

**Planning & Zoning  
Meeting Minutes  
May 17, 2010**

**ATTENDANCE:** Chairman Michael Fortner, Commissioner Michelle Linkey, Matthew Oberholtzer, Pete Reich, Bethany Brock, George Jack, Town Attorney Keith Baynes, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

**Meeting called to order at 6:35 p.m.**

**APPROVAL OF MINUTES**

**MOTION** was made by Mr. Reich and seconded by Mr. Oberholtzer to approve the April 19, 2010 Planning and Zoning Meeting minutes as written. Mr. Jack and Ms. Brock abstained-not in attendance. **Four in Favor. Motion Carried.**

**New Business**

**Master Signage Plan** for Chesapeake Overlook Project, which includes Hollywood Casino Perryville; **PROPERTY OWNER:** Principio Iron Company; **APPLICANT:** Brandon Freel, Stewart Associates; **LOCATION:** Chesapeake Overlook Parkway; Tax Map 29, Parcel 70; Zoned CEMUD; 114.54 acres.

Mr. Brandon Freel stated I'm with Stewart Associates and we are the master developer as well as the property owner for the area surrounding the Penn National site, that we call Chesapeake Overlook. What you have in front of you is our Master Signage Plan submission. What I have up here is some of the general pieces of it and actually the submission is in more detail with signage for store fronts and things of that nature. What I want to do is briefly walk through our thoughts on the Master Signage Plan. I'll start basically at the beginning of the project as you walk in with a sense of delivery. What we were looking at doing is creating a large Chesapeake Overlook monument. Sometimes you see it in park settings with some of the major tenants with pieces or planks cut in for the tenants to represent them. What we're trying to do is to keep it simple and classic so what we did was we kept this bigger monument in the front at Route 222 then we also have further back a larger monument that will show some of the larger tenants in the area. They will both create a sense of arrival as you're coming in and keeping with the aesthetics of it as well as visibility for some of the anchors from Route 222. You'll see the same sort of concept as you drive back through to the entertainment/retail portion of it. We did get some key tenants for that area, and the traffic will be a little slower so they'll be able to read them as you're driving here. Those are the two basics for sense of arrival positions. What we have further back in the plan itself we have a directory that will be located throughout the park to give pedestrians a sense of where the different stores are. We also have the various banners that will attach to the light poles. We have the decorative light poles and we have the parking lot poles. The intention is to have different banners for the seasons to be able to change it up and create that different

atmosphere. We have the basic service signs that would be throughout as needed to show the rear of the house facilities. We also have, this is more of common area open space with directional signs and the intent there is as the user needs it throughout the park we would place those in the common area to give direction to the different tenant needs or user needs directions to. The last thing is the actual overall branding for the park we have our pylon sign. Currently we have this positioned down in the corner and we believe that is probably the best place at this point however we haven't done any formal studies on the height. We have a hundred (100) foot pipe shown here but as we do a study on it, it could be higher, it could be lower. The reason we haven't studied it, we're still waiting to see how the tenant mix comes in and frankly we think the site plan here will change. We have tried a couple of different concepts and we understand if we do go with a different concept we will come back in front of the Planning Commission. We understand that and we've talked to Ms. Skilling about it and need to show the general development plan as approved to not add any confusion to it. The reality is this sign mostly likely will be relocated to a new part but what we're looking for is just approval for the pylon sign. In talking with Penn and their signage plan, they are also looking for a pylon sign. They did do a formal study and I'll let them speak about that, but in their study they realized that one hundred seventy five (175) feet is the height for them, and we don't have any issue with two pylon signs. We don't think it will necessarily detract from the park giving the scale of it and as you drive into the park we don't believe it's going to detract from it. In a nutshell, that's the plan. Any questions?

Mr. Fortner asked are there any questions, just general questions, no discussion yet. If there is none, what I'd like to do is turn it over to another speaker who wants to present on the large pylon sign.

Mr. Dwight Thomey explained I am here representing Penn National and Ms. Skilling knows that we have been back and forth. We've been trying, in a relatively tight time frame, coordinate this whole signage plan and sort of been trying to get them to go along. I can tell you if you don't have it, we had submitted fairly detailed information about our pylon sign as to why it is located where it is located and the height it is located is so it will be visible from I-95. That's the goal. It will be lit and tastefully done and there are a lot of trees back in there so basically that's about, as you're driving down I-95 that's about all you can see, just the identification of the sign. The reason why it's so high is because they are sitting down in a hole on that property. As you probably understand our facility is down in some of the lower part of the property and by regulation have to have our sign anyway on our property, and we would want to have the sign on our property because it's a big sign obviously. And that's the reason why the height is so high so it can be visible from I-95. The only other thing that I wanted to make you aware of, just to not confuse matters any more but my client has been made to feel, after we had met with Ms. Skilling specifically stating they would be able to have some basically just directional signs on their property and I've explained that those signs on their property still need to be a part of the plan. And I have some additional information for Ms. Skilling for those. What they basically did is they took, as you may recall at one time they were going to put their directional signs out on the common area and then you had indicated you wanted all of the common area signs to be in the same format, so what they

propose is putting some directional signs on their property. So I would give this to you and basically again it is what they had submitted to you before except they have moved those directional signs back on their property.

Mr. Fortner asked are these styles for the directional signs, is it this style or are they going to be consistent with this.

Mr. Thomey responded they are the styles that you see in here. So basically they match what they typically do on their property and they just moved those back into their property and what they propose to do is just landscape down around the bases of those signs.

Mr. Reich interrupted I'm confused. I looked at the Master Signage Plan and then I look at this and there is no relationship so somebody isn't talking to somebody here. I would anticipate that if we're going to have a Master Signage Plan, that that Master Sign Plan would include something that looks like, either this looks like this, or this looks like that. So I'm confused here Ms. Skilling, what's going on.

Ms. Skilling replied the Master Signage Plan, it gives you consistency of where things are going to be located on site, dimensionally, the sign dimensions, and in particular if you do read the Master Signage Plan it talks about each site, each development, or whomever may have their own logo on their plan within their site and that's what Penn has done. Their logo in their plan here shows that and that's consistent with, if you read the descriptions of what is in a Master Signage Plan, that individual development, in particular Penn on this site, because they're right now the only venue in the whole site, can use their logo on their site to do signage for directions. They also have signage in there for, we did get them to change the parking lot where before were just square signs with numbers on it, now they have something that is a little more consistent with the Chesapeake Overlook signage. It's their logo again on the parking lot and they agreed to use their logo in a consistent manner on their site.

Mr. Reich responded well if you look at, in this chart, and I'm asking questions, this is not comment yet, it shows a sign that's number 53. And that one happens to be located right here, or thereabouts, back at the edge of the property.

Ms. Skilling asked may I explain a couple of things with the difference in the site. Two things happened. There is a twenty-five foot common area here that Penn does not own. Discussions were that there are three signs that were listed in Penn's plan that were going to be in that common area. Now they have chosen to move them back on their site which is behind the common area. Now, in the Master Signage Plan, they talk about Chesapeake Overlook and then there would potentially be whoever is the property owner could use Chesapeake Overlook as the general sign and you put your logo or whomever you were, if you were Target, or the casino, or whatever, could go in there. You would use your logo and this would be directional signage. Chesapeake Overlook is the name of the development. We approved it as such. So not to deny other people within the development, the Master Signage Plan is the guidance. So if a person wants to put their

logo there, under Chesapeake Overlook, then they would put that there. And that shows how it would generally look like. And that's why we came up with this scenario we had discussed because if you look at their plan they just had square signs that looked very commercial. These are more architecturally nicer looking.

Discussion continued regarding the parking area designation signs.

Ms. Skilling continued so what you have are, you have a Master Signage Plan and then Penn's version of what they are going to do on their site, which is somewhat consistent for their site and just following the guidelines of the Master Signage Plan. And we agreed on a lot of these things. We had a meeting and we did talk about a lot of things, trying to get some more consistency between the two plans. The real concern is we have these consistencies all worked out and using their logo on some of these, using the Chesapeake Overlook design. The biggest concern now is how do we deal with a potential pylon sign that two people want on the same site. I did want to show you this. This (various pictures were shown) is what they have proposed on the site. And again they are very low on the site. They did do a lot of studies for that. These are views from 222 west, 222 east, these are various locations, this is the view from I-95 south, view from I-95 north from the toll booth...

Mr. Jack interrupted before you continue, I don't see a rendition of the Chesapeake Overlook relative to that Hollywood Casino sign. Would that even be seen from 95?

Mr. Freel responded our intent is that it would be but we haven't done any studies on that.

Ms. Skilling continued the problem is right now they haven't done that. Penn did the balloon in the air and recorded how high they had to get it in order to be visible from the roads. The potential where ultimately they place it on the site once the Stewarts there get organizing the other part of the whole Chesapeake Overlook they couldn't put it in a place that would not be visible from 95. And there was discussion about that.

Mr. Freel commented but part of the issue, it's not really an issue, is the timing of the development. For the park itself and for Penn, I mean they obviously are opening in the fall and they want visibility from 95 as soon as possible. For us our site plan will most likely change giving the fact that we're waiting on tentative tenant approval and that will drive and shape what is going to happen. We understand we will come back for approval to change the site plan but the issue for us is locating a pylon sign in the immediate future and it's not going to happen in the time frame that they need it. So realistically, it could be three years out before we even accomplish that so that's part of the reason why you see two signs. As the master developer, there would not be a third pylon sign. That would not be an issue. One, to invest in the land, and two, it's an expensive proposition and the other tenants themselves aren't going to want to put up that kind of structure. So I just wanted to go over the timing of it and why there is a little bit of disparity between our site and Penn's site.

Mr. Jack replied but if we were to approve something like that, what would prohibit another tenant to want to put another one to go in up there that is two hundred feet high in the air. We have those things in place now.

Mr. Thomey stated it's a very expensive proposition.

Mr. Reich indicated but that's not what he's asking you. I think it's a legal issue. If we allow that sign, then we don't have, in that area, then we are pretty much held to the same accountability for any other tenant.

Mr. Freel stated but you are approving the Master Signage Plan and a third, fourth, or fifth isn't shown on the plan. And as the master developer that wouldn't happen because it would mean resubmitting the master plan and we would reject that.

Ms. Skilling commented there are those issues and let me show you what I've got. (Continuing to show pictures). These are pictures from 95 southbound and these are from 95 at the ramp. Now with all these in mind it's assumed and we've had a lot of discussions with State Highway, Federal Highway, and other people who have done studies in this area with marketing and what happens on I-95 with all the people traveling. Sometimes signage isn't what really gets people. People on 95 especially are going from one place to the other and they don't usually stop. They're either going to go to the restroom or to get something to eat. Today I was talking to some of the people about this, and we have two visitor centers that provide twenty-four hour service and would be great marketing to show a place to go to stop. Those are where people stop. We know they stop and we know we get a lot of people off 95. That's one of the issues from a planning perspective. Another issue from the planning perspective as part of the Lower Susquehanna Heritage Area and the marketing that was done there the same kind of study that we did, a marketing study, that studied people getting off of 95, it was the same thing. You don't get people to come off of 95 just to go and see necessarily the outlets, which is a great example. People don't get off of 95 just to go to that outlet. And what happened. Now we're hoping once you get people coming off of 95 because there is reasonably good signage and if everybody does their homework I think it is a marketable place to want to come and there are ways to do it. State Highways is willing to work with us to do destination signs on the highway similar to North East who has one for on area for Off Track Betting. And I was talking with them today as a matter of fact and they would work with us, and they are having a meeting tomorrow. There are lots of places that use that for marketing product. One of the concerns from our point of view and we've had to deal with in the planning office is that we do have pylon signs and in 2005 we changed our Ordinance so that this wouldn't (picture of sign cluster at Perryville Outlets) happen again on the north side of I-95. And we have had the outlets ask to change the sign and we told them in order to do that it would have to conform to the new regulations. They wanted an electronic sign at one time which are not permitted. These are some of our issues and if you read the Ordinance that's why attached to all the attachments in there, the Comprehensive Plan, the original CEMUD documents that were submitted with the plan that we approved talked about what we wanted to see in signage and in the development here. We are a small town and we wanted to have that feel of a

small town proposed as a commercial entertainment with the commercial aspect of it as well as a town center for other types of entertainment. So that's why they all these are captured in there because they all refer back, everything from the get-go, at the beginning of this whole process, from doing the CEMUD, the Comprehensive Plan because we had to add things in there for the CEMUD, and it talked about what kind of product we wanted on that site. That's why I included all those attachments in the packets for your review because as a planning body those are the things that are important to you. You reviewed the Comprehensive Plan, you approved the Comprehensive Plan and those things are some of the considerations. We also checked with our attorney, and one of the reasons we did have to get to modify the plan, the underlining general development plan was not accurate to begin with because it didn't match the approved plan and Mr. Freel did change that. We couldn't even look at that plan and couldn't approve it for the same thing. Because you would actually be approving a general development plan that hadn't been officially approved. So right now we are looking at the Master Signage Plan for the whole development and with the improvements or the changes to the Master Signage Plan by Penn, it would be consistent except for how we're going to deal with a pylon sign; one, two, or none.

Mr. Thomey responded the reason why Penn feels the sign is very important, number one, this location is located where it is because of the amount of traffic on 95. I'm not telling anyone anything that you don't already know. There is an incredible volume of traffic going by on 95. Now, Penn has done a very good job across the country of branding their facilities. And the thought process is when you're going down 95 and we will readily admit that people may not read every sign going by but the thought process is people will see this and that will mean something to a lot of people, a lot of people who are familiar with their facilities. And they may not stop that day but what will imprint in the brain is, ok the next time I'm going down to visit my son down in Virginia that would be a nice place to stop for the evening for a night of entertainment, I didn't know they had one there. So they feel this is very, very important to be able to put their brand up there and to basically place in people's minds that this is one place you can stop for this type of entertainment if you wish. And we think ultimately that will benefit not only their facility but the whole rest of this entertainment district as you go down there. And we understand that it is important for identification of Chesapeake Overlook also. We've had conversations with Mr. Freel and his people and certainly we would like to get this approved because believe it or not there is a long lag time to order a sign like this. It is not like you order and next week you have it. You have to get it ordered and we're hoping they have enough time to have it up in time for opening. We're open and we've been talking to them about how to try to coordinate that because they're not really sure what they are going to do or when they're going to do it. And we have a very cooperative relationship though this whole process and we don't mind being open to coming back to you and working something out to make use of one sign rather than two if it works out that way. But it's real important that we kind of try to get this up and get our brand out there because people are going up and down I-95. That is a huge volume of traffic and as people start identifying with this destination as a place to stop it's got to make a difference than if nothing was there.

Mr. Jack commented wouldn't the same thought process impact those who don't want gaming. That they would only see gaming there and this is not a place that I want to stop.

Mr. Thomey replied potentially that is true.

Mr. Jack responded we're just talking thought process because Ms. Skilling cited a study that they did. Have you done a study in some other area that this actually happens where people came back.

Mr. Thomey replied it is our sincere belief, and I think it's true with Mr. Freel as well as us, that this will actually be the hub that will pull in people and that the other entertainment venues will mesh and sort of comply with that and they have an excellent reputation. One reason I'm happy representing these people is they have an excellent reputation as community citizens in terms of operating their businesses in the right way. We think this is a place where you can bring your family in here as other entertainment venues and they would be very comfortable with doing that. And we think that this will be the hub that will start bringing in these other entertainment sites there. The great thing about this location is where it is. There are a tremendous volume of people that go by there every day. We're right in the heart of the Mid-Atlantic region. We're a very easy commute as you well know from three or four major metropolitan areas and the idea is this will not be obviously these people don't operate Atlantic City type stuff. This is a different kind of operation. If you've ever been to one of their facilities, it's a really neat way that they do these things. It's the type of thing you would feel very comfortable bringing anybody to this casino.

Mr. Reich asked well why couldn't one of those signs be put up on the highway. You get to the exit on the highway where they have signs. The first sign that says we have this hotel, we have this, we have this. The second sign says here's the gasoline and stuff we have, then up to the third sign, here's the food. If the State is willing to do that then why isn't there another sign that could have that same kind of logo but not be one hundred seventy-five feet in the air but right on 95, physically on 95.

Mr. Thomey responded our experience has been, in all candor, I've researched this and when you're going through the State on I-95 what they will do is what you see, the next exit has these attractions and then there will be three or four names and you zip by that, and in all candor my experience has been unless you're really looking for a gas station or a hotel late at night you don't even look at those things. That's why the only thing you see in Maryland, when you drive through Maryland, is those little signs other than they have exceptions for an approved sign on a business use, which is another reason why you don't see these other people doing this, because it has to be on our property.

Mr. Rau commented we're very familiar with those little placard signs, in some cases that's all we're able to get. In this case we're stacking that little placard sign with a ninety-eight million dollar investment and we'd like as much highway visibility in terms of signage that we can get. We have made a substantial investment here and we don't want to jeopardize that with small signs.

Mr. Fortner indicated let's get to the discussion. Is there any more information on this sign plan that you want to present.

Mr. Thomey responded I think we've pretty well covered it and I understand where you're coming from. I don't think any other businesses are going to want to go through what we're going through to try to do this, and they're not going to have thirty acres to put it on. This isn't something you want to put next to your building type thing. I think we're very unique in that situation and I think this is the only one you're ever going to see. I don't think there's going to be anybody interested in doing that. This is sort of like the old shopping centers where you used to go where you had Macy's as your hub and Macy's, if you've ever seen one of their shopping centers, Macy's is leased and everybody else is leased. That's the way it is in the real world.

Mr. Fortner asked are there any further comments from the Town.

Ms. Skilling replied I do have some information in my report here but I do want to also mention as discussed previously the planning trend on the Eastern Shore of Maryland and a lot of the planning trend over the years in this area is to maintain small town appearances in many ways. These types of things have been discussed over and over on the total Eastern Shore, upper and lower, and some of the things we're doing here are to maintain that small town community by doing Master Sign Plans which are low-key but yet still be able to portray or advertise someone's businesses. We've done that successfully on Route 40 with the Principio Health Center. We've had other areas where we've done that with very nice signage and everybody has been very cooperative in doing that. There was discussion, and other casinos in the area, we've looked at that some of us are familiar with locally, which is Dover Downs. It's a very large casino and it has a smaller sign very similar to what we would have here. I think that yes for advertising it is a great thing and we need to and I think for the money they are putting up for a pylon sign just from my planning perspective and what I've seen in planning and the trends in planning is not to go in this direction. To go in the direction that we have in our Master Signage Plan regulations to try to keep that scale to such that is more town oriented.

Mr. Fortner indicated I don't want a response to that. There will be plenty of time for debate but what I'd really like to do is open it up to the general public right now if there are any members of the public that would like to talk about the Sign Ordinance, about the looks of the signs. Anyone from the public who would like to talk.

Chief Ray Ryan commented I did have a concern about the height of the sign and if we had someone stuck up there, but I really don't have any comments.

Mr. Fortner stated no one from the public wants to speak so I'll open it up for general discussion now.



Mr. Reich commented we've known for the last year or so, and I read the Post every day at lunch, the Washington Post I'm talking about, where the local area from Washington to Philadelphia knows that there is a casino being built in Perryville. They know and as a matter of fact they've posted that we are the very first one that is even close to starting a building let alone getting ready to open. So there is tons and tons of advertising free to Penn National. The idea is they know it's in Perryville. They know it's off of 95. How much does this sign cost by the way?

Mr. Jack Rauen replied nine hundred thousand dollars.

Mr. Reich reiterated nine hundred thousand dollars. How many full page ads in the paper is that.

Mr. Rauen responded we'll take the sign as opposed to a full page ad in a newspaper.

Mr. Reich stated personally there's an awful lot that's out there that says Perryville's got the place. There are signs that we can put on 95. We can put billboards on 40 but we can't on 95, so there's ways to get that there. I don't know how we get around 80 square foot sign, twenty five feet tall. That's what's in our Ordinance. And I understand, as I read this it says per Section 272, 2. *Once approved, the Master Sign Plan shall supersede the sign standards stated in Article XV.* I read that to say it can supersede our 80 square foot by twenty five foot high restriction. It continues: *to the extent of any conflict...location, size, type, number, etc.* But, I hate to go against the Board who wrote the Ordinance in 2005 when I wasn't a member of it, that says we don't want them any more. We shouldn't have put up these gasoline signs. I mean it reminds me of 70 going out west and there's nothing out there but a sign for a gas station over here or a restaurant. And it really bothers me. The other sign in the Master Sign Plan where the gentleman is standing there next to it and it says how many signs tall there on the far right I think it says its two hundred and eight square feet. And our sign (regulations) says eighty square feet. If I look at the one below that it says its two hundred fifty five square feet. I kind of like the monument but is there a way you could make that smaller so it still fits our criteria.

Mr. Freel responded it would be difficult to do that.

Discussion continued regarding sign regulations in regard to height and size.

Ms. Skilling commented when you're looking at the CEMUD, this is the concern we have. Our signage plan if you look at it for shopping centers and most of the things we've done are not the combination of mixed use that we have here, the commercial entertainment. This is a huge development and that sign, although it's taller than our normal standard, in order to accommodate the uses on that site, it's going to have to be taller. And so that's why I'm saying these are the things that we have to look at because the site itself in the CEMUD is very unique to the CEMUD. So that's why this Master Signage Plan is a little more detailed and exceeds some of our signage requirements but as long as the Master Signage Plan is approved and it's agreed on for these things, then it

becomes standard which will be used for all of the CEMUD. And then we have this standard of which to use in that Commercial Entertainment Mixed Use Development. So yes, most of these signs or some of these signs in particular, the pylon sign, it has all the different elements and it can be seen off of 222 at that height. It is visible from the street and the landmark sign at the bottom right hand corner really emphasizes the whole Chesapeake Overlook development. It's the whole development. So those are the two products that give you the entry of the Chesapeake Overlook and then the others of what's in that development. And we're still getting permission, I need to clarify this too, we're still getting permission from State Highway because MTA, the Maryland Toll Authority, owns the area there, the roadway that goes down to the toll authority and so they are working a MOU (Memorandum Of Understanding) now with the Town of Perryville to take over that area of which then this sign potentially could go there. Otherwise it won't even go there. Only one sign could go in that area, which would be the taller sign back further because that is the only piece owned by the developer.

Mr. Fortner questioned the entry way sign, Chesapeake Overlook, there's no logos on that sign is there. It's the second sign, the high sign that has all the logos.

Mr. Freel responded, that is correct, we didn't want it to get too busy.

Mr. Fortner continued and you need it that big. So the standard is since this is a very diverse, big project we can justify larger signs is what we're saying.

Ms. Skilling replied you could approve the larger sign and that would become your standard.

Mr. Fortner asked so if someone were to open a smaller facility with this same type of zoning we wouldn't necessarily have to allow this size.

Mr. Freel stated in order to receive the CEMUD zoning, to meet the criteria it would have to be at least 140 acres, access to a highway interchange and frontage on a highway, it's very specific.

Ms. Skilling commented yes, it's going to be unique to this site. Other commercial would fall within the category for which are in here, and Town Center, which are smaller type commercial type development.

Mr. Reich indicated even as you point out for that sign, the sign happens to be thirty feet off of the ground but the sign is twenty-five feet so I guess one could stretch the point here. I will say it is nicely done and attractive.

Ms. Skilling stated it meets the intent not only of the Ordinance, the signage Ordinance, also meets the intent of the CEMUD regulations.

Mr. Fortner asked the hotel, what about hotel signs? Are they going to need an additional sign?

Ms. Skilling replied the casino sign, that pylon sign the casino wants is on the hotel site, which I think is sort of problematic when the hotel comes along. It is in the parking lot of the hotel site.

Mr. Thomey stated by law there is a provision in our State law that basically that sign has to be on our site, it actually has to be on our property. So you can't put it out in the middle of nowhere.

Ms. Skilling responded I think that is understood. I think the concern we have is it's on a site that doesn't have a building yet and what happens if, for example that hotel, someone buys that piece of property and Penn doesn't do the hotel, we don't know that, we don't know that situation but it is on a site that could be problematic down the road because its not on the actual casino site.

Ms. Linkey asked you said you have thirty acres, but that would not include actually where you're putting the pylon.

Mr. Thomey responded Penn owns six acres in addition to the thirty acres for the casino. Penn does own that property. And I guarantee you that if the hotel does go in there, that's why they own the property to be able to control the hotel.

Ms. Linkey stated and you had said in the Master Signage Plan we're making a standard. So if we allow a pylon sign up to one hundred seventy five feet wouldn't that be the standard and then you're saying that anybody else wouldn't do that, well we don't know that.

Ms. Skilling replied well you're setting a precedent. The only thing is you would have to emphasize the fact that one pylon sign, or only two can be on the whole site. It has to be pretty clear in your motion what you want. What's in here with one, with two, or with none. That's how that motion should be. If you agree with the plan as it is then you can agree with what's in here. Then it does become your standard and that's what, in the planning office and staff, look at. Whenever anything comes in to this development for development, we would look at the plan and determine that. If a big developer comes in here like IKEA, what happens if they say we're a big warehouse and I want a sign too. If you say no then they can't.

Mr. Keith Baynes indicated you have a unique piece of property here, zoned CEMUD. You're not going to have that piece of property anywhere else in the Town because of the requirements for a CEMUD. But you are looking at a plan that is going to encompass the entire project. I just don't see a precedence-setting situation where you approve a plan that has one pylon sign or whatever the case may be that that would automatically entitle another tenant down the road to the same type of sign when you've already approved the Master Signage Plan that outlines what the limits of that plan will be. That is for you to decide.

Mr. Reich responded this doesn't outline that.

Mr. Baynes stated it does I think because right now you're coming in and basically they're proposing two signs the way I see it; the big pylon sign for the casino and then a second pylon sign for the whole development.

Ms. Skilling commented one for the whole development and one just for Penn National Gaming on a piece of property they own. That is what is identified in the Master Signage Plan.

Mr. Baynes indicated any changes to that would have to come in front of you or Mayor and Commissioners down the road but what you're doing is it's almost like an approval of a subdivision or some other type where you are approving like a master plan, this is what is being approved for the development in the future and here's what the limitations are going to be for any signage that would be included for this project down the road. And there has to be some justification for any amendment to that in the future.

Ms. Linkey replied but this is a standard. I don't see where it says this property can only have these, unless I'm missing something.

Mr. Thomey stated I agree with Mr. Baynes. The way I understand the regulations, we have to get this plan approved by you that has these specifics that we provided to you and if we then would want to come in later and change it we have to again get it approved by you. We can't just put anything up. We can only put up what's been approved in the sign plan.

Ms. Linkey responded right, so if we approve this as is then anybody can put up a one hundred seventy five foot sign. That's what I'm not getting? Where does it say you're only going to have two?

Mr. Thomey replied that's all that's in the plan.

Mr. Freel commented in most situations the tenants don't own the property, they'll be leasing it. So in order to put a sign up they would have to adhere to that plan. And even if they have the advantage that we sold them the property they would still have to come back to you for approval.

Mr. Baynes stated the way I look at it is, and Ms. Skilling correct me if I'm wrong, if you agree to let's say just that one pylon sign, obviously that pylon sign exceeds what is currently in the Ordinance with regard to height and size. So if you approve that, that would supersede what's currently in the regulations. But let's say what you approved is limited to whether it's one sign or two signs or three signs, whatever number you pick, I look at it as that would be the limit on whatever would be allowed in that particular development. I don't see where you approve one pylon sign that means that everybody can put up a pylon sign that's one hundred twenty feet high and fifty square feet wide, I mean you're basically, it's almost apples and oranges, you're approving a standard that

exceeds the height and maybe the square footage but you're still restricting it to the number of signs that would be permitted within this master plan.

Ms. Skilling indicated let's say you decide on the plan or whatever part of the plan or all of the plan, whatever your motion is becomes part of the record and we will incorporate that into this plan so whatever you say, if this is what you want, this whole plan and you agree with that, then these become the standards whenever I review anything it has to meet the standards here. One sign, two signs, and all the other dimensional things will have to be in here. It's just like any other Ordinance.

Mr. Baynes commented maybe a key word too, not only for the standards but also limitations.

Ms. Linkey asked I don't see any limitations for what they're asking for is only two pylon signs and no more, I don't see where it says that.

Mr. Baynes replied again when I say this I'm not suggesting, you do whatever you feel is appropriate, but any approval recommendation that you would make could strictly be limited on the number of signs that you feel appropriate. So if you were to approve it with one sign or two signs, that should be part of your motion. And that way this Master Plan could not be modified without the plan coming before you again.

Discussion continued about the number of pylon signs proposed in the plan. Only two locations are noted for pylon signs.

Ms. Skilling indicated there are two locations on there, for the pylon signs. One is the pylon sign for the Hollywood Casino, which is the one hundred seventy five foot sign which is located on the casino hotel site, and the second is on a site that is designated in here for Chesapeake Overlook. Part of the regulation is you have to show where it's going to go, dimensionally, what are the general dimensions, and all these are here, and then within for all the different businesses that come in there, what are the signs going to look like for each business and that's covered in here. It covers everything that is required of a Master Signage Plan. The only thing I see that has a real decision that seems to be the controversy in this particular signage plan and I'm looking at this generally is the pylon sign number one and will there be one, two, or none.

Mr. Fortner stated so every sign is designated in here so they can't even put a small sign, they can't even change that.

Ms. Brock indicated it's safe to say that whatever you approve in your MSP is what you're presenting, no more no less. And if we want to safeguard ourselves and say you can't add any more signage than presented, no more no less. And if you want to do an addendum later so that way you can't put in anything else without approval.

Mr. Fortner commented so as a proposal they have two pylon signs. That's all they showed designations for so if they wanted to amend it they could. They would have to

come back to us, if IKEA or Target came in and they wanted a pylon sign, they would have to come back to us. And so that's why there's no more than two.

Ms. Skilling responded and that would be with any Master Signage Plan we had, whether it's this site or Principio. If they want to amend that sign for other businesses coming in there they have to come back to our office and if it's really a major change in the Master Signage Plan they would have to come back to you. The only difference in the CEMUD Master Signage Plan is you are going to look at this, approve it, make recommendation to Mayor and Commissioners and they can look at this. They can approve it, not approve it, based on your recommendation. That's the only difference just because of the way the CEMUD is designed.

Mr. Fortner stated on things that might be more trivial like they want a right turn sign here, or they didn't anticipate....

Ms. Skilling interrupted that's considered minor.

Mr. Fortner continued that would be considered an administrative thing.

Ms. Linkey asked wasn't there a possibility that a sign couldn't go where it is because there is a MOU that's possible.

Ms. Skilling replied we're working on a MOU with State Highways for that entry to the Chesapeake Overlook Parkway. It's just the one in the front because right now Stewarts don't own that piece of land but we, the Town, have designated that roadway as Chesapeake Overlook and we're looking to have that turned over to us so that we own that whole road all the way out to 222 or at least have an easement or right of way through there.

Mr. Reich asked do we have legal issue with, if people asked for pylon signs since 2005 that we turned down. If we put this up do we have a legal issue that they could come back and say wait a minute, you told us no and you told them yes.

Ms. Skilling responded we have had some phone calls about issues there and I know Ms. Battaglia has talked to the outlet center about that and she probably can respond back more so than I, but we have had people call.

Mr. Reich stated well I'm asking our lawyer here, do we have a problem.

Mr. Baynes replied well I don't know you would have a problem. Anybody can make an argument for their particular case but you definitely have a distinction because you have a different zone. You have a CEMUD zone here that has been specifically created for this particular property that is not in existence for the outlets or IKEA or Principio up the road. You can look at all the different commercial enterprises you have within the Town but they're in a different district, a different type of entity. And maybe to break it down between R-1, R-2, R-3, or C-1 or C-2, you're allowed a different type of uses, different

types of things for those particular uses that you're not allowed in others and simply because I'm allowed 8 apartments in a R-3, that doesn't mean I'm allowed 8 apartments in a R-1. So I think there's an argument to be made, although the outlets are right across the road, their classification is different than this particular property here and you have a separate Ordinance that deals with this property. So I don't know if that answers your question.

Mr. Reich responded yes it does, thank you.

Mr. Fortner repeated it does but it seems like you still need to provide justification why you would allow a higher sign in this type of zoning, because essentially for example it's the same use. Why would we allow a casino to have a large sign but we wouldn't allow an outlet store next to it, although we already did, to have that kind of sign. It seems like a stretch. It seems like we have this overlay zoning, and, would you like to respond to that.

Mr. Sinopoli replied I would like to respond to that. We are going to be paying a sixty seven percent (67%) tax rate. If you want to use that for justification, we would use that as our justification. The outlet mall's not going to pay sixty seven percent on their revenues. I mean I've heard things like well free advertising. The free advertising is going to end about month after we open. Everybody's excited about it right now, but the only thing that's going to work is that sign. It's going to pull people off the highway and if you think a small sign, like the State Highway sign is going to work for us because they can draw ten people down to North East Race Club a day. We have to have seven hundred people a day to come to our facility in order to keep those three hundred and fifty jobs that we're going to create. Those three hundred and fifty jobs that I had sixteen hundred people apply for just this past Thursday. So you want justification, that's your justification. You want to make it work and we have to pay a sixty seven percent tax rate to have a sign then use that.

Mr. Fortner responded I hope your marketing plans based on a lot more than just this sign because...

Mr. Sinopoli interrupted look, we're going to have a budget one-fifth the size of an average casino because of the tax rate in this State, so there is more to it than that sir, but I'm telling you if we don't draw them off the highway it's going to be a problem because we can't afford to spend more than that.

Mr. Jack commented with all due respect, Penn National is not in Perryville because they're not going to make money. I've heard ninety-eight million dollars thrown around, I've heard the sixty-seven percent, but you know you're here knowing that you've got to pay sixty-seven percent, you're here knowing you have to put up ninety-eight million dollars, and as that is the justification for why to put up a sign I find that immaterial. Because you all knew exactly what you were doing when you signed up to come into Perryville. The fact is it's probably the only location in the State of Maryland right now that's going to be active. So to hear you guys throw numbers at us like we should be

doing something different because you're paying sixty-seven percent and you've got a ninety-eight million dollar investment, I mean don't get me wrong I don't want to be unkind or anything but I don't see that as a basis for this. I think you guys are going to do alright.

Mr. Thomey stated I would tell you and this isn't an excuse it's just reality but when they purchased that property basically they had to make a call because of the way the State regulations were. If they were going to apply they had to make a call to purchase the property. I don't think they knew we were going to have problems getting a permit to put a sign on their own property. I don't think it ever crossed their minds.

Ms. Linkey commented I thought someone had said earlier that there are some of your casinos that do not have a pylon sign. Is that correct?

Mr. Sinopoli responded that is correct, but it's a different type of market.

Mr. Rauen stated in that case our property is miles off of the highway and it would have to be a thousand feet tall to be seen.

Ms. Linkey asked so how do you get people in to that if it's not on the highway.

Mr. Thomey responded well Charlestown West Virginia is a good example. It's not exactly what I-95 is and you probably recognize the fact that there is a very large advertising budget that is used to advertise Charlestown West Virginia in a five state area. In this particular case the idea is to get this sign up so, yes it's an expensive up-front cost, but over time it's pretty inexpensive over what they're spending in advertising Charlestown West Virginia. So each site is a little bit different in terms of how you approach it and the idea with regard to this site even verses the other sites planned in Maryland, in Baltimore or in the Annapolis area, is that the one thing this site has going for it in all candor is not the population center obviously, it's the fact you have this tremendous volume of traffic going by that if it can just pull at least three tenths of one percent of that traffic off the highway and get them in there that that's a good deal to them because of the numbers. The same reason why the State would never eliminate the toll plaza on 95 in that area, for the same reason. You don't need a large percentage, just a small percentage of a very large number.

Mr. Reich commented there are casinos owned by Indian tribes in Oklahoma, they happen to be along the interstate from Joplin, Missouri to Tulsa, Oklahoma, and there's like three of them on this big interstate. They have huge signs, big billboards, huge. And when I go through there and unless I absolutely want to go gambling and I had that intent to start with, I'm going right by it. And so my point is, and I made before was, there is a lot of advertising right now that says there's going to be a casino in Perryville. There's going to be a lot of advertising, free advertising, in the Post and the Inquirer and whatever, the Baltimore Sun, that says we've got a casino and it's open. And there's going to be a grand opening and there's going to be pictures and all, I can see it coming right now and I think that's a great thing. Everybody and his brother in the news is going



to come up here and be part of the ribbon cutting or whatever as it turns out. So there's going to be all that going on. People are going to know in a five State area where this casino is. Once there is a sign on the highway that says here's where it is that's it. I don't think, and I'm being frank with you, I've gone several times from here to my in-laws in Oklahoma down that interstate and never stopped to gamble because I'm going one place and I'm going to my mother-in-law's. So I don't see if people going from New York to DC to go see their in-laws or their friends or whatever the thing is that they're necessarily going to look at that sign and say I think I'll stop for ten minutes and gamble. I don't believe that. I believe people are going to come down this highway to gamble and they're going to look for it and there will be signs on the highway that say where it is. I feel this.

Mr. Sinopoli reiterated again our thought process, you know that we're there if you see that sign. You're telling us that today, and the other thing is you can't see the casino from the road.

Mr. Thomey repeated again their thought process is they have a brand, that there will be a certain number of people that will identify that as a spot that they may stop at from time to time. Not on their way to Grandma's necessarily but when they are looking for entertainment. And the idea is, the public has a fairly short memory. Yes, everybody's going to know next September when we have the grand opening but a year or two after that they're not. The idea is to try to keep that in front of them so that those people who would like the use of that facility will know that is the place to go. Now again, we only need a small percentage of that large number and the thought process is by far the most efficient and effective way to reach a large number of people of which we're trying to get. It's sort of like buying an ad for the Super Bowl. You pay a huge amount money to reach a large number of people. We believe this is the most effective and efficient way to reach a large number of people.

Ms. Linkey asked do you have a marketing person?

Mr. Sinopoli responded yes we've just hired a marketing manager.

Ms. Linkey replied you just hired one. So you don't have a marketing plan other than the sign.

Mr. Sinopoli replied no, our corporate office has been working with a marketing plan. Again, the problem we have is we're only going to be able to spend a fifth as much as we would on one of our average properties. We have to find things to attract this group of people that's passing us on a daily basis. Thousands of cars daily that will pass us, eighty two thousand, that's what our attorney is saying and if just a fraction of those are going to stop because of the sign, and I know you don't want to hear it, but the high tax rate determines the budget we spend to market the casino.

Mr. Reich questioned how much is that, ball park?

Mr. Sinopoli responded ball park, with one hundred million dollar a year revenue we would normally spend sixteen to twenty million dollars, so we'll spend a fifth of that. That's all we can afford to spend.

Ms. Brock commented I think aside from your budget I think if you had two hundred million dollars to spend on some marketing, you're on 95, you're going to want the sign on 95 regardless of your budget. I think Perryville regardless of how we each individually feel about the casino coming in, fault having the casino coming in to Perryville. You could have moved it across the street on County property, right. Perryville fought to have this in the Town and now we have it. And I think, I'm surprised to hear myself say it, but it might be unfair to have fought for it and now it's here and to have them situated on 95 and dangle eighty two thousand people passing in front of them and deny them the right to have a sign on their property, looking strictly at the intent of the Ordinance. We're not prohibited from permitting that and it certainly allows us to allow them to have that sign. Yes, it would be setting a precedent but I think there are some safeguards in place if we did move forward permitting that but I just don't necessarily know if its right having fought to have them here so we can partake in the sixty seven percent tax rate and to then say you're out on 95 in this great location and we're not going to let you advertise. The only people who are going to see you, besides the grand opening and everyone knowing Perryville Casino is in Perryville, is if you happen to actually be driving down 222 and you can see the sign at the entrance. I'm not necessarily sure it's fair to say and deny them the right to have a sign out on 95.

Mr. Jack stated I don't want this to seem a rebuttal and I apologize for any money issues we may have incurred here but my reasoning for this is not necessarily to do with the money or anything. I think I'm on this board for what's best for Perryville and if I'm driving down 95 and I see casino I don't think that's the best interest for Perryville, although it may be in the best interest for Perryville, there's more up there or there is planning for more up there than just a casino. That would be the only thing I see, is casino.

Mr. Oberholtzer asked what about the other pylon sign.

Mr. Jack responded well if and when they do it. But that will stand much higher than Chesapeake Overlook.

Ms. Brock said and we're also not saying what about the great hotel we're putting in Perryville. I mean the whole point of this is the great casino.

Mr. Jack replied and that's my point. I think there's more to it than just the casino and so I like what Ms. Skilling said about small town appearance. If I had my way these other signs probably wouldn't have been up there either, any higher than twenty five feet, but having said that I wasn't involved in that either. But to have a one hundred seventy five foot sign that says casino out there and that's the only thing I see about Perryville, I don't think that that is necessary, in my opinion now. I'm being as frank about it as possible. I don't see it as the best interest in Perryville even if we make money on it and even if we

get all the taxes and everything which will happen, I think that's great, but everybody else in Perryville is in business too and they're paying taxes. Everybody up at the mixed use district up there will be paying. There'll be more in the mixed use district than just the casino.

Mr. Oberholtzer commented we're just supposed to hide it.

Mr. Jack continued one of the issues we had before was naming the street and one of the things they said, whether they did it in jest or not, was they commented on Lucky Way. Well there was more to that street than Lucky Way, as a casino facility. So I mean I'm just sharing with my thought process and my thought process is why I understand exactly your need and what you may have to have to make it work, I don't see it as the best interest from my perspective for Perryville.

Ms. Skilling indicated just in referring back to the comments and the Master Signage Plan and some of the other things that were discussed with the intent of a Master Signage Plan and some of the CEMUD things that were brought up in my write up here, but one of the major things that I think as you read this and the intent, the purpose of the Master Signage Plan is to (per Section 272, 2 a.) *reduce visual clutter and harmonize with the architecture, landscape and other design elements of the development. All sign applications will be reviewed against these standards* (per Section 272, 1). Again it's to reduce the visual clutter and that, I can only go back and say I happened to be on the committee when we updated our Zoning in 2005 and that was some of the things that we looked at and that's where those comments come from.

Mr. Thomey commented what I basically want to say is it's obviously very important to these people that this casino succeeds because they have a tremendous investment in it and it's also very important to the community that it succeed. And that it does what it intends to do, to be active and draw in people to the whole entertainment center. We have an opportunity here to have a very unique entertainment area that will be unique to anywhere else in this area. Because a lot of these places will stand out and I envision this to be sort of like something like The Avenue in White Marsh with a couple of nicer things that that place will never have. So I think it is important and it is good for the Town for this to succeed and this one sign identifies a brand and a site and will get you in there. And again we're more than willing to work with the Stewarts to make sure that somehow Chesapeake Overlook as well as Hollywood Casino is identified.

Mr. Reich stated you know what's curious here is that the interstate pylon sign a hundred feet tall which advertises the Chesapeake Overlook is three hundred and eight square feet. The sign that says the casino is seventeen hundred square feet. And that's a bit much.

Mr. Thomey responded and frankly when they do their research what they will find out that is what you need so you can see it from 95.

Mr. Reich asked from how far.

Mr. Rauen replied far enough that they can identify it, actually from the highway northbound or southbound.

Ms. Linkey indicated so here's my issue again. You say you haven't done your study yet and you don't know where you're going to put it so that brings us back to doing a whole new Master Signage Plan, correct.

Ms. Skilling responded not necessarily the whole Master Signage Plan but maybe that pylon sign location.

Ms. Linkey stated so you see this cycle. And the other thing is yes you do need to advertise it and it think part of what Mr. Reich was saying too is yes you do want to get people to come in to the casino but if you don't have any other signs up there other than the casino how are they going to know there maybe a cinema there or that there is a really cool restaurant there. So I see down the road: you want more people there, you want this, you need this sign, and you need this other sign, that's my fear.

Mr. Thomey replied the idea is as we draw people in there they see all of that and people say this is different. Dad can go play the slots while Mom or Grandma or whatever, we can go to a movie, or other. The idea is to pull them in there and they'll see that and they'll come back over and over again.

Mr. Freel indicated we'll have a marketing plan as well for our park and if we come back to change the location and we'll be coming back to change the site plan which is probably going to happen because of the tenants who are interested, we wouldn't be coming in asking for additional pylon signs. We're not going to change the number of pylon signs but only the location.

Ms. Linkey responded but the height might change and again you may decide to have it up by the Hollywood Casino which would again bring clutter. And then you have the mom and pop come in and you want to show not only is there a casino for Mom and Dad to go play but we also have this family fun center. I just see this kind of rolling out of control down the road.

Mr. Baynes commented if it doesn't meet the terms of the Ordinance you simply deny it at that point. That's the option obviously.

Mr. Reich indicated Mr. Chairman I think we're going around in circles and saying the same thing over and over again.

Mr. Fortner replied I appreciate that. First of all I think the sign is out scale. It's right at the edge of the hotel parking lot. If you look at it you can see the little car parked next to it with a man right there and it's just totally out of scale with the rest of the development. As what Ms. Brock said, I think they should have, I would like them to have signage on 95 but this in this location I just don't think it will work with the rest of the development. I think that they can have the lead in signs from the travel type signs. I think you can do

an effective way, they're just saying we need to have notification so they know there's a casino there and you can get that as other kind of signage along the road. And so I definitely would like them to have a presence on 95. If they could find a way to do it where they just don't have to create this massive sign right on their development like that might be more feasible or something more interesting than this big pylon. The other sign is more interesting. Anyway, are there any questions or any more comments. We're approving the whole Master Signage Plan and with our conditions.

Motion made by Mr. Jack to approve the Master Signage Plan omitting the two pylon signs. That should get things started.

Mr. Fortner commented the second pylon sign doesn't bother me as much if there is a way to make that work and its location is more out of the way. It doesn't seem to be as intrusive as the other one.

Mr. Rauen indicated that sign is out of the way and depending on how high you need that, I just know if your driving southbound you're not going to see it until you're past it.

Mr. Michael Radazzo stated it's going to have to be one hundred seventy five feet high when he's done. He says he hasn't done the study yet but we have done the study and in order to be visible from the south where the customer can see it coming off the exit he's also going to need to be one hundred seventy five feet. Right now it's showing one hundred but the word Chesapeake Overlook is only sitting about seventy five feet because he still has the helix wind turbine up on top of it so it's not going to be visible from a decision point which is more than a half a mile out. By the time you see the sign you're past it.

Mr. Reich indicated let's get back to Roberts Law of Order here. We have a motion on the floor that hasn't been seconded yet and we haven't asked for discussion. So let's stop.

Mr. Fortner asked would someone like to second that motion.

Mr. Reich stated I'll second it.

Mr. Fortner commented I brought up the second sign wasn't intrusive. They're saying that it won't be able to be seen southbound traffic.

Ms. Linkey indicated part of the reason you wanted the one hundred seventy five foot was because it's in a hole basically, correct. So really you don't know if Mr. Freel is going to need one hundred seventy five feet or not depending on where it is, because it may not be in a hole, correct. So saying that he's going to have to have one hundred seventy five feet, you've got the lowest point, correct.

Discussion continued about how high the pylon sign may be since official studies have not been done for other locations.

Mr. Reich stated I don't see any research talking about what the signs on 40 do or don't do to bring people into something, whatever it might be: a gas station, a Denny's restaurant, a truck stop, whatever, and I understand where the comments are coming from, and I don't know what the State would allow them to put up. I know they won't let them put up billboards; you can on 40 but you can't on 95, I understand that, it's a State regulation.

Ms. Skilling responded we're working with them to discuss signage on 95. It is a State program, the casino, and that is some of the discussions that are being had now.

Discussion continued about the motion made and the number of pylon signs as three if you include the monument type sign that is located at the entrance. Previous motion was withdrawn.

Motion was made by Ms. Brock and seconded by Mr. Oberholtzer to approve the Master Signage Plan as is.

Mr. Fortner asked any discussion.

Mr. Reich responded my point was in withdrawing the motion was that I really think what we should have done is to table this until we get some better ideas of what the State is willing to do to support these folks and to get the signage that might be a little bit beyond the State. Like you said it is a State project and I don't like the sign and I understand where you're coming from about this and I don't want to be unfair. But I also don't want to go against the intent of the 2005 Ordinance. It bothers me that way. So I'd almost rather table until we get more information about what the State is really willing to do for them before we have to make this decision. I understand we're recommending this to the Mayor and Commissioners, recommending everything but those two large signs with the proviso that when we come back again to modify this Master Plan based on what the State is going to do.

Ms. Brock commented I don't think the State is going to have a problem with something like the attraction signs but even if they have their own dedicated sign with just their logo on that. I just don't think it feels fair that a lobby for them to come in to Town and then to get here and then to say....

Mr. Reich interrupted first of all, I didn't lobby for them to come into the Town but I think we worked together with these folks to what the building looks like, to what the property looks like, and I think we tried to do the best for you guys that we could do, to just surrender.

Mr. Fortner stated I don't think we're surrendering everything though. Again this is important. It's a big sign.

Ms. Skilling indicated may I speak to that issue. Penn National Gaming, the Mayor and Commissioners, Cecil County, were all part of developing the CEMUD. They all knew. They had their own attorneys. They all reviewed that plan. They knew what we wanted. They knew that we wanted a casino and a hotel and we wanted it to be a mixed use. Not only with the type of recreational activities for adults, but to have a Town Center that also allowed people in the community their own recreation. It was very clear from the get-go that is what the Town of Perryville and the Mayor and Commissioners wanted. They signed on to it, they came here knowing that, and that to me is a product of what we did. That is what the Town wanted. Now whether you believe it or not, that to me was what the Mayor and Commissioners wanted and Ms. Linkey was part of that whole review. Knowing all that, yes we marketed it to that point, but Penn National Gaming was product to that too. They knew it. It's not that we're denying them the right. We are asking them to look at the standards of which they agreed to knowing that they had this Ordinance and these are our regulations and it was the standard and the intent that they were supposed to follow.

Mr. Fortner responded and with that they submitted this document. Are there pylon signs in here. Have they given examples of the pylon signs that they wanted.

Mr. Reich answered no.

Ms. Linkey commented I assume you said this pylon sign was needed. Have you been looking at other options, like the County or something else as well.

Mr. Thomey responded yes, I've done a lot of research. The complication is when the interstate was built in Maryland there was an agreement between the Federal Highway and the State of Maryland that basically regulates what the State of Maryland may permit by way of advertising on the interstate system. And that's why when you drive through the State of Maryland you do not see billboards on the interstate system as you do in other areas. What you do see occasionally are signs advertising because there are exceptions to the rule that the local jurisdiction can approve the sign if it's on their own property, and if it doesn't distract drivers. Other than that there is no allowed billboard signage in the State of Maryland and I do not envision the State somehow undoing all of forty years of agreement with Federal Transportation Authority to suddenly start saying we're going to allow billboards on 95. It's not going to happen. The only thing we may get is this little thing that says the next attraction if you're really looking for it.

Discussion continued regarding the Master Signage Plan and what is permitted on site.

Mr. Fortner stated well we have a motion on the table. Any more discussion on it. Two in favor, three opposed. Motion failed for three votes against. We're going to have to table it for the Sign Ordinance or...

Mr. Jack interrupted I would like us to try to do something that would let them go on with their signage.

Mr. Fortner commented even if we wait for a State presentation of what kind of signage will be appointed, how is that really going to affect your opinion. And so what more information would we need in order to make a decision. I would say we have enough information myself, but will someone make a motion.

Mr. Jack stated it would be the same motion as before, omitting the Chesapeake Overlook and Hollywood Casino sign at this time. You know when you make that motion they can always bring it back.

Mr. Fortner indicated that's what I was going to say. If you allow this to get built then we can never make them take it down but if we don't allow them to build it at this point we can always come back and see how things are going and if they want to build a nine hundred thousand dollar sign we can always revisit it. Does anyone want to second that.

Mr. Reich indicated I'll second that.

Mr. Fortner asked any discussion.

Mr. Reich responded I really think that's true. I still think we should find out what the State is willing to do. I understand what you're saying about they can't have billboards. I didn't say it was a billboard. What's the one that says Plumpton Zoo on it. It's big and with their emblem on it, it's not that big. And how many people know where Plumpton Zoo is until you go there to see it. It's a big sign and it's by itself. Why can't it be a sign that says rest area or why can't it be a sign that says information with their emblem on it. I don't know what the State's going to allow but that's not a billboard and they've got them out there already. So let's see, they got it for the zoo and the zoo's not State owned, it's private. My point is I think we ought to have the State come in and tell us what they'll do and let's revisit this problem of this big sign. You pointed out once they build it we can't tear it down but if they don't build it we can come back and put up something that we think is reasonable. Personally sir I think we've worked with them a lot in the last six months looking at things and helping them, modifying some things and coming back and helping them with other things. I think it's been fifty-fifty here.

Mr. Fortner asked is that the end of discussion. All in favor of the motion to approve the Master Signage Plan minus the two pylon signs, Chesapeake Overlook and Hollywood Casino signs, all in favor say aye. **Four ayes, 1 opposed, 1 abstained. Motion passed.**

**Motion** was made by Mr. Jack and seconded by Mr. Reich to recommend approval of the Master Signage Plan minus the two pylon signs, Chesapeake Overlook and Hollywood Casino signs. **Four ayes, 1 opposed, 1 abstained. Motion passed.**

(Five minute break.)

**File No. SP2010-01** – Cedar Corner Preliminary Site Plan; PROPERTY OWNER/APPLICANT: Cedar Corner LLC, 1316 Grafton Shop Road, Bel Air,



MD 21014-2425; LOCATION: 1 Harvest Lane, north side of Cedar Corner Road east of Ingleside Avenue, Perryville, MD 21903; Tax Map 29, 800, Parcels 134, 667; Zoned R-1, 33.362 acres.

Mr. James Keefer stated I am with Morris and Ritchie Associates and I have been before you before with the Concept Plan for the same development, Cedar Corner. With me tonight is also Amy DiPietro who is also with Morris and Ritchie. She's a professional engineer and has been involved with the project and also Kevin Geraghty who is with Cedar Corner LLC. Tonight we're presenting to you the Preliminary Major Site Plan for Cedar Corner. It should look very similar to the Concept Plan that came before you several months ago. It basically is the same plan and has some more details for utilities, grading, some more engineering to it. We have actually been in the process of getting Stormwater Management and Sediment and Erosion Control plans approved through Cecil County and we've brought some examples of some of the amenities that we are proposing there. We've also reviewed the comments that were presented to us late last week from the Town engineer and also from the Planning Commission. (Pictures were submitted to the Planning Commission members.) That's just to give you some examples of what we're proposing. There's an image of a gazebo and the benches that we're talking about using, an example of a play structure, different types of patterned asphalt and concrete, fences that we may be using around the upper village green area that we talked about in our previous meeting. And with that, that would be a brief introduction of what we're here to present. If you'd like I can go through some of the comments from the Town and from the Town engineer and talk about how we would resolve those issues. I can give you explanations of those but I'll leave that up to you as to how you would like us to proceed.

Ms. Skilling responded I just want to read you some of the comments. Some of you were privy to the plan. I know Mr. Jack was at that special meeting we had where we talked about some of the issues, the median strip, but I'll read through my comments:

*Project Review*  
**CEDAR CORNER PRELIMINARY MAJOR SITE PLAN**

**BACKGROUND:**

*The property was annexed on May 5, 2009, zoned R-1 and consisted of 33.37 acres.*

*The Concept Plan was presented to the Planning Commission on September 21, 2009 with concerns for the layout of the active open space in the median strip as well as traffic on Cedar Corner Road. A special Planning Commission meeting was held to discuss alternative plans for active open space with the consultant and property owner. In a meeting with Cecil County DPW, alternative solutions for Cedar Corner Road were discussed based on comments from the Planning Commission. Since the development will impact the County Road, a protocol 2 study was requested of the applicant and the Town agreed to withhold review until the study was finalized.*

Ms. Skilling indicated they are working through that now. I did get a letter indicating that they have agreed to doing some of the improvements but there are still some things that need to be worked out that they indicated, and I made the decision based on that because they requested us not to move forward until that was done. So that's why this is before you now, because the County has indicated they have discussed and agreed to those improvements. So that's why it's before you, to approve the Preliminary Plan. They are still working through Stormwater Management and I don't have anything on that and of course you know that and sediment and erosion control needs to be done.

*Planning/Technical*

*1. The proposed development is subject to the dimensional standards found in the Schedule of Zoning Regulations, Section 238, and is as follows:*

<i>Minimum Lot Area</i>	<i>10,000 square feet</i>
<i>Minimum Lot Width</i>	<i>70 feet</i>
<i>Minimum Lot Depth</i>	<i>100 feet</i>
<i>Front Yard Setback</i>	<i>30 feet</i>
<i>Side Yard Setback</i>	<i>10 feet</i>
<i>Rear Yard Setback</i>	<i>30 feet</i>

*Although the minimum lot depth is met, many lots running back to back between Highbrook Boulevard, Clifford Avenue and Andrew Avenue are shown with a drainage swale and inlets as well as plantings as part of Forest Conservation requirements. These areas will require easements in which structures will not be allowed. This layout will be problematic for property owners and the Town. The thirty foot afforestation strip should be relocated where it can be maintained with appropriate deed restrictions.*

Discussion continued regarding drainage swale and inlets and Forest Conservation and the future potential of problems of property owners with placement of accessory structures.

Mr. Reich commented so what we're saying is that we have a minimum lot depth of one hundred feet however ten feet of that....

Mr. Keefer interrupted these lots are proposed eighty by one hundred twenty five.

Ms. Skilling stated so they have space back there.

Mr. Keefer commented the situation back here from a grading standpoint is basically the site drains from this way to this way so what you'll have is these lots will be walkout units. If you look at the grading and Ms. DiPietro has more details for the plan.

Discussion continued with Ms. DiPietro and explanation of the site grading.

Mr. Keefer stated it (Forest Conservation) needs to be thirty-five for a minimum. And we're perfectly fine with removing that if that is the wish of the Town we'll look at doing things offsite or a fee-in-lieu and that's not an issue. What's happening here is that these are walkout units on the high side and then there's a slope that goes down and it's generally engineering practice to collect the water behind, off this hill that's coming down there and collect it and pipe it into the storm drain system and then to the Stormwater Management. But that's what you're having. You're having to come up because you have a slope that goes down in back of the walkout and it levels off and then goes in between the units and back down so that these can be flat inground. So these basements would be inground. And then the same thing on the other side.

Mr. Reich questioned so you're basically saying the lots are one hundred twenty five feet deep of which fifteen, or seventeen and half feet is an easement.

Mr. Keefer replied it's not an easement, no, it's slope, it's a slope from the upper lot to the lower lot, because the lower lot is basically graded down to be flat.

Ms. Skilling stated there would be a drainage easement through there. If they're using this for stormwater there has to be a drainage easement because there are inlets in there.

Mr. Reich stated and if they're thirty foot wide and the lot is one hundred twenty five feet that means seventeen and a half foot have to come off of each one of those one hundred twenty five foot lots as easements, right.

Mr. Geraghty commented the thirty five feet is for the Forest Conservation so we would make the comment as Mr. Keefer said we would remove the Forest Conservation area which is thirty five feet. The drainage easement is not thirty five feet. So the thirty five feet we'll take off the table, we won't make that impact behind those lots.

Mr. Reich asked well how much easement would there be between the lots then.

Discussion continued regarding drainage easements, Stormwater Management, inlets and drainage for the site.

Mr. Reich commented but it would still be split between the two units.

Mr. Geraghty stated drainage easements would be where the pipes are going from the back of the lot to the front of the lot.

Ms. Skilling indicated you have this, there are drainage swales in the back of your lot for both properties. The thing is if you have back to back a water main down there it's a good thing but this area here is going to be again problematic because you're not going to be able to put anything down in there. Number one you have slopes and then it's also drainage so we're not going to allow anything to go in there.

Mr. Reich stated my point is though that drainage there, whatever you want to call it, that

drainage area is coming out of the one hundred twenty five foot lot depth on both sides. So if its twelve foot wide, six comes out of this one and six comes out of that one. Right or wrong?

Mr. Keefer responded that is incorrect, because what's happening and it might be better to look at your copy. What you can see here is this is road grade and then there's what's typically known as a ledge that then goes down. The house would sit in here and this would be a walk out condition where when you come in the front first floor and then you walk out the back from the basement. And in between this lot and that lot there's a slope because this lot is graded level because that is what is known as an inground lot because the basement is in the ground.

Mr. Reich indicated but you're going to be making a drainage area through here that is going to be sloped on both sides.

Discussion continued regarding the grading and Stormwater Management of the site.

Ms. Linkey commented so from front to back there is one hundred twenty five feet. So what you're saying is that out of the back you're taking about twelve feet out because of the swale or the slope that will be unusable because of the easement.

Ms. Skilling responded well it would be such that you couldn't put anything in there.

Mr. Reich indicated that's what I was saying before out of both sides.

Ms. Linkey questioned so out of one hundred twenty five feet, how much is usable.

Ms. DiPietro indicated that is typical of subdivision layouts.

Ms. Skilling stated you should have explained that a little bit more in detail because that is something, and that is why we need details on how this drainage works because when I go through and I look at the back of the lot where we have to deal with people coming in here and ask for permits for a shed or a pool, these things become very problematic. We do not allow them to go in the setbacks obviously. We do not let them go in any drainage easement and if there is slope we have to look at those things. That's the only thing we're looking at because we'll have to deal with these areas or in some of these other areas where we get in a situation that you can't do it. So just for the development standpoint they need to know that that it can become problematic because we're going to have eighty one homes in here and have eighty one people coming in here yelling and screaming they want a shed, that becomes a problem for our Town. So that was the point I was trying to make. Yes, you have some space back there but it's not a lot.

Mr. Reich asked is there going to be cause for, Ms. Skilling where a piece of property like Beacon Point, that says you can't plant a tree here because you can't block the view of the Chesapeake Bay, you can only have a fence, what is that called for a community.

Ms. Skilling replied you don't have that here.

Mr. Reich asked but why wouldn't there be a covenant that says you can't build, when this developer says you can't build past this line.

Mr. Geraghty responded you already have that because your rear yard setback is thirty feet. So from the property line you couldn't build a shed anyway. From the back property line toward the front of the property the Town has a thirty foot setback requirement as to you can't put a shed or a pool there. Despite the fact that the grade doesn't work, if the grades were perfectly flat between the houses you still couldn't because of the rear setback in the Code wouldn't allow you to do that.

Ms. Skilling replied we do have a setback but again we do allow some sheds in that setback but the problems with this particular case if you have that drainage swale and use it for drainage there would be concern. And a suggestion I had made here was I think the final Stormwater Management Plan needs to be approved by the County because they have a concern with it as well. And in order for us to move forward I think we should make sure the plans are approved which is going to be a standard that the County will require in all cases now with the new regulations. Anything that we develop, a Stormwater Management Plan is going to really drive whatever goes there, and that's what we need to do. We are concerned about that and Forest Conservation has to be out of there and look at other ways that are possible or in other areas on site. Those are the two options right now.

Ms. Brock questioned Ms. Skilling, in regards to the Stormwater Management I believe we have to have that approved before Final Site Plan approval and that is a requirement, a Stormwater Management requirement for Final Site Plan approval. I would like to make that a condition so that way they can continue to move forward...

Ms. Skilling interrupted all I'm saying is right now the County is asking us to look at that. I'm asking them to make sure we get this approved because of these concerns we have with the swales at the back of the property and how that will be addressed and will the stormwater as it is addressed here with that slope going to be acceptable because I think it is problematic with us. Are they going to think that's adequate because we had this discussion.

Ms. Brock asked is this going to have to change with the new stormwater regs. Do you see any problems with that.

Mr. Geraghty responded but if we go forward with the County, we have to submit the Stormwater Management Plans to the County and they are satisfied that the stormwater management works on the site that's a condition of us coming back to you for Final Site Plan approval. So we have to work with the County to get that approved before we could start construction. We've got in with the County and if they say they're not going to approve this Stormwater Management Plan then we couldn't proceed with this plan, and

we'd have to start all over again.

Mr. Keefer stated the Stormwater Management Plans have been submitted and Sediment and Erosion Control plans have been submitted to the County and we've gone through that review.

Ms. DiPietro indicated they have gone through two reviews at the County and we're still under the 2000 regs.

Mr. Keefer commented from a typical Preliminary Plan standpoint we are way ahead of what normally you would see in terms of Stormwater Management.

Ms. Brock asked so you don't need to follow the new stormwater regs, the ones that went into effect May 2010.

Mr. Keefer responded correct.

Discussion continued with explanation that Cecil County instituted new Stormwater regulations effective May 4, 2010 but this project is not subject to that because this was already submitted to the County before that.

Ms. Skilling indicted the County has a policy that after that though that the Town do not approve anything, conceivably you could do a Concept but anything beyond that, the reason being the new stormwater regulations have a lot of potential where the layout could completely change therefore, conceptually you may want to look at it but you can't do any approvals because the stormwater is going to be the major component of the development from now on. Just for your information, the Towns have agreed with the County that we would not move forward with any approvals until Stormwater Management is approved by the County because it puts the burden on all of us to approve something when in fact it may not be approvable because stormwater hasn't been finalized. The new regulations do not apply to this one because this project had already started through the system and I already checked with the County but we're recommending that that Stormwater Management be approved, and yes, it does have to be approved prior to final subdivision and you can make that conditioned upon as we have in the past that Stormwater Management be approved prior to any kind of approval of any subdivision. I'm going to continue through my comments:

3. *It is recommended that the final stormwater plans for the site be approved prior to preliminary site plan approval in order to address lot configuration. As mentioned above, the existing Stormwater Management swales are problematic. Stormwater infrastructure should be located in a common area and protected by an easement.*
4. *All set backs should be delineated on lots.*

5. *The sanitary pump station proposed to be located off site on Town owned property must be located on site and dedicated to the Town. Any Town property for such use would have to be approved by the Mayor and Commissioners.*

Ms. Skilling stated I don't remember the discussion, but Planning and Zoning really can't approve an offsite especially on our own Town property. The Mayor and Commissioners would have to make that decision. It's been recommended by our engineers and I believe I checked with Town DPW, it would probably be best that it be on site because we do have a lot of lease agreements with various telecommunications and whatever, and there is a lot of infrastructure on that site. It used to be where the old water tower was on Cedar Corner Road so to put anything there probably would not be appropriate. We feel it should be onsite but we did talk, I did discuss today about deepening those wells for potential future use. We're going to have a meeting tomorrow but the well should accommodate any potential future growth. In other words, that pump station should have accommodation for potential future growth. Not that you have to put any extra pumps in there or anything, we're talking about the well.

6. *The trail section on the south east side of the Stormwater Management facility is shown within a fenced area. The trail should be relocated outside the fencing. Will the trail be a private trail?*

Discussion continued regarding the trail, to be a private trail managed by the homeowners association and will be located outside the fenced area.

7. *The preliminary site plan should indicate the cross-sections of the various proposed roads and trails and the anticipated extent of public dedication.*

8. *Per discussions with Michael Troxell from URS -The approach lanes into the round about have been designed with straight tangents and small radii to enter the round about. This design will not accommodate larger vehicles such as trucks and school buses. The approaches should be redesigned to incorporate greater radii and/or taper so that vehicles will be able to negotiate the turns.*

Ms. Skilling stated the only reason I'm saying this is we've had instances in this Town and one good example that I can think of is at Otsego coming over here where the trucks can't make that turn but the newest development is over at Dunkin Donuts, if you've gone through there. I have a Voltswagen and I have a hard time negotiating that turn. SUV's go over the curbs all the time. And that's just with small vehicles. We need to have those radii so that people can negotiate those turns.

Mr. Reich indicated and not only that, we've got to be able to get fire trucks in there, and that's a big deal.

Mr. Keefer responded obviously we know that and we will design it so that the vehicles that are going to be using it can use it and to that end, Ms. DiPietro has looked at turning radius of school buses, a larger truck, actually a tractor trailer, and we are

prepared to make some modifications to the round-a-bout and to other turning movements. We actually looked at what if they want to come in and turn around and go back out or what if they actually come in here and go all the way to the end and turn around. That will be part of our final engineering that we demonstrate and we can even show them if you would like to see the exhibit that we've done. And it may be adding a truck apron in it which we didn't show.

Mr. Geraghty indicated we talked about the pump station for that off-site location and if you feel it's not appropriate there we have other places where we can put it on-site. We do have a meeting tomorrow with the Town, URS and Public Works with regard to whether there are any pipes on that property so if we can't locate it there we're fine to relocate it. We're going to talk tomorrow about whether it would be satisfactory at those other locations on site but they're not going to be deep enough that it could serve other portions of the Town if it's annexed in.

Ms. DiPietro stated we also would like to work with the Town, with Ms. Skilling, to see if we can find a location on Town property because it is a low point and will work as our drainage area and we're already dedicating a piece of the lot to the Town so that we have a place to put it on.

Mr. Geraghty commented we'll have that meeting tomorrow.

Ms. Skilling indicated any decision of that to use any Town property will definitely have to go to Mayor and Commissioners for that use.

9. *74-11 Subdivision of Land regarding lots*
  - *The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development..... The orientation of homes on lots 7 and 71 will be awkward in its alignment. These lots should be eliminated and converted to open space/park.*

Ms. Skilling continued especially if you extend or change the turning within that area the approach lots to the round-a-bout. These lots should be eliminated as lots for building houses. I've tried to figure out various configurations of homes and it doesn't work and it just looks very problematic to put something on those lots.

Mr. Keefer indicated we have done this as part of our Sediment and Erosion Control plan and the mass grading plan or actually a site and grading plan for those lots and we have shown a typical building layout and how they would sit on those lots. And quite frankly we think with the houses fronting towards the open space in the round-a-bout, those might actually become premium lots. So you can see we have shown that they do fit houses on those lots, the same size houses we've shown on the rest of the lots.

Discussion continued regarding the two corner lots next to the round-a-bout with no rear yard and slopes with no space for accessory structures.



Ms. Brock stated we had issues with one of the big developments we're working on and because there is no rear yard and people wanting to put fences up and then put sheds up but they've got the setbacks of two front yards and two side yards with all the easements and swales running through the rear and they've got utilities, water and sewer, running through the two front yards of the corner and it's limiting them a lot to what they can put in, in terms of sheds with the setbacks and a fence and not block any utility access.

Ms. Skilling indicated if you look at the building restriction line on there that's going to show you really where you can build. And then if you have any drainage swales or steep slopes that's going to have to be a consideration if you want to put in a shed. We'll have to look at that when the plan is revised with all the building restriction lines and setbacks. But I think we still need to look at those two lots. Continuing with review comments:

- *Street lighting – This should be addressed in relation to the active open space and lighting throughout the community.*

10. *A rendering of the types of homes to be built should be provided.*

*The above comments do not preclude additional comments that may be necessary.*

Ms. Skilling commented are these going to be spec homes or are they individual lots that are going to be sold.

Mr. Geraghty responded we don't have a builder yet. We have some restrictions according to our Annexation Agreement to square footage, brick to grade, and we have a minimum price of three hundred thousand, so they will be typical of a larger development, 2 story, brick fronts at a minimum, brick to grade at the foundation.

Ms. DiPietro indicated what they're looking at here are some of our options until we find out exactly what will be offered, but the front elevation would have options of a full porch or a half porch, front load garages, different variety of other options depending on the builder selected.

Mr. Fortner asked when do they have to provide this in order to approve the Preliminary Plan.

Ms. Skilling responded part of the whole Preliminary Plan is to show at least what's going to be, a general idea of what's going to go there on that site and also shows us to determine on the site how things are going to be arranged and that's part of our regulations that there would be some kind of rendering to show approximately what these homes are going to look like.

Mr. Fortner questioned do you think this meets the intent.

Ms. Skilling replied it's up to you, some of the intent here, is this a Town scale design, or similar with that community which is Gotham Bush, it looks more of what I call out of Town type housing more so than in-Town type housing.

Mr. Reich commented it's the same as up at the farm at the top of the hill there, same types of homes in there, Beacon Point. And it kind of fits in with Gotham Bush area too to some degree, depending on which part of Gotham Bush you're looking at.

Ms. Skilling stated the design is very typical of what is out there already. One thing, again one thing I think needs to be addressed is street lighting which should be addressed in relation to the open space and the lighting throughout the community and I know in the final plans we'll talk about that, but I think it's worth discussing how that lighting is because you're going to have that common open area in the middle and then street lighting. Mr. Jack, do you have street lighting out there now in that area.

Mr. Fortner asked do you have a concept of what kind of street lighting you're going to have there, to pedestrian scale.

Ms. Skilling stated the only reason I'm saying there is a community right near there so we have to look at the plans and our Ordinance now requires street lighting but we have to be cognizant of the community there too behind it there as far as lighting, and that would be the scale that we like street lighting, similar to what is here in Town.

Ms. DiPietro responded well I think the Town has a regulation that there is a coach lamp required on each lot and I think we'll probably want to do something with that idea and incorporate that into our plan.

Mr. Keefer commented it'd be likely that each intersection would have a light, at least.

Mr. Geraghty stated what we intend to do is have some internal lights in the community open space, so maybe there would be a light at the turn-around and there will be other lights throughout as needed.

Ms. Skilling indicated the lighting plan should be submitted with the landscape plan, as part of that landscape plan, so when they submit that we can look at that as part of the Final Site Plan review and determine whether we think that's adequate for the development and whether it meets our Code. The coach light was part of the Ordinance for that type of subdivision.

Questions were asked about Stormwater Management Plan approval and comments from the County regarding the plan.

Mr. Fortner stated I'm going to open up for any public comment.

Fire Chief Ray Ryan indicated I have just a couple of issues. I think it was addressed before but I haven't heard anything back but first of all you were talking about the road

issue and I've seen them doing some surveys along the road there from what I believe is going to be near your entrance across from the old water tower out towards Route 40. That hasn't been addressed and what I'm concerned about also going back on the Town side and going up towards 222 where Mr. Jack himself even commented that he had tow trucks and tractor trailers going through his yard. Isn't that in Town limits on your side. And with the County side are we addressing that, and I also have fire trucks coming in from both directions in and out in a case of an emergency and more and more and more we come in contact with a dump truck or a tractor trailer stuck in the underpass down there. So, let's take first things first, are there any plans on how we're going to handle the road on the Town side of this where they are going to be coming in and out, a lot of people are coming in and out off of 222.

Mr. Jack responded I think, and please correct me, the Town line cuts across only about ten percent of my property, it comes right across my property line and then from there, where they have a sign up there where the County starts and goes toward the underpass.

Mr. Ryan said that road is the same width all the way across and having the same problem. You got to notice it because you saw a trailer or a tow truck in your yard one day and that hasn't been addressed to me. Are we doing anything to work on the width, because I'm going to have firemen going both back and forth the same time with this thing in case of emergency or with ambulances trying to get by with cars and I haven't heard how we're going to handle this yet.

Ms. Skilling replied one of the things we have to look at is do we have a road right-of-way because if we don't, we can't. And that's some of the concerns. I know, I understand the County has indicated some areas within the Cedar Corner site for potential expansion along their road. We don't have any, we were privy to and part of the discussion of the County road and what was finally decided, just for all and I think some of you are familiar with this, is that there really is nothing that you can do under the railroad tracks. State Highways has looked at doing some modification into, well I don't know if they can even do that off of Route 40 because we have a stream buffer, the stream area there and it's very hard to do anything off of Route 40. People will come in there and do like they always have, have to stop, there will be a stop sign there and there was discussion of putting up a mirror potentially to be able to see oncoming cars but other than that the County choose not to do anything else. There was one way, and I think Mr. Jack was part of that discussion here at one time and all of us, the Town as well as the County, said that was an area right now to leave it as it is. Will the traffic increase, obviously that's a yes.

Mr. Ryan responded that addresses the underpass but that still doesn't address my road access or my road width issue within Town limits.

Ms. Skilling replied what I'm saying to you is I have to look at those road right-of-ways and if there is actually any areas to expand. If it's not there, we can't, we'd have to take over, and we can't take property.

Mr. Ryan indicated I understand that and again now we've talked about this two or three months ago minimum and we haven't even addressed the road issue for that purpose within the Town limits itself, and to me I just don't understand why that wasn't addressed.

Ms. Skilling responded well I do have your letter here and we're still going as concept so those things are still being addressed.

Mr. Ryan continued you said lots 7 and 71, the orientation possibilities there because of the round-a-bout there it just causes a concern to me as far as apparatus placement but we'll have to wait to see the orientation of those homes. When you talk about the round-a-bout, I know you talked about tractor trailers but because they can bend in the middle and do a lot of things that my fire truck can't do I need to make sure it's going to be big enough for that.

Ms. Skilling asked what is your normal curvature radius for your fire truck.

Mr. Ryan replied I don't know.

Ms. Skilling stated we need to know that.

Mr. Ryan responded I do have that back at the station but I thought that was already taken care of but now that I think about it we were looking at Woodlands.

Ms. Skilling replied we need to have the information you think is relevant so that we can communicate that to the developer.

Discussion continued between the developer and Mr. Ryan regarding the round-a-bout.

Mr. Ryan stated this is more as a concern not from the Fire Company but as a member of the community, you have a play area where the benches are and you have some open space and I took it to be a place where kids could play and stuff like that.

Ms. Skilling responded that is the center median area and there are pocket parks in there. It's the main area in the center as well as several pocket parks within the community.

Mr. Keefer indicated there is a pocket parks proposed here where we're proposing the grass pavers to get fire apparatus in as a secondary access.

Mr. Ryan stated that causes concern for getting in the way of my fire apparatus but as far as the park area or what you call a pocket park I guess in the center median again from our point of view I'm concerned about kids playing out there, cars going up and down the road and I know there will be signs, but there are signs posted on Cedar Corner Road and the cars fly up and down there.

Mr. Keefer responded in the details we have speed reductions, raised crosswalks...

Mr. Geraghty commented and in addition, where the play area is it will be fenced.

Discussion continued regarding fire hydrant locations.

Ms. Skilling stated we can address that in my comments.

Mr. Reich commented he does mention in here "I wish to discuss the hydrant locations also but definitely need a hydrant location at the corner of Cedar Corner Road and Highbrook Boulevard and the southwest corner of Urban Avenue and the emergency entrances and so I don't know if that's in your plans but I want to make sure you get it.

Ms. Skilling replied what we do when we get these letters we also address it through our comments with our engineer as well. So some of these have been addressed and looked at on the plan but we can give them a copy of this letter.

Mr. Reich stated and he's asking for no less than an eight inch main going into the property due to the sprinklers in the houses and that sort of thing and possibly future expansion. He's looking at probably more than the normal project this size. And are we still at concept.

Ms. Skilling replied they are coming in for Preliminary approval.

Mr. Reich indicated and you're recommending that we don't approve Preliminary until we get a stormwater plan.

Ms. Skilling responded well my suggestion is that we at least make sure there is a Stormwater Management Plan approved. We have to have it approved prior to Final Site Plan anyway and they're working toward getting that done. My biggest concern again is the back of those properties where that swale goes and how that's going to affect those backup properties that are going to have to deal with a swale in the back of their property. I would really like to maybe have a conversation with Cecil County DPW and Ms. DiPeitro to look at that and see how we can address that. So if you're tentatively are conditioned upon getting that final approval we could move forward, at least they could move forward with working towards getting this signed, but we have to get a Stormwater Management Plan that would be agreeable to the Town as well as Cecil County.

Mr. Fortner commented and if the Stormwater Management Plan was to cause changes they would have to come back.

Ms. Skilling replied that is correct, they would have to come back to you if it were to cause any major changes in the plan.

Mr. Fortner asked they can't come back for the final and say well we had to change everything around.

Ms. Skilling responded they're going to be working on the engineering and you're going to have to approve a Final Site Plan anyway so what you're going to see is the changes that may have to occur in the Final Site Plan. You'd have to look at and approve or not approve. So I'm hoping that if once the final stormwater is done they can move forward to at least work towards a Final Site Plan which has to come back before you.

Mr. Reich indicated Mr. Chairman I'd like to make a motion that we approve the Preliminary Site Plan on the conditions that are in Ms. Skilling's comments, the important one being the stormwater plan but that also the letter from our Fire Chief and the issues he has are addressed in the Final Site Plan and are acceptable to him.

Mr. Steve Pearson questioned if I'm understanding on the Preliminary Plan, Harvest Lane, is that going to be just a emergency access.

Mr. Keefer responded that is one of the pocket parks.

Mr. Geraghty stated it will look like a walkway with benches on it but underlining that will be the emergency access. So that fire trucks and ambulances can use that to get in and out of there. It will have grass pavers that are supposed to stand up to truck traffic.

Mr. Ryan commented did I understand you to say a pocket park with benches so will we get fire trucks going in there.

Mr. Geraghty responded the space will be wide enough for everybody to get through.

Mr. Keefer commented the idea was to basically have a travel lane with benches to the sides.

Mr. Pearson stated I know Ms. Skilling has said it's hard to do anything around Mill Creek but probably a bigger issue and Mr. Jack can attest to this and anybody who is turning in to Gotham Bush is when you're coming down Route 40 and it would be unfair if they ever put this on a developer because it's something the State should have taken care of years ago, you literally have to make a ninety degree turn because there is no shoulder room because of the guard rail. And I think everybody who made that turn has looked in their rearview at that traffic bearing down on you at sixty miles an hour. Sometimes you just keep on going because you can't make that turn but it should have a declaration lane. It's a shame that with the extra cars that the State won't do something about it because it's going to get a lot worst. It's not tolerable now because somebody's going to get hurt. Whatever the number is going to be, one hundred, one hundred fifty cars, not that everybody is going eastbound, but just that much more and it shouldn't be pushed to a developer.

Ms. Skilling stated it's my understanding we're still working with SHA on some of these access permits through there and I have comments, and I did talk to Gary Davis on these issues and your consultant and I know at one time we did talk about a turn lane there but I think the problem is I think that is still up for discussion if we can even do it

on that shoulder area but it's very, very narrow there and then you have the stream area there too. That's the biggest concern. But has State Highway mentioned anything, do you know Ms. DiPietro for the access permit from Route 40 to Cedar Corner, off the road there.

Ms. DiPietro responded the access permit will require us doing work in the State road right-of-way.

Ms. Skilling commented well the problem was and we had discussed moving or at least putting in a turn lane in there off of Route 40 to make that turn more manageable onto Cedar Corner because as you say there is no pull over there really. There's actually a shoulder and that's it and if there is some way and we probably need to address that with State Highways. This has not been finalized with all the information from State Highways but we do have letters from them regarding Cedar Corner.

Mr. Reich asked well shouldn't the State take care of that because it's their road.

Ms. Skilling responded we're going to have to talk to them about the possibility of what can be done there. State Highways probably will not do it.

Mr. Reich stated I don't personally see why that should be put on the developer.

Ms. Skilling replied well the concern is with even to get them to do something there in their right-of-way, if we can even get it done it would probably be a good thing because there is a concern there to make that right turn there off of Route 40.

Mr. Reich commented I totally understand that but that road belongs to the State and if we can't touch it, it's not fair to them to force the Town to fix it and that's what we're doing by forcing them.

Ms. Skilling indicated I'm just following up on what State Highways is sending me and what they'll do. If we make the recommendation to explore that turn, then I'd have to contact State Highways and they'll explore that as a right turn in off of Route 40. Whether they'll do it or not, I don't know but we can look at that again, in our discussions on Cedar Corner some time back they had talked about expanding that shoulder to make that right turn.

Mr. Fortner asked any more public comment. At this point we'll have any discussion, any more discussion before we make a motion.

**Motion** was made by Mr. Reich and seconded by Mr. Oberholtzer to approve the Preliminary Site Plan conditioned on Ms. Skilling's comments including Stormwater Management Plan be approved with one revision that is they continue to look at the alignment of the homes and in addition to that they add into their plans the letter of April 11, 2010 from the Fire Company.

Mr. Fortner asked any discussion.

Ms. Linkey questioned with that motion Ms. Skilling's comment number three mentioned prior to Preliminary Plan approval. It seems it contradicts that.

Mr. Reich stated I should have said we make the approval conditioned on getting that approved.

Mr. Fortner indicated the same as with comment number five, you are going to work out.

Ms. Skilling replied the Stormwater Management Plan has to be approved before we can move forward with Final Site Plan approval, but they can be working towards getting that approval because their Final Site Plan that they have to submit here is going to be based on whether that Final Site Plan is approved by the County.

Mr. Fortner stated one question I have, if they go through the Stormwater Management and they give a lot of recommendations that they have to take and it rearranges their whole site plan, at what point do they have to come back, if they lose a few lots here or there I don't think it's a big deal but what if they have to rearrange the whole thing. Does it, at what point does it come back and they have to go through Preliminary again or Concept at some point.

Ms. Skilling responded just for discussion that's exactly why Cecil County is going to make provisions in the future, not this plan, in the future a Preliminary Plan is not approved until Stormwater Management is approved because it will, under the new regulations, impact development.

Mr. Fortner asked should we put something in this where we say if it changes the site plan some amount that it has to come back.

Ms. Skilling replied that's up to you.

Mr. Geraghty stated as I understand this, and why we do it this way as Concept, Preliminary, Final is to be consistent with the County but if you find it's not consistent with regard to your code, you would turn down the Final.

Ms. Skilling commented all these things, I agree all these things should be followed through before we get a final plan and all that has to be approved and that will come before you. If there are any changes you're going to have to look at them.

Mr. Keefer indicated we're in a process right now that it's fairly safe to say it's not going to change drastically because we've already gone through two reviews. If they're going to change the concept of Stormwater Management they should have done it to us already.



Mr. Jack stated I want to just point out too, just for comment, but URS made the same comment under general about the safety of that park area in their review letter dated May 4, 2010, of the safety issue there.

Mr. Keefer asked you're talking about the design of the round-a-bout.

Mr. Jack replied no, it was the whole park area. Their comment was that the neighborhood park required area is designated on the plans and located in the median of Highbrook Boulevard and does not seem to be an appropriate safe area to be located for a neighborhood park for a tot lot. I just brought it up, I don't want that to be ignored but we had talked about that before and we passed it on.

Mr. Reich stated I thought we as the Planning and Zoning Board had discussed that and said with the right fences and the right blockage we thought it was safe.

Mr. Fortner indicated agreed.

Mr. Jack stated I was just making the comment.

Mr. Fortner commented I read that as well and I think they were overlooking the fact that we have traffic control and calming measures there including parking along the park and fences as well so I see it as a very safe place. Ok, we have a second, so any more discussion.

**Motion** was made by Mr. Reich and seconded by Mr. Oberholtzer to approve the Preliminary Site Plan conditioned on Ms. Skilling's comments including Stormwater Management Plan be approved with one revision that is they continue to look at the alignment of the homes and in addition to that they add into their plans the letter of April 11, 2010 from the Fire Company. **All in Favor. Motion Passed.**

**Motion** was made by Mr. Reich and seconded by Mr. Jack to adjourn the meeting at 9:15 p.m. **All in Favor. Motion Passed.**

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator