html>

**Debra Wiley - 2014-0178-A - 2202 Halethorpe Farms Rd.**

---

**From:** Debra Wiley  
**To:** Lewis, Kristen  
**Date:** 5/23/2014 2:25 PM  
**Subject:** 2014-0178-A - 2202 Halethorpe Farms Rd.  
**Attachments:** 20140523140908044.pdf

---

Hi Kristen,

Please find attached correspondence from Howard Alderman regarding the above. In addition, the file was returned to your office (via Dave Duvall & Jeff Perlow) on 4/30 who were here meeting with John that day.

Thanks and have a great weekend !

Debbie Wiley  
 Legal Administrative Secretary  
 Office of Administrative Hearings  
 105 West Chesapeake Avenue, Suite 103  
 Towson, Md. 21204  
 410-887-3868  
 410-887-3468 (fax)  
 dwiley@baltimorecountymd.gov

>>> <officeofhearings@baltimorecountymd.gov> 5/23/2014 2:09 PM >>>  
 This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 05.23.2014 14:09:07 (-0400)  
 Queries to: officeofhearings@baltimorecountymd.gov

## Krysundra Cannington

---

**From:** Edward J. Gilliss <egilliss@rmmr.com>  
**Sent:** Friday, February 27, 2015 3:11 PM  
**To:** Krysundra Cannington  
**Subject:** FW: Recovermat Mid-Atlantic, LLC  
**Attachments:** 20150227145626795.pdf

Sunny,

The original is being walked over to your office this p.m.

Thanks.

Ed Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) egilliss@rmmr.com

2/27/15  
Ed Gilliss  
Recovermat  
- Not available 4/23  
- will request postpone  
- would like to find  
agreed date.

## Krysundra Cannington

---

**From:** Krysundra Cannington  
**Sent:** Thursday, March 12, 2015 8:56 AM  
**To:** 'Edward J. Gilliss'; 'halderman@levingann.com'  
**Cc:** Peoples Counsel  
**Subject:** Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH  
**Attachments:** Notice of postponement and cover letter with dates.pdf

Good morning Counsel,

Attached please find a pdf copy of a letter sent to you on March 3, 2015 offering dates for the rescheduling of the Recovermat Mid-Atlantic matters. Please be advised that I have received another case which has statutory timeframes which coincide with the dates offered to you. Therefore, if I have not heard from you regarding your availability by the end of business tomorrow, March 13, 2015, I will no longer be able to hold April 28, 29, 30, May 5, and 7<sup>th</sup>.

Thank you in advance for your prompt response.

Sunny

Krysundra "Sunny" Cannington  
Administrator  
Board of Appeals for Baltimore County  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204  
Phone: 410-887-3180  
Fax: 410-887-3182

### Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

## Krysundra Cannington

---

**From:** Edward J. Gilliss <egilliss@rmmr.com>  
**Sent:** Thursday, March 12, 2015 8:57 AM  
**To:** Howard Alderman; Krysundra Cannington  
**Cc:** Peoples Counsel  
**Subject:** RE: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Sunny,

I, too, am waiting for witness availability confirmation.

I will follow up.

Ed Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) egilliss@rmmr.com

---

**From:** Howard Alderman [mailto:halderman@levinggann.com]  
**Sent:** Thursday, March 12, 2015 8:58 AM  
**To:** Krysundra Cannington; Edward J. Gilliss  
**Cc:** Peoples Counsel  
**Subject:** RE: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

ALL

I'm still waiting on confirmation from 1 representative of my client and 2 witnesses regarding the dates posted.  
Howard

~~~~~  
Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
E-Mail Address: halderman@LevinGann.com
Website: www.LevinGann.com

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Thursday, March 12, 2015 8:56 AM
To: Edward J. Gilliss; Howard Alderman

Cc: Peoples Counsel

Subject: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Good morning Counsel,

Attached please find a pdf copy of a letter sent to you on March 3, 2015 offering dates for the rescheduling of the Recovermat Mid-Atlantic matters. Please be advised that I have received another case which has statutory timeframes which coincide with the dates offered to you. Therefore, if I have not heard from you regarding your availability by the end of business tomorrow, March 13, 2015, I will no longer be able to hold April 28, 29, 30, May 5, and 7th.

Thank you in advance for your prompt response.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, www.baltimorecountymd.gov

Krysundra Cannington

From: Howard Alderman <halderman@levingann.com>
Sent: Thursday, March 12, 2015 8:58 AM
To: Krysundra Cannington; Edward J. Gilliss
Cc: Peoples Counsel
Subject: RE: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

ALL

I'm still waiting on confirmation from 1 representative of my client and 2 witnesses regarding the dates posted.
Howard

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8<sup>th</sup> Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
E-Mail Address: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)

---

**From:** Krysundra Cannington [mailto:[kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov)]  
**Sent:** Thursday, March 12, 2015 8:56 AM  
**To:** Edward J. Gilliss; Howard Alderman  
**Cc:** Peoples Counsel  
**Subject:** Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Good morning Counsel,

Attached please find a pdf copy of a letter sent to you on March 3, 2015 offering dates for the rescheduling of the Recovermat Mid-Atlantic matters. Please be advised that I have received another case which has statutory timeframes which coincide with the dates offered to you. Therefore, if I have not heard from you regarding your availability by the end of business tomorrow, March 13, 2015, I will no longer be able to hold April 28, 29, 30, May 5, and 7<sup>th</sup>.

Thank you in advance for your prompt response.

Sunny

Krysundra "Sunny" Cannington  
Administrator  
Board of Appeals for Baltimore County  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204  
Phone: 410-887-3180  
Fax: 410-887-3182

## Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

### CONNECT WITH BALTIMORE COUNTY



*When you think Baltimore County, think, [www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)*

## Krysundra Cannington

---

**From:** Edward J. Gilliss <egilliss@rmmr.com>  
**Sent:** Thursday, March 19, 2015 3:00 PM  
**To:** Krysundra Cannington; halderman@levingann.com  
**Cc:** Peoples Counsel  
**Subject:** RE: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Sunny,

What dates should I now ask the witnesses to consider?

Thanks.

Ed Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) egilliss@rmmr.com

---

**From:** Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]  
**Sent:** Thursday, March 12, 2015 8:56 AM  
**To:** Edward J. Gilliss; halderman@levingann.com  
**Cc:** Peoples Counsel  
**Subject:** Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Good morning Counsel,

Attached please find a pdf copy of a letter sent to you on March 3, 2015 offering dates for the rescheduling of the Recovermat Mid-Atlantic matters. Please be advised that I have received another case which has statutory timeframes which coincide with the dates offered to you. Therefore, if I have not heard from you regarding your availability by the end of business tomorrow, March 13, 2015, I will no longer be able to hold April 28, 29, 30, May 5, and 7<sup>th</sup>.

Thank you in advance for your prompt response.

Sunny

Krysundra "Sunny" Cannington  
Administrator  
Board of Appeals for Baltimore County  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204  
Phone: 410-887-3180  
Fax: 410-887-3182

## Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

### CONNECT WITH BALTIMORE COUNTY



*When you think Baltimore County, think, [www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)*

## Krysundra Cannington

---

**From:** Krysundra Cannington  
**Sent:** Monday, March 23, 2015 9:33 AM  
**To:** 'Edward J. Gilliss'; halderman@levingann.com  
**Cc:** Peoples Counsel  
**Subject:** RE: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Good morning,

Currently, I can offer May 18, 20, 21, June 2, 3, and 4, 2015. As always, the hearing would be scheduled to begin at 10:00 a.m.

Please advise which date works best for you.

Thank you.

Sunny

Krysundra "Sunny" Cannington, Administrator  
Board of Appeals for Baltimore County  
410-887-3180

---

**From:** Edward J. Gilliss [mailto:egilliss@rmmr.com]  
**Sent:** Thursday, March 19, 2015 3:00 PM  
**To:** Krysundra Cannington; halderman@levingann.com  
**Cc:** Peoples Counsel  
**Subject:** RE: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Sunny,

What dates should I now ask the witnesses to consider?

Thanks.

Ed Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) [egilliss@rmmr.com](mailto:egilliss@rmmr.com)

**From:** Krysundra Cannington [<mailto:kcannington@baltimorecountymd.gov>]  
**Sent:** Thursday, March 12, 2015 8:56 AM  
**To:** Edward J. Gilliss; [halderman@levingann.com](mailto:halderman@levingann.com)  
**Cc:** Peoples Counsel  
**Subject:** Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Good morning Counsel,

Attached please find a pdf copy of a letter sent to you on March 3, 2015 offering dates for the rescheduling of the Recovermat Mid-Atlantic matters. Please be advised that I have received another case which has statutory timeframes which coincide with the dates offered to you. Therefore, if I have not heard from you regarding your availability by the end of business tomorrow, March 13, 2015, I will no longer be able to hold April 28, 29, 30, May 5, and 7<sup>th</sup>.

Thank you in advance for your prompt response.

Sunny

Krysundra "Sunny" Cannington  
Administrator  
Board of Appeals for Baltimore County  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204  
Phone: 410-887-3180  
Fax: 410-887-3182

#### Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender:

#### CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, [www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)

## Krysundra Cannington

---

**From:** Howard Alderman <halderman@levingann.com>  
**Sent:** Monday, March 23, 2015 9:34 AM  
**To:** Krysundra Cannington; Edward J. Gilliss  
**Cc:** Peoples Counsel  
**Subject:** RE: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Sunny,

Thank you. I will send these dates to my client and witnesses and ask for their prompt response as to availability.

Howard

~~~~~  
Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Monday, March 23, 2015 9:33 AM
To: Edward J. Gilliss; Howard Alderman
Cc: Peoples Counsel
Subject: RE: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Good morning,

Currently, I can offer May 18, 20, 21, June 2, 3, and 4, 2015. As always, the hearing would be scheduled to begin at 10:00 a.m.

Please advise which date works best for you.

Thank you.

Sunny

Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
410-887-3180

From: Edward J. Gilliss [mailto:egilliss@rmmr.com]
Sent: Thursday, March 19, 2015 3:00 PM
To: Krysundra Cannington; halderman@levingann.com
Cc: Peoples Counsel
Subject: RE: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Sunny,

What dates should I now ask the witnesses to consider?

Thanks.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Thursday, March 12, 2015 8:56 AM
To: Edward J. Gilliss; halderman@levingann.com
Cc: Peoples Counsel
Subject: Recovermat Mid-Atlantic, LLC 14-178-A & 14-278-SPH

Good morning Counsel,

Attached please find a pdf copy of a letter sent to you on March 3, 2015 offering dates for the rescheduling of the Recovermat Mid-Atlantic matters. Please be advised that I have received another case which has statutory timeframes which coincide with the dates offered to you. Therefore, if I have not heard from you regarding your availability by the end of business tomorrow, March 13, 2015, I will no longer be able to hold April 28, 29, 30, May 5, and 7th.

Thank you in advance for your prompt response.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

CONNECT WITH BALTIMORE COUNTY

--	--	--	--	--



When you think Baltimore County, think, www.baltimorecountymd.gov

Krysundra Cannington

From: Edward J. Gilliss <egilliss@rmmr.com>
Sent: Monday, March 30, 2015 3:07 PM
To: Krysundra Cannington
Cc: halderman@levingann.com; Peter Max Zimmerman
Subject: Recovermat // 14-178-A & 14-278-SPH

Sunny,

I suggest May 20 and May 21 as a date or dates for the hearing of this matter.

Ed
Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

Krysundra Cannington

From: Howard Alderman <halderman@levingann.com>
Sent: Monday, March 30, 2015 3:35 PM
To: Edward J. Gilliss; Krysundra Cannington
Cc: Peter Max Zimmerman
Subject: RE: Recovermat // 14-178-A & 14-278-SPH

Sunny/Ed,

My co-counsel (will be entering appearance shortly) advises as follows:

- June 2,3,4 are better for me

I have heard from my expert engineer and all of those dates work for him. While I have not heard back from all other witnesses, if the Board and Ed can make any of these dates work I'll push them. I know the Board needs to get this scheduled.

Please consider this request and advise.

Howard

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8<sup>th</sup> Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
410-456-8501 (cell)  
Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

---

**From:** Edward J. Gilliss [mailto:[egilliss@rmmr.com](mailto:egilliss@rmmr.com)]  
**Sent:** Monday, March 30, 2015 3:07 PM  
**To:** 'kcannington@baltimorecountymd.gov' (kcannington@baltimorecountymd.gov)  
(kcannington@baltimorecountymd.gov)  
**Cc:** Howard Alderman; pzimmerman@baltimorecountymd.gov  
**Subject:** Recovermat // 14-178-A & 14-278-SPH

Sunny,

I suggest May 20 and May 21 as a date or dates for the hearing of this matter.

Ed  
Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) [egilliss@rmmr.com](mailto:egilliss@rmmr.com)

## Krysundra Cannington

---

**From:** Edward J. Gilliss <egilliss@rmmr.com>  
**Sent:** Thursday, April 02, 2015 4:26 PM  
**To:** Howard Alderman; Krysundra Cannington  
**Cc:** Peter Max Zimmerman  
**Subject:** RE: Recovermat // 14-178-A & 14-278-SPH

Sunny and Counsel,

I think that June 2 or June 3 may be available on my witness' calendars; I have held the dates on my calendar. Please hold those dates.

The hearing will require less than one day, correct?

Ed Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) egilliss@rmmr.com

---

**From:** Howard Alderman [mailto:halderman@levingann.com]  
**Sent:** Monday, March 30, 2015 3:35 PM  
**To:** Edward J. Gilliss; 'kcannington@baltimorecountymd.gov' (kcannington@baltimorecountymd.gov)  
(kcannington@baltimorecountymd.gov)  
**Cc:** pzimmerman@baltimorecountymd.gov  
**Subject:** RE: Recovermat // 14-178-A & 14-278-SPH

Sunny/Ed,

My co-counsel (will be entering appearance shortly) advises as follows:

- June 2,3,4 are better for me

I have heard from my expert engineer and all of those dates work for him. While I have not heard back from all other witnesses, if the Board and Ed can make any of these dates work I'll push them. I know the Board needs to get this scheduled.

Please consider this request and advise.

Howard

---

Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8<sup>th</sup> Floor  
502 Washington Avenue

Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
410-456-8501 (cell)  
Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

---

**From:** Edward J. Gilliss [<mailto:egilliss@rmmr.com>]  
**Sent:** Monday, March 30, 2015 3:07 PM  
**To:** 'kcannington@baltimorecountymd.gov' ([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
**Cc:** Howard Alderman; [pzimmerman@baltimorecountymd.gov](mailto:pzimmerman@baltimorecountymd.gov)  
**Subject:** Recovermat // 14-178-A & 14-278-SPH

Sunny,

I suggest May 20 and May 21 as a date or dates for the hearing of this matter.

Ed  
Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) [egilliss@rmmr.com](mailto:egilliss@rmmr.com)

## Krysundra Cannington

---

**From:** Edward J. Gilliss <egilliss@rmmr.com>  
**Sent:** Tuesday, April 07, 2015 4:41 PM  
**To:** Krysundra Cannington  
**Subject:** FW: Recovermat // 14-178-A & 14-278-SPH

Sunny,

Is there any news to report on the June 2 or 3 dates? I have heard nothing from counsel.

Ed Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) [egilliss@rmmr.com](mailto:egilliss@rmmr.com)

---

**From:** Edward J. Gilliss  
**Sent:** Thursday, April 02, 2015 4:28 PM  
**To:** 'Howard Alderman'; 'kcannington@baltimorecountymd.gov' ([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
**Cc:** [pzimmerman@baltimorecountymd.gov](mailto:pzimmerman@baltimorecountymd.gov)  
**Subject:** RE: Recovermat // 14-178-A & 14-278-SPH

Sunny and Counsel,

I think that June 2 or June 3 may be available on my witness' calendars; I have held the dates on my calendar. Please hold those dates.

The hearing will require less than one day, correct?

Ed Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) [egilliss@rmmr.com](mailto:egilliss@rmmr.com)

---

**From:** Howard Alderman [<mailto:halderman@levingann.com>]  
**Sent:** Monday, March 30, 2015 3:35 PM  
**To:** Edward J. Gilliss; 'kcannington@baltimorecountymd.gov' ([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
**Cc:** [pzimmerman@baltimorecountymd.gov](mailto:pzimmerman@baltimorecountymd.gov)  
**Subject:** RE: Recovermat // 14-178-A & 14-278-SPH

Sunny/Ed,

My co-counsel (will be entering appearance shortly) advises as follows:

- June 2,3,4 are better for me

I have heard from my expert engineer and all of those dates work for him. While I have not heard back from all other witnesses, if the Board and Ed can make any of these dates work I'll push them. I know the Board needs to get this scheduled.

Please consider this request and advise.

Howard

~~~~~  
Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com



Provide Feedback at <http://tinyurl.com/HLA-AVV/O>

From: Edward J. Gilliss [<mailto:egilliss@rmmr.com>]
Sent: Monday, March 30, 2015 3:07 PM
To: 'kcannington@baltimorecountymd.gov' (kcannington@baltimorecountymd.gov)
(kcannington@baltimorecountymd.gov)
Cc: Howard Alderman; pzimmerman@baltimorecountymd.gov
Subject: Recovermat // 14-178-A & 14-278-SPH

Sunny,

I suggest May 20 and May 21 as a date or dates for the hearing of this matter.

Ed
Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600

Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

Krysundra Cannington

From: Krysundra Cannington
Sent: Thursday, April 09, 2015 1:00 PM
To: 'Edward J. Gilliss'
Subject: RE: Recovermat // 14-178-A & 14-278-SPH

Mr. Gilliss,

I apologize for the delay. I haven't heard any more from Mr. Alderman since the email below. I expect to have the notice out tomorrow. Should I set aside both days for the hearing just in case?

Thank you for following up.

Sunny

Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
410-887-3180

From: Edward J. Gilliss [mailto:egilliss@rmmr.com]
Sent: Tuesday, April 07, 2015 4:41 PM
To: Krysundra Cannington
Subject: FW: Recovermat // 14-178-A & 14-278-SPH

Sunny,

Is there any news to report on the June 2 or 3 dates? I have heard nothing from counsel.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

From: Edward J. Gilliss
Sent: Thursday, April 02, 2015 4:28 PM
To: 'Howard Alderman'; 'kcannington@baltimorecountymd.gov' (kcannington@baltimorecountymd.gov)
(kcannington@baltimorecountymd.gov)
Cc: pzimmerman@baltimorecountymd.gov
Subject: RE: Recovermat // 14-178-A & 14-278-SPH

Sunny and Counsel,

I think that June 2 or June 3 may be available on my witness' calendars; I have held the dates on my calendar. Please hold those dates.

The hearing will require less than one day, correct?

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

From: Howard Alderman [<mailto:halderman@levingann.com>]
Sent: Monday, March 30, 2015 3:35 PM
To: Edward J. Gilliss; 'kcannington@baltimorecountymd.gov' (kcannington@baltimorecountymd.gov)
(kcannington@baltimorecountymd.gov)
Cc: pzimmerman@baltimorecountymd.gov
Subject: RE: Recovermat // 14-178-A & 14-278-SPH

Sunny/Ed,

My co-counsel (will be entering appearance shortly) advises as follows:

- June 2,3,4 are better for me

I have heard from my expert engineer and all of those dates work for him. While I have not heard back from all other witnesses, if the Board and Ed can make any of these dates work I'll push them. I know the Board needs to get this scheduled.

Please consider this request and advise.

Howard

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

From: Edward J. Gilliss [<mailto:egilliss@rmmr.com>]
Sent: Monday, March 30, 2015 3:07 PM

To: 'kcannington@baltimorecountymd.gov' (kcannington@baltimorecountymd.gov)
(kcannington@baltimorecountymd.gov)
Cc: Howard Alderman; pzimmerman@baltimorecountymd.gov
Subject: Recovermat // 14-178-A & 14-278-SPH

Sunny,

I suggest May 20 and May 21 as a date or dates for the hearing of this matter.

Ed
Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

Krysundra Cannington

From: Edward J. Gilliss <egilliss@rmmr.com>
Sent: Thursday, April 09, 2015 1:09 PM
To: Krysundra Cannington
Subject: RE: Recovermat // 14-178-A & 14-278-SPH

Sunny,

Isn't The People's Counsel also involved? Has that Office advised of its availability?

Please do check before sending out a Notice.

Thanks.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Thursday, April 09, 2015 1:00 PM
To: Edward J. Gilliss
Subject: RE: Recovermat // 14-178-A & 14-278-SPH

Mr. Gilliss,

I apologize for the delay. I haven't heard any more from Mr. Alderman since the email below. I expect to have the notice out tomorrow. Should I set aside both days for the hearing just in case?

Thank you for following up.

Sunny

Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
410-887-3180

From: Edward J. Gilliss [mailto:egilliss@rmmr.com]
Sent: Tuesday, April 07, 2015 4:41 PM

To: Krysundra Cannington
Subject: FW: Recovermat // 14-178-A & 14-278-SPH

Sunny,

Is there any news to report on the June 2 or 3 dates? I have heard nothing from counsel.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

From: Edward J. Gilliss
Sent: Thursday, April 02, 2015 4:28 PM
To: 'Howard Alderman'; 'kcannington@baltimorecountymd.gov' (kcannington@baltimorecountymd.gov)
(kcannington@baltimorecountymd.gov)
Cc: pzimmerman@baltimorecountymd.gov
Subject: RE: Recovermat // 14-178-A & 14-278-SPH

Sunny and Counsel,

I think that June 2 or June 3 may be available on my witness' calendars; I have held the dates on my calendar. Please hold those dates.

The hearing will require less than one day, correct?

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

From: Howard Alderman [<mailto:halderman@levingann.com>]
Sent: Monday, March 30, 2015 3:35 PM
To: Edward J. Gilliss; 'kcannington@baltimorecountymd.gov' (kcannington@baltimorecountymd.gov)
(kcannington@baltimorecountymd.gov)
Cc: pzimmerman@baltimorecountymd.gov
Subject: RE: Recovermat // 14-178-A & 14-278-SPH

Sunny/Ed,

My co-counsel (will be entering appearance shortly) advises as follows:

- June 2,3,4 are better for me

I have heard from my expert engineer and all of those dates work for him. While I have not heard back from all other witnesses, if the Board and Ed can make any of these dates work I'll push them. I know the Board needs to get this scheduled.

Please consider this request and advise.

Howard

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8<sup>th</sup> Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
410-456-8501 (cell)  
Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

---

**From:** Edward J. Gilliss [<mailto:egilliss@rmmr.com>]  
**Sent:** Monday, March 30, 2015 3:07 PM  
**To:** 'kcannington@baltimorecountymd.gov' ([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
**Cc:** Howard Alderman; [pzimmerman@baltimorecountymd.gov](mailto:pzimmerman@baltimorecountymd.gov)  
**Subject:** Recovermat // 14-178-A & 14-278-SPH

Sunny,

I suggest May 20 and May 21 as a date or dates for the hearing of this matter.

Ed  
Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) [egilliss@rmmr.com](mailto:egilliss@rmmr.com)

CONNECT WITH BALTIMORE COUNTY



*When you think Baltimore County, think, [www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)*

## Krysundra Cannington

---

**From:** Krysundra Cannington  
**Sent:** Thursday, April 09, 2015 1:16 PM  
**To:** 'Edward J. Gilliss'  
**Subject:** RE: Recovermat // 14-178-A & 14-278-SPH

I will. Thank you.

**From:** Edward J. Gilliss [mailto:egilliss@rmmr.com]  
**Sent:** Thursday, April 09, 2015 1:09 PM  
**To:** Krysundra Cannington  
**Subject:** RE: Recovermat // 14-178-A & 14-278-SPH

Sunny,

Isn't The People's Counsel also involved? Has that Office advised of its availability?

Please do check before sending out a Notice.

Thanks.

Ed Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) [egilliss@rmmr.com](mailto:egilliss@rmmr.com)

---

**From:** Krysundra Cannington [mailto:[kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov)]  
**Sent:** Thursday, April 09, 2015 1:00 PM  
**To:** Edward J. Gilliss  
**Subject:** RE: Recovermat // 14-178-A & 14-278-SPH

Mr. Gilliss,

I apologize for the delay. I haven't heard any more from Mr. Alderman since the email below. I expect to have the notice out tomorrow. Should I set aside both days for the hearing just in case?

Thank you for following up.

Sunny

Krysundra "Sunny" Cannington, Administrator  
Board of Appeals for Baltimore County  
410-887-3180

**From:** Edward J. Gilliss [<mailto:egilliss@rmmr.com>]  
**Sent:** Tuesday, April 07, 2015 4:41 PM  
**To:** Krysundra Cannington  
**Subject:** FW: Recovermat // 14-178-A & 14-278-SPH

Sunny,

Is there any news to report on the June 2 or 3 dates? I have heard nothing from counsel.

Ed Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) [egilliss@rmmr.com](mailto:egilliss@rmmr.com)

---

**From:** Edward J. Gilliss  
**Sent:** Thursday, April 02, 2015 4:28 PM  
**To:** 'Howard Alderman'; '[kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov)' ([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
**Cc:** [pzimmerman@baltimorecountymd.gov](mailto:pzimmerman@baltimorecountymd.gov)  
**Subject:** RE: Recovermat // 14-178-A & 14-278-SPH

Sunny and Counsel,

I think that June 2 or June 3 may be available on my witness' calendars; I have held the dates on my calendar. Please hold those dates.

The hearing will require less than one day, correct?

Ed Gilliss

Edward J. Gilliss  
Royston, Mueller, McLean & Reid, LLP  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204  
(office) 410-823-1800  
(fax) 410-583-5330  
(email) [egilliss@rmmr.com](mailto:egilliss@rmmr.com)

---

**From:** Howard Alderman [<mailto:halderman@levingann.com>]  
**Sent:** Monday, March 30, 2015 3:35 PM  
**To:** Edward J. Gilliss; '[kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov)' ([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))  
([kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov))

**Cc:** [pzimmerman@baltimorecountymd.gov](mailto:pzimmerman@baltimorecountymd.gov)

**Subject:** RE: Recovermat // 14-178-A & 14-278-SPH

Sunny/Ed,

My co-counsel (will be entering appearance shortly) advises as follows:

- June 2,3,4 are better for me

I have heard from my expert engineer and all of those dates work for him. While I have not heard back from all other witnesses, if the Board and Ed can make any of these dates work I'll push them. I know the Board needs to get this scheduled.

Please consider this request and advise.

Howard

~~~~~  
Howard L. Alderman, Jr., Esquire

Levin & Gann, PA

Nottingham Centre, 8th Floor

502 Washington Avenue

Towson, Maryland 21204

410-321-0600 (voice)

410-296-2801 (fax)

410-456-8501 (cell)

Email: halderman@LevinGann.com

Website: www.LevinGann.com



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

From: Edward J. Gilliss [<mailto:egilliss@rmmr.com>]

Sent: Monday, March 30, 2015 3:07 PM

To: 'kcannington@baltimorecountymd.gov' (kcannington@baltimorecountymd.gov)
(kcannington@baltimorecountymd.gov)

Cc: Howard Alderman; pzimmerman@baltimorecountymd.gov

Subject: Recovermat // 14-178-A & 14-278-SPH

Sunny,

I suggest May 20 and May 21 as a date or dates for the hearing of this matter.

Ed

Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, www.baltimorecountymd.gov

Krysundra Cannington

From: Edward J. Gilliss <egilliss@rmmr.com>
Sent: Thursday, May 21, 2015 5:35 PM
To: Krysundra Cannington
Cc: Howard Alderman; Alexis Fields
Subject: FW: Baltimore Scrap
Attachments: 20150521162136561.pdf

Sunny,

The attached joint request for postponement was attempted to be delivered to you this afternoon, but the building was locked before 4:30 pm.

I believe that Mr. Alderman has also spoken to you about this request.

Thanks.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

Krysundra Cannington

From: Krysundra Cannington
Sent: Friday, May 22, 2015 8:22 AM
To: 'Edward J. Gilliss'
Cc: Howard Alderman; Alexis Fields
Subject: RE: Baltimore Scrap

Good morning Mr. Gilliss,

Please be advised that our office is open from 8:00 a.m. to 4:00 p.m. Monday through Friday. The building should be open until 5 p.m. Additionally, we have two staff members who are full time. There are occasions when the office closes for the day prior to 4 p.m. and situations where the office is unmanned during the day. If you or your staff try to file anything and our office is closed, you may slide the documents under the door to be processed upon our return; if the office is unmanned, you may leave the documents in the Incoming Mail bin to be processed upon our return.

Mr. Alderman did advise me that the Joint Request for postponement was to be filed. I will review the request with the Board and a Notice will be sent.

Should you have any questions, please do not hesitate to contact me.

Thank you.

Sunny

Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
410-887-3180

From: Edward J. Gilliss [mailto:egilliss@rmmr.com]
Sent: Thursday, May 21, 2015 5:35 PM
To: Krysundra Cannington
Cc: Howard Alderman; Alexis Fields
Subject: FW: Baltimore Scrap

Sunny,

The attached joint request for postponement was attempted to be delivered to you this afternoon, but the building was locked before 4:30 pm.

I believe that Mr. Alderman has also spoken to you about this request.

Thanks.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

Krysundra Cannington

From: Edward J. Gilliss <egilliss@rmmr.com>
Sent: Friday, May 22, 2015 9:53 AM
To: Krysundra Cannington
Subject: Re: Baltimore Scrap

Sunny,

Thanks for your message. I was not concerned about the office being closed, but, instead wanted you to understand why the letter you receive today is dated yesterday.

Thanks for your good work.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Ave., Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com<mailto:egilliss@rmmr.com>

On May 22, 2015, at 8:19 AM, Krysundra Cannington
<kcannington@baltimorecountymd.gov<mailto:kcannington@baltimorecountymd.gov>> wrote:

Good morning Mr. Gilliss,

Please be advised that our office is open from 8:00 a.m. to 4:00 p.m. Monday through Friday. The building should be open until 5 p.m. Additionally, we have two staff members who are full time. There are occasions when the office closes for the day prior to 4 p.m. and situations where the office is unmanned during the day. If you or your staff try to file anything and our office is closed, you may slide the documents under the door to be processed upon our return; if the office is unmanned, you may leave the documents in the Incoming Mail bin to be processed upon our return.

Mr. Alderman did advise me that the Joint Request for postponement was to be filed. I will review the request with the Board and a Notice will be sent.

Should you have any questions, please do not hesitate to contact me.

Thank you.

Sunny

Krysundra "Sunny" Cannington, Administrator Board of Appeals for Baltimore County
410-887-3180

From: Edward J. Gilliss [mailto:egilliss@rmmr.com]
Sent: Thursday, May 21, 2015 5:35 PM
To: Krysundra Cannington
Cc: Howard Alderman; Alexis Fields

Subject: FW: Baltimore Scrap

Sunny,

The attached joint request for postponement was attempted to be delivered to you this afternoon, but the building was locked before 4:30 pm.

I believe that Mr. Alderman has also spoken to you about this request.

Thanks.

Ed Gilliss

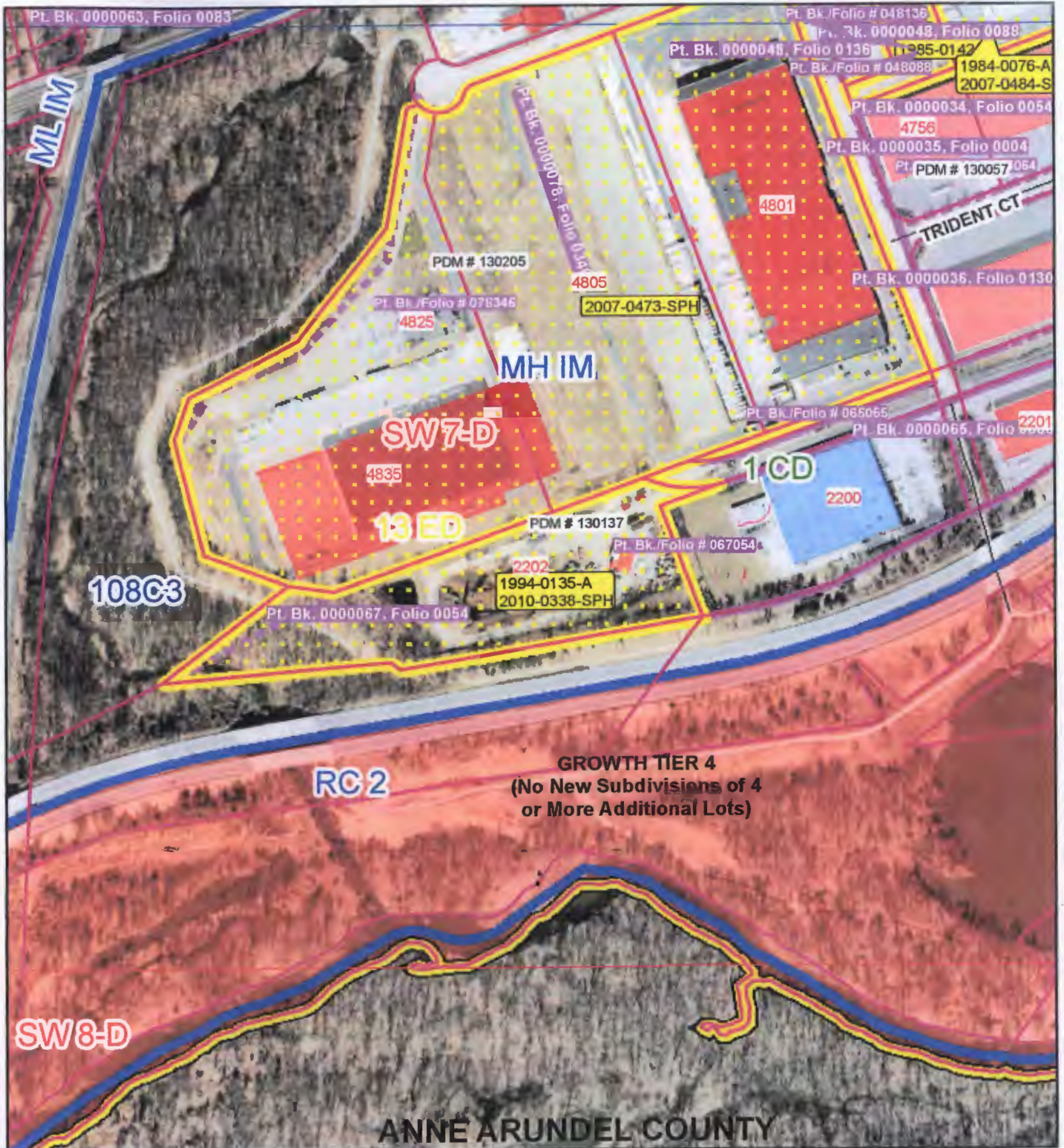
Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com<<mailto:egilliss@rmmr.com>>

Connect with Baltimore County

[http://www.baltimorecountymd.gov/sebin/p/i/socialmedia_fb.jpg]<<https://www.facebook.com/Baltimorecounty>>
[http://www.baltimorecountymd.gov/sebin/r/j/socialmedia_twitter.jpg] <<https://twitter.com/BaltCogov>>
[http://www.baltimorecountymd.gov/sebin/b/f/socialmedia_BC_NOW.jpg]
<<http://www.baltimorecountymd.gov/News/BaltimoreCountyNow>>
[http://www.baltimorecountymd.gov/sebin/r/z/socialmedia_youtube.jpg]
<<http://www.youtube.com/baltimorecounty>> [<http://www.baltimorecountymd.gov/sebin/x/i/footer-photosicon.png>]
<<http://www.flickr.com/people/baltimorecounty/>>

[<http://www.baltimorecountymd.gov/sebin/h/e/mobile-seal.png>]<<http://www.baltimorecountymd.gov>> When you think Baltimore County, think, www.baltimorecountymd.gov<<http://www.baltimorecountymd.gov>>

2202 HALETHORPE FARMS ROAD



Publication Date: 10/3/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 100 200 400 600 800 Feet

1 inch = 400 feet

2014 - 0178-A

CASE NAME 2202 Helethorpe Farms Rd.
CASE NUMBER 2014-178-A
DATE 9-29-2014

2014-0278-SPH

[illegible]

PLEASE PRINT CLEARLY

CASE NAME 2202 Heliotropic Farms
CASE NUMBER 2014-278-SFP and
DATE 9.29.14 2014-0178-A

CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

Katie Hearn
David Simon

509 S. Exeter St. #306
Burr. 2223 N. Pt Blvd

Balto MD 21202
Balt, MD

katie.hearn@redgate-re.com
dsimon@baltimorespring.com

Case No.: 2014-0178-A

Exhibit Sheet

Petitioner/Developer

Protestants

DW
10-1-19

No. 1	Capalongo resume	Zoning Correction notice 9-8-2008
No. 2	Site plan	
No. 3	Landscape Certification	
No. 4	My Neighborhood Map	
No. 5	April 30, 2014 Md. Food Bank letter.	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Robert D. Capalongo, RLA

Work Experience:

August 2005 to Present: Associate of Planning and Landscape Architecture with C.N.A. Engineers, Inc. Managing and Designing Residential, Commercial, Institutional and Industrial Projects.

February 2001 to August 2005: Senior Project Manager for the Site Engineering Division and Department Head of the Landscape Architecture Department of **Whitney, Bailey, Cox and Magnani, LLC** in Baltimore, Maryland. Managed and Designed Institutional, Commercial, Residential and Industrial Projects.

January 1995 to February 2001: Project Manager and Senior Landscape Architect for the Land Planning and Development Engineering Division of **Morris and Ritchie Associates, Inc.** in Baltimore, Maryland. Managed and Designed Commercial, Residential and Industrial Projects.

May 1987 to January 1995: Project Manager and Landscape Architect for the Development Engineering Division of **Greenhorne and O'Mara, Inc.** in Greenbelt, MD. My responsibilities included site planning, grading, street grade establishment, earthwork analysis, sediment control design, public and private water and sewer design, construction cost estimation and site feasibility studies. Computer related work included CADD site planning, drafting, street grade establishment and earthwork analysis.

EDUCATION:

B.S. Landscape Architecture, College of Arts and Architecture
The Pennsylvania State University; Graduated May 1987.

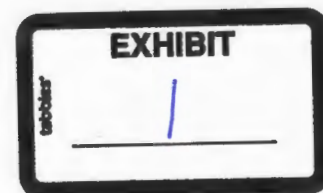
PROFESSIONAL LICENSE:

Licensed Landscape Architect, Maryland License number 3037.
Also Licensed to Practice Landscape Architecture in Delaware, Pennsylvania and Virginia

LEED Accredited Professional.

REFERENCES:

Available upon request.



RECEIVED

MAR 24 2014

DEPT. OF PERMITS, APPROVALS AND INSPECTIONS

I HEREBY CERTIFY

THAT THE LANDSCAPE INSTALLATION REQUIREMENTS,
AS SET FORTH IN THE APPROVED FINAL LANDSCAPE PLAN
AND

AS SPECIFIED BY THE BALTIMORE COUNTY LANDSCAPE MANUAL
(ADOPTED AUGUST 7, 2000 AND AS AMENDED)

HAVE BEEN FULFILLED:

Name of Project: RECOVERMAT
Print

Location: 2202 HALETHORPE FARMS ROAD
BALTIMORE, MD 21227

PAI or Building Permit # _____

Developer Name: RECOVERMAT MID-ATLANTIC, LLC
Print

Mailing Address: 2202 HALETHORPE FARMS ROAD
BALTIMORE, MD 21227

Date of Plant Material Installation: MARCH 21, 2009

[Signature] 3/21/14
Signature and Seal of Landscape Architect or Applicant Date

Printed Name: ROBERT D. CAPALONGO, RLA



Baltimore County, MD, Dept. of Permits, Approvals and Inspections, Development Plans Review

July 2013

APPROVED Final Landscape Plan *Installation*
Baltimore County
Dept. of Permits, Approvals & Inspections

[Signature] 4.4.14
Jeanette M. Stern-Tansey, R.L.A. Date

RECEIVED

MAR 28 2014

Development Plans Review
Department of Permits, Approvals
and Inspections

EXHIBIT

3



ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
4



2202 halethorpe Farms
Road

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 4/23/2014



**MARYLAND
FOOD BANK**

UNTIL HUNGER ENDS.

2200 Halethorpe Farms Road
Baltimore, MD 21227

Tel 410-737-8282
Fax 410-536-0438

mdfoodbank.org

April 30, 2014

Arnold Jablon
Baltimore County Zoning Review Office
111 West Chesapeake Ave, Room 111
Towson, MD 21204

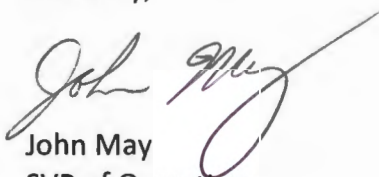
RE: Zoning Hearing – Variance
Case No: 2014-0178-A

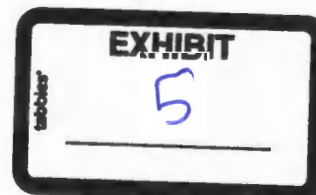
Dear Mr. Jablon,

The Maryland Food Bank has no objections to granting Recovermat Mid-Atlantic's Variance Petition. We support their Variance Petition to reduce the side yard setback to 10' for the construction of a new warehouse to replace the current one.

Thank you for your time and cooperation in this matter.

Sincerely,


John May
SVP of Operations



Case No.: 2014-0178-A

Exhibit Sheet

Petitioner/Developer

DW 10-1-14

Protestants

No. 1	Capalongo resume	Zoning Correction notice 9-8-2008
No. 2	Site plan	
No. 3	Landscape Certification	
No. 4	My Neighborhood Map	
No. 5	April 30, 2014 Md. Food Bank letter.	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Permits and Development Management
Code Inspections and Enforcement
County Office Building - 213
111 West Chesapeake
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Section 410-887-3953
Electric Section 410-887-3960
Plumbing Section 410-887-3620
Signs/Fences 410-887-3896

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROPERTY TAX ID	DATE ISSUED
08-8339	2200014866	9/8/08
NAME(S): Recovermat-Mid-Atlantic LLC		
c/o DENNIS BLANCHARD		
MAILING ADDRESS: 2202 Halethorpe Farm Rd		
CITY	STATE	ZIP CODE
Baltimore	Md	21227
VIOLATION ADDRESS: 2202 Halethorpe Farm Rd		
CITY	STATE	ZIP CODE
BALTIMORE	MARYLAND	21227

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC10 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER:

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: IM

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- ☒ 101; 102.1: Definitions; general use
☒ 1B01.1: DR Zones-use regulations
☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s)
☒ 1B01.1D: Remove open dump/ junk yard
☐ 431: Remove commercial vehicle(s)
☐ 101; 102.1: Remove contractors equip. storage yard
☐ 101; 102.1; ZCPM: Cease service garage activities
☐ 402: Illegal conversion of dwelling
☐ 101; 102.1; ZCPM: Illegal home occupation
☐ 415A: License/ remove untagged recreation vehicle
☐ 415A: Improperly parked recreation vehicle
☐ 415A: One recreational vehicle per property
☐ 410: Illegal Class II trucking facility
☐ 400: Illegal accessory structure placement
☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs
☐ 102.5: Residential site line violation /obstruction
☒ 408B: Illegal rooming/ boarding house
☒ BCC: 32-3-102; 590.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C.)

- ☐ 13-7-112: Cease all nuisance activity
☐ 13-7-115: County to abate nuisance & lien costs
☐ 13-7-310: Remove all trash & debris from property
☐ 13-7-312: Remove accumulations of debris, materials, etc
☐ 13-7-201(2): Cease stagnant pool water
☐ 12-3-106: Remove animal feces daily
☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests
☐ 13-4-201(b)(d): Store garbage in containers w/light lids
☐ 35-2-301: Obtain building/ fence/ sign permit
☐ 18-2-601: Remove all obstruction(s) at street, alley, road
☐ 13-7-310(2): Remove bird seed / other food for rats
☐ 32-3-102: Violation of development plan/ site plan
☐ IBC 115; RCBC 115: Remove/ Repair unsafe structure board and secure all openings to premises
☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C.)

- ☐ 35-5-302(a)(1): Unsanitary conditions.
☐ 35-5-302(a)(3): Cease infestation from prop.
☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc
☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions
☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s)
☐ 35-5-302(a)(2): Store all garbage in trash cans
☐ 35-5-302(b)(1): Repair exterior structure
☐ 35-5-302(b)(1)(3): Repair exterior extensions
☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces
☐ 35-5-302(b)(1)(7): Repair defective fence

INVESTMENT PROPERTY (B.C.C.)

- ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition
☐ 35-2-404(a)(1)(ii): Repair roof or horizontal members
☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry
☐ 35-2-404(a)(1)(vi): Repair exterior construction (see below)
☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)
☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members
☐ 35-2-404(a)(1)(iv): Repair exterior chimney
☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations
☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure

OTHER VIOLATIONS OR REMARKS:

Cease the operation of a
Illegal Junk yard from this
property ZONE MH-IM.

NOTICE POSTED AND MAILED

POTENTIAL FINE: ☐ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: 10/9/08

INSPECTOR NAME: R. Turner

PRINT NAME (Rev 3/05)

AGENCY

Prot. # 1

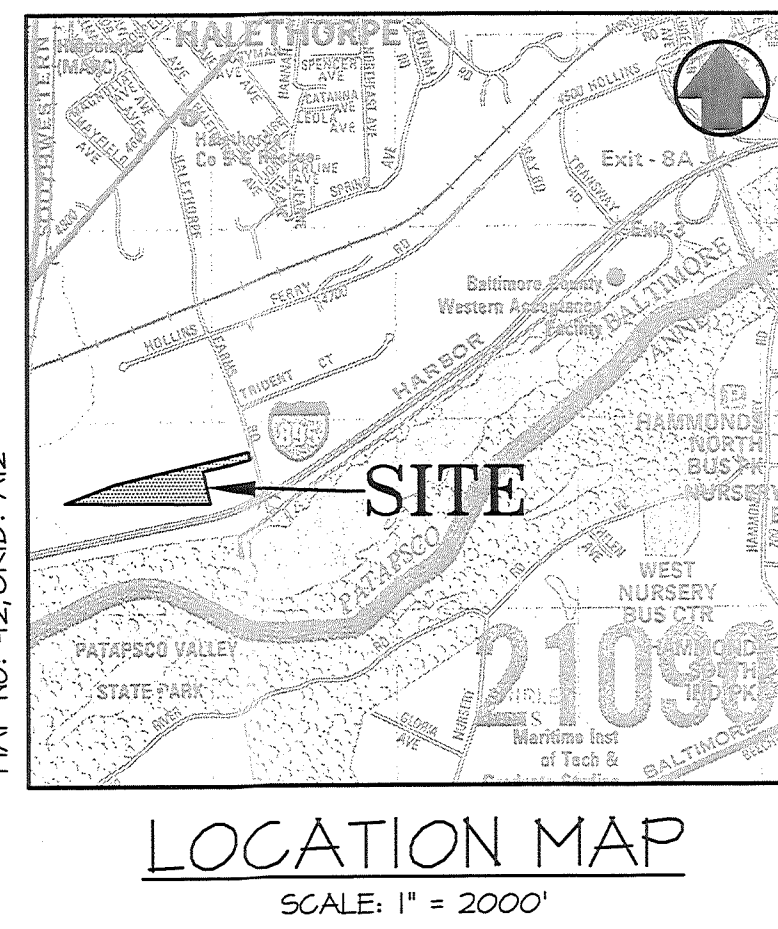
GENERAL NOTES:

1. OWNER AND DEVELOPER: RECOVERMAT MID-ATLANTIC, LLC
2202 HALETHORPE FARMS ROAD
BALTIMORE, MD 21221
ATTN: PAUL THARPE
2. PLAN PREPARED BY: CNA, INC.
215 BYNUM ROAD
FOREST HILL, MD 21050
PHONE: (410) 879-7200
3. PROPERTY ADDRESS: 2202 HALETHORPE FARMS ROAD
BALTIMORE, MD 21221
4. TAX MAP, PARCEL AND LOTS: 108, 809, LOT 3R AND OTHER
LAND FOR PRIVATE ACCESS TO HALETHORPE FARMS ROAD.
5. DEED REFERENCES: III84/619 AND III84/622.
6. TOTAL PROPERTY AREA: LOT 3R = 8.60 ACRES, PLUS OTHER
LAND = 1.54 ACRES, FOR A TOTAL OF 10.14 ACRES.
7. PLAT REFERENCE: 67/54
8. ZONING: MH-IM. ZONING MAP NUMBER: 108C3.
9. COUNTY COUNCIL DISTRICT: 15T
10. ELECTION DISTRICT: 13TH
11. TAX ACCOUNT NUMBERS: 2200014866 AND 2200018585
12. BUILDING SETBACKS:

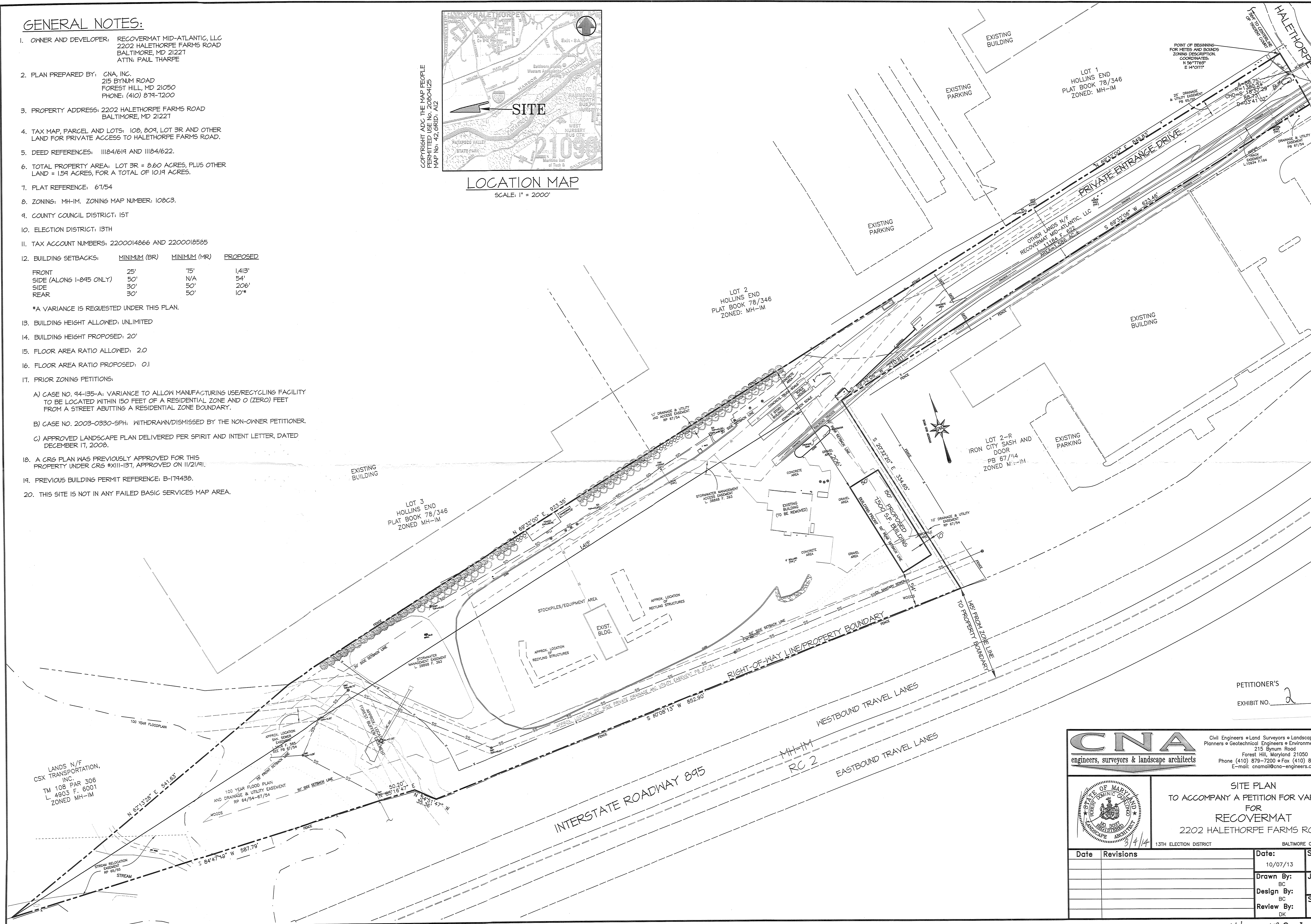
	MINIMUM (BR)	MINIMUM (MR)	PROPOSED
FRONT	25'	75'	1,413'
SIDE (ALONG I-895 ONLY)	50'	N/A	54'
SIDE	30'	50'	206'
REAR	30'	50'	10'*

*A VARIANCE IS REQUESTED UNDER THIS PLAN.
13. BUILDING HEIGHT ALLOWED: UNLIMITED
14. BUILDING HEIGHT PROPOSED: 20'
15. FLOOR AREA RATIO ALLOWED: 2.0
16. FLOOR AREA RATIO PROPOSED: 0.1
17. PRIOR ZONING PETITIONS:
 - A) CASE NO. 94-135-A: VARIANCE TO ALLOW MANUFACTURING USE/RECYCLING FACILITY
TO BE LOCATED WITHIN 150 FEET OF A RESIDENTIAL ZONE AND 0 (ZERO) FEET
FROM A STREET ABUTTING A RESIDENTIAL ZONE BOUNDARY.
 - B) CASE NO. 2003-0330-SPH: WITHDRAWN/DISMISSED BY THE NON-OWNER PETITIONER.
 - C) APPROVED LANDSCAPE PLAN DELIVERED PER SPIRIT AND INTENT LETTER, DATED
DECEMBER 17, 2008.
18. A CRG PLAN WAS PREVIOUSLY APPROVED FOR THIS
PROPERTY UNDER CRG #XIII-137, APPROVED ON 11/21/91.
19. PREVIOUS BUILDING PERMIT REFERENCE: B-179436.
20. THIS SITE IS NOT IN ANY FAILED BASIC SERVICES MAP AREA.

COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NO. 2204125
MAP NO. 42 GRID: A12



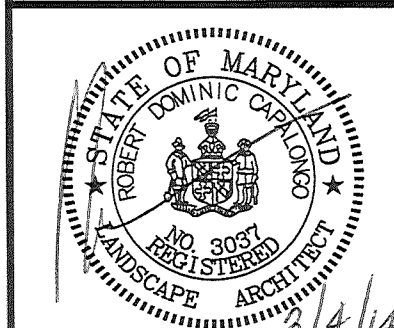
LOCATION MAP
SCALE: 1" = 2000'



PETITIONER'S
EXHIBIT NO. 2

CNA
engineers, surveyors & landscape architects

Civil Engineers • Land Surveyors • Landscape Planners • Geotechnical Engineers • Environmental Engineers
215 BYNUM ROAD
FOREST HILL, MARYLAND 21050
Phone (410) 879-7200 • Fax (410) 879-7201
E-mail: cna@mail@cna-engineers.com



SITE PLAN
TO ACCOMPANY A PETITION FOR VARIANCE
FOR
RECOVERMAT
2202 HALETHORPE FARMS ROAD
BALTIMORE, MD 21221

Date	Revisions	Date:	Signature
		10/07/13	
		Drawn By:	J
		Design By:	S
		Review By:	
		DK	

2014-0178-A