

Minutes

Walkersville Planning Commission Meeting

December 13, 2022

Commission Chairman David Ennis called the meeting to order at 7:00 p.m. with members Mike Kuster, Dick Brady, Ray Santullo, Nathan Shatto, Russ Winch and Gary Baker present. Also present were Town Planner Susan Hauver, Town Manager Sean Williams and Communications Specialist Ashley Bailey. The meeting was also live-streamed on the Town's website.

1. Minutes

Member Kuster made a motion, seconded by Member Winch, to approve the minutes of the November 8, 2022 meeting as corrected. The motion passed on a vote of 7-0.

2. S&V Industrial Park Parcel 2, n/s Pennsylvania Ave, Mill Street—site plan for Walkersville RR stock yard and auxiliary parking, LIP District

Planner Hauver reviewed the staff memo for outdoor storage on a vacant lot north of Pennsylvania Avenue on Mill Street. The applicant recently acquired the property and would like to use it to store construction materials and equipment and for overflow parking for the Walkersville Southern Railroad excursions. The previous owner leased the property to several individuals/business for storage and the applicant has been working to get the junk on the property removed.

Mr. James Haislip, of SPL, LLC, said that he purchased the property to store electrical conduit for a construction project in Frederick, but whether the project happens is uncertain. He is involved in the Walkersville Southern Railroad and he plans to let them use the property. He has been working to clean up the junk left on the property by the previous owner's tenants. The property is gradually being cleared. He noted the railroad has upcoming projects for which they need the lot for storage of materials. They will also use the property for overflow parking for the busiest train rides at Christmas and Easter. The lot has a gravel base and they recently added fresh stone.

Member Brady asked about screening and Mr. Haislip noted that the back property line is screened by an existing tree line. He said they could add trees on the south side of the property (facing Pennsylvania Ave). Mr. Haislip felt that the existing trees around the property provided a suitable buffer.

In response to a question, Mr. Haislip said he did not plan to mark parking spaces on the property.

Member Winch noted the need for security and warned about vandalism.

It was noted that the overflow parking would add to the foot traffic crossing Pennsylvania Avenue.

Mr. Winch noted that the parking would be useful when the Town begins the Maple Avenue project, since residents were offered use of the Town lot ("potato patch") if access to their driveways were restricted by the construction.

Chairman Ennis noted that the applicant needed to comply with the requirements of the Wellhead Protection Ordinance.

There were questions about the status of the Mill Street right-of-way and whether it is a public street. Ms. Hauver said that her research was not definitive.

In response to a question, Mr. Haislip said that there would be no fuel stored on the property.

Commissioner members requested the applicant submit plans showing screening and the Wellhead Protection Phase 1 application. Member Santullo thanked Mr. Haislip for cleaning the site up.

3. 28 Pennsylvania Avenue, Leon Fink—site plan to add a storage building for classic car collection, OTM District

Planner Hauver presented the staff memo, noting the number and square footage of buildings on the lot, describing the use as described by the property owner, highlighting the possible need to address stormwater management and reviewing the standards for developments in the Old Town Mixed Use District.

Mr. Leon Fink, the property owner and Mr. Justin Funk represented the applicant. Commission members asked Mr. Fink how many vehicles are on his lot. Each of the four existing buildings houses three cars, and there may be four cars outside. In addition to his collection, Mr. Fink and his wife own vehicles they use for commuting to work.

Member Winch reviewed the requirements of the Old Town Mixed Used district, noting the requirement to find that the structures complement the neighborhood. The question for the Commission is to determine whether the proposed building fits in the neighborhood. Mr. Fink said the building will match the other buildings on his property.

Member Brady asked if he shows the cars on his property and Mr. Fink said that he takes them places to show them. He has 17 or 18 old cars or “show cars” and his every day driving vehicles. He currently has capacity for 15 old cars in buildings.

Member Winch asked Mr. Fink if he would install a fence. Mr. Fink said that he would, after he locates his property corners. Mr. Winch said he should talk to his neighbors.

Chairman Ennis noted the need to follow up with Frederick County on compliance with stormwater management requirements.

Ms. Susan Hayes, 47 Maple Ave, noted her property backs up to Mr. Fink’s. She asked about how the new building would be accessed. She said she does not think she would have purchased her property had she thought so much green space behind her would be lost. She also noted an environmental issue with repairs and maintenance of the old cars, noting that car washes are required to have sand filtration drainage systems.

Mr. Todd Himes, owner of 51 Maple Avenue (Abloom Florist) and his residence at 43 Maple Avenue, noted his proximity to Mr. Fink’s property on more than one side. He noted that the on weekends a lot of people come to see Mr. Fink’s cars. He questioned whether Mr. Fink had titles to all the cars on site. He said that one vehicle located outside the buildings has no rear tags and noted that the classic car tags might not correspond to titles in Mr. Fink’s possession. He noted that there were 16 cars parked outside on the property as of the Sunday before this meeting, not counting the vehicles stored in buildings. He also complained about tires stored on the property, as well as car parts such as hoods and bumpers. He said that stormwater management was a real issue requiring a professional engineer to do calculations of impervious surfaces and rooftops. He can smell gas in the summer and is concerned about wellhead protection.

Mr Himes also displayed a postcard advertising FNK Classic Cars that are available to customers at area businesses. He argued that Mr. Fink is running a business, evidenced by advertising and sales. He sees cash exchanged on the property. He also noted that there are business owners in Old Town who are doing the right thing, and noted that Abloom served as a model when the OTM regulations were written. He doesn’t want a junk yard or used car lot on the property and asked the Commission members to put an end to it on this property and others on Pennsylvania Avenue. He complained about dust, exhaust, and the noise of idling vehicles. He encouraged Commission members to count the vehicles on the property, see the pickup truck with no tags, and to question Mr. Fink’s testimony that he is not running a business.

Mr. Lamar Estridge, president of the Mill Run homeowners association, noticed the pole barn built in 2019 and has seen vehicles parked around it. He is concerned that an additional building would be awkwardly placed and there would be more vehicles around it. He is concerned about property values. He noted Ports Circle is above the site and a fence might not screen the property.

Mr. Justin Funk, on behalf of the applicant, said a building could remedy the view of cars parked on the lot. He also said he and Mr. Fink’s YouTube channel is only a hobby. They are not paid. He said Mr. Fink has friends visit the site. He also noted that Mr. Himes has an untagged vehicle on his property. Mr. Fink said Mr. Himes number of the vehicles on site is an exaggeration.

Member Baker said Code Enforcement can check Mr. Fink’s cars and registrations.

Member Santullo asked about the cash being exchanged, and Member Shatto asked if they keep records of sales. Mr. Fink said he sells a car when he gets another one. Member Winch noted sales need to be reported to the IRS. Mr. Shatto said the issue is whether Mr. Fink is running a business. Mr. Fink disputed that claim. Mr. Shatto said that Mr. Fink should be able to produce records of sales to staff. Member Santullo said a fence might be a solution.

Member Winch said reviewed the criteria for new development in the OTM District. He felt the relation to the adjacent properties was the key issue. Commission members discussed landscape screening and a fence.

Member Winch said that the lot meets the square footage restrictions in the Code and reviewed other Code requirements.

In response to question, Ms. Hauver said the issues to consider are stormwater management, wellhead protections, the relationship to the OTM requirements, screening and the view from Ports Circle, and whether Mr. Fink is running a business. Member Winch said that they would need to approve the building if the applicant meets all the Code requirements.

Chairman Ennis said the applicant needs to address stormwater management, fencing and landscape screening, a review of the titles and vehicle registrations, and wellhead protection. Member Brady said they need to see a screening plan.

Chairman Ennis said that the item would be tabled until the applicant addresses the above-mentioned issues.

4. Public Comments

Ms. Suzanne Koppanen, Zinnia Terrace referred to her email to the Commission regarding the 11 acre property Pennsylvania Avenue currently for sale. She would like to see the town purchase the property for a park. She said that she and her neighbors and others in Town do not want to see the property developed. She referred to the presentation by Hercules at the October meeting. Chairman Ennis noted that property owners and others are welcome to present ideas to the Planning Commission as part of the Comprehensive Plan update process. Interest in a park would need to be presented to the Parks Commission and Burgess and Commission members. A change in the Comprehensive Plan designation on the property would not change the R-1 zoning on the property.

Mr. Todd Himes suggested that Comprehensive Plan include a recommendation that the Old Town district regulations be reviewed, as there are loopholes. He also cited the parking issues, particularly the number of vehicles parked on Pennsylvania Avenue.

Mr. Lamar Estridge, 106 Ports Circle, noted that he's noticed that open space keeps being taken away since he came in 2018. He cited the loss of open space caused by the construction of the Rock Creek School. It is what makes the Town attractive to people and asked that the Planning Commission keep the preservation of open space in mind.

Chairman Ennis reviewed the upcoming meeting schedule.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Susan J. Hauver