

**MINUTES
BOARD OF ZONING APPEALS
CASE A-219**

The Hampstead Board of Zoning Appeals held a continuation of the June 7, 2017 hearing for Case A-219 on Thursday, July 6, 2017.

Mr. Don Stolkovich, Chair of the Board, called the hearing to order at 7:00 p.m. The following Board Members heard this case: Mr. Stolkovich, Ms. Carol Irvin and Mrs. Vickie Watts. Present from the staff was Lorena Vaccare, Assistant Zoning Administrator. Town Attorney Michelle Ostrander was also present.

Guests present: Chris Richards of GMS Holdings, LLC [Greenmount Station] (Appellant), David Richardson of the Maryland Thoroughbred Horsemen's Association (affiliated with Appellant), Nicole Hart-Richardson of DNLR Enterprises [an entity shared with David Richardson], M. Jackson, Patty Leaf, JoAnn Hayden, Sal Sinatra of the Maryland Jockey Club (affiliated with the Appellant), Frank Schreiberman, Dylan Schreiberman, Brenda Schreiberman, Frank Esposito, David Hayden of the Maryland Racing Commission, Craig Gegorek, Council Member Marlene Duff, Planning and Zoning Commission Members Deb Painter, Jim Roark and Steve Rogers, Chuck Wilson, Karl Mauck, Carey Sczepucha, Jeff Chenowith, Joe Ostendorf, Steve Oates, Jamie Sieck, Rebecca Sieck, Marsha Herbert, F. Douglas Harrell, Mayor Chris Nevin and Dave Thomen.

CASE A-219

On July 6, 2017, the Board of Zoning Appeals received additional evidence concerning the appeal Case A-219. At the initial hearing held on June 7, 2017 the appellant requested a Conditional Use to operate an Off Track Betting [OTB] venue at his property at 1631 N. Main Street in the General Business zoning district. At that hearing the Board received evidence and heard testimony regarding the Case and approved a continuation of the hearing in order to review aforementioned additional requested evidence, specifically to review evidence of adequate parking.

Michelle Ostrander, Town Attorney, reiterated that this evening was a continuation of the June 7, 2017 hearing at which the Board had one specific question to ask of the Appellant and asked the Appellant to return at this evening's continuation to provide the specific information. Mrs. Ostrander clarified that no other information is being provided, neither the Appellant's nor the Protestant's testimony is being reopened and that the Case itself is not being reopened. She continued by explaining the Board's procedure: to hear the specific information [evidence] from Mr. Richards and Mr. Richardson, to close the hearing and deliberate the case. Mrs. Ostrander emphasized that the Board would deliberate openly so that the public would be aware of what the Board is basing their decision on. She also reiterated that public comment was received in the initial hearing on June 7, 2017 and that the public input part of the hearing was completed at said hearing.

Prior to presentation of the evidence, Ms. Irvin made a motion to approve the minutes from the initial hearing on June 7, 2017. Mrs. Watts seconded the motion. The motion passed with three votes for, no votes against and no abstentions.

The Appellant affiliate David Richardson presented the additional evidence, to wit, a letter from David Richardson and Nicole Hart-Richardson as the corporate entity of DNLR Enterprises wherein they conveyed information concerning their purchase of Greenmount Bowl on July 5, 2017. Said letter also stated that Greenmount Bowl, now owned by aforementioned entity, "has agreed to lease sufficient parking to Greenmount Station restaurant to serve as overflow parking for the operations of not only the satellite simulcast wagering facility, but Greenmount Station restaurant as well." Said letter continued "It is this agreement that will solve, once and for all, the never-ending frustrations between Greenmount Bowl, Greenmount Station and Almost Family Child Care Center regarding adequate parking for each business's customers." Also included with this letter was a press release regarding the purchase of Greenmount Bowl, as well as a letter from Sal Sinatra of the Maryland Jockey Club stating the following:

“It is our goal to be a good neighbor and a valuable member of this community. Thus we wish to make clear that Maryland Jockey Club intends to enter into a lease agreement with the entity that owns and operates Greenmount Bowl for additional parking to service our facility and Greenmount Station Restaurant. We believe this arrangement will solve long-standing parking challenges that have plagued Greenmount Station and Almost Family Child Care Center.”

Mrs. Ostrander requested clarification on the ownership and principality of DNLR Enterprises and whether the entity was incorporated. Mr. Richardson replied that he and his wife Nicole do own and are principals of DNLR Enterprises and affirmed that said entity is incorporated.

Mrs. Ostrander requested confirmation from Mr. Richards of his understanding of the agreement with DNLR Enterprises regarding the parking. Mr. Richards affirmed his understanding of said agreement and added that he believes there will now be adequate parking, that there will be no specially designated parking which would leave empty parking spaces on the Greenmount Bowl parking lot, but rather a community parking “first-come, first-serve” lot that will adequately fill all parking needs.

Mr. Stolkovich asked Mr. Richards if he had a letter of intent from the owner of Greenmount Bowl regarding said parking agreement. Mr. Richardson replied on behalf of Mr. Richards and stated that the letter from the Maryland Jockey Club effectively stated that the venue would not be opened unless the parking agreement is valid. Mr. Richards stated that the purchase of the bowling alley just occurred yesterday. Mr. Stolkovich inquired as to how the settlement happened so quickly, to which Mr. Richardson replied that he had been working on the deal for the last year and a half. Mr. Stolkovich stated he had no knowledge of the required final water meter readings and other utilities which usually precede a settlement or property transfer. Mr. Richardson asked if Mr. Stolkovich would like to see the loan papers, to which Mr. Stolkovich replied he would. Mrs. Ostrander interposed with an apology and reiterated that the conditions of the hearing related only to parking. She requested reiteration from Mr. Richardson that the settlement is complete, to which Mr. Richardson replied yes, the settlement is complete, that DNLR Enterprises is a joint venture between he and his wife and that they are the current owners of Greenmount Bowl. He continued by stating that this was not because of the OTB but that the OTB is a result of their desire to save Greenmount Bowl for the community and that is the reason why they have been working on the purchase for a year and a half.

Mrs. Ostrander closed the testimony portion of the hearing related to the presentation of the requested additional evidence.

The Board deliberated on the case.

Mrs. Watts stated she was satisfied with the parking situation based on the information presented. Ms. Irvin stated she was satisfied as well and had been on June 7, 2017. Mr. Stolkovich stated he did not like it [the situation] and doubted the veracity of the letters, but that he would accept it as presented.

Mrs. Watts made a motion to approve the Conditional Use to operate an Off Track Betting [OTB] venue at the General Business zoning district as applied for in Case A-219. Ms. Irvin seconded the motion. A roll call vote was taken: Mrs. Watts voted in favor, Mr. Stolkovich voted in favor and Ms. Irvin voted in favor. The motion passed.

Mrs. Ostrander stated that the Board’s business was complete regarding this case.

Mr. Stolkovich made a motion to adjourn the hearing. Mrs. Watts seconded the motion. All were in favor. The motion passed and the hearing was adjourned.

Submitted by:

Approved by:

Lorena Vaccare, Assistant Zoning Administrator

Don Stolkovich, Chair