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THE PRINCE GEORGE'S COUNTY PLANNING BOARD OF
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

7. DSP-21032 5801 ARBOR STREET PROPERTY
Regular Meeting, PPS DSP-21032

T R A N S C R I P T
O F
P R O C E E D I N G S

COUNTY ADMINISTRATION BUILDING
Upper Marlboro, Maryland
April 27, 2023
VOLUME 1 of 1

BEFORE:

- PETER A. SHAPIRO, Chairman
- DOROTHY F. BAILEY, Madam Vice-Chair
- MANUEL R. GERALDO, Commissioner
- A. SHUANISE WASHINGTON, Commissioner
- WILLIAM M. DOERNER, Commissioner

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OTHER:

DOMINIQUE LOCKHART, Staff
THOMAS BURKE, Staff
KENNETH FLANAGAN, Staff
JAMES HUNT, Division Chief, Development Review Division
DELISA COLEMAN, Senior Counsel
NATHANIEL A. FORMAN, Attorney for Applicant

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Nathaniel Forman	6
Nicole Nies	8

P R O C E E D I N G S

1
2 CHAIRMAN: We move on to our next item, Item 7, on
3 our agenda. This is DSP-21032 5801 Arbor Street Property.
4 This was continued from March 16th, 2023, Planning Board
5 Meeting. This is a request for a continuance again.

6 We'll turn to Ms. Lockhart who will give the staff
7 presentation.

8 And I also want to note that Mr. Forman will be
9 representing the applicant.

10 We did have one or two folks who signed up to
11 speak. I'm not sure they're aware that this is a request
12 for continuance, but after we hear from staff and the
13 applicant, we'll turn to them to afford them the opportunity
14 to speak. But again, this is a request for a continuance.

15 Ms. Coleman?

16 MS. COLEMAN: I just wanted to remind the Chair
17 that he needs to swear in any persons who are going to
18 testify today if the people who signed up to speak want to
19 actually speak.

20 CHAIRMAN: So is that in -- all right. I just
21 want to make sure. So this is -- even though it's a request
22 for a continuance, Ms. Coleman, advise me, do they have any
23 opportunity to speak on the merits of the case if this is
24 just a request for a continuance?

25 MS. COLEMAN: No, it would still be based upon the

1 continuance, but if you're giving them the opportunity to
2 speak, and it's kind of part of the process of whether or
3 not the Board is going to grant the continuance, you should
4 swear them in.

5 CHAIRMAN: Okay. I don't have my swear-in
6 language from the evidentiary hearing, so I think it's safe
7 to say if I do the traditional swear or affirm to tell the
8 truth, the whole truth, and nothing but the truth; is that
9 adequate?

10 MS. COLEMAN: That would work.

11 CHAIRMAN: Okay. Great. All right. So if we get
12 to that, we'll get to that. So we'll start -- thank you for
13 that, Ms. Coleman.

14 So we'll start with Ms. Lockhart for staff
15 presentation. Take it away. The floor is yours.

16 MS. LOCKHART: Okay. Thank you. Again, for the
17 record, I am Dominique Lockhart with the Zoning Section.
18 Item number 7 on the agenda is a request for a continuance
19 of Detailed Site Plan DSP-21032, titled 5801 Arbor Street.
20 The applicant for this case has requested a continuance to
21 the June 29th planning board agenda to allow the town of
22 Cheverly Planning Board to make a recommendation on the
23 proposed Detailed Site Plan.

24 Staff recommends approval of this request for
25 continuance. Thank you.

1 CHAIRMAN: Thank you, Ms. Lockhart.

2 Commissioners, questions for staff on the request
3 for continuance?

4 COMMISSIONER DOERNER: Yeah, I have a quick
5 question. So I don't think this was in the town of
6 Cheverly's jurisdiction. I just wanted to verify if it was.

7 CHAIRMAN: You mean within the boundaries of the
8 town itself?

9 COMMISSIONER DOERNER: Yeah, like, I don't this
10 property is actually annexed within the city limits. But I
11 could be wrong, so I just wanted to verify that.

12 CHAIRMAN: Do you have that Ms. Lockhart, or
13 perhaps Mr. Forman will be able to get to that?

14 MR. HUNT: Mr. Chair, this is James Hunt with the
15 Development Review Division. I believe the -- it may not be
16 within the town's jurisdiction. However, since it's within
17 one mile radius of the town, that's the reason why we have
18 to reach out to the town of Cheverly.

19 COMMISSIONER DOERNER: Okay. And did they -- so
20 my subsequent question would be, like, why didn't we have
21 that already in the staff report? Because we didn't have
22 anything in there about recommendations or whether or not we
23 had reached out to the Town if they didn't provide any
24 recommendations.

25 MS. LOCKHART: They haven't provided any comments

1 to us as of yet. It was referred out to them, but they
2 haven't given us any documentation.

3 COMMISSIONER DOERNER: Okay. So it might be
4 useful just going forward if we do have cases that are
5 within a jurisdiction of a municipality or that's within
6 that one-mile limit, if they just haven't responded, that it
7 would be helpful, I think, to have that in the staff report
8 just to kind of cross all of our t's and dot all of our i's.
9 But that's it for me.

10 MR. HUNT: Yeah, absolutely.

11 CHAIRMAN: Thank you, Commissioner.

12 Any other questions for staff?

13 I'll turn to Mr. Forman. If you could introduce
14 yourself for the record?

15 MR. FORMAN: Good morning, Mr. Chair and members
16 of the Planning Board. My name is Nate Forman, and I am the
17 attorney here on behalf of the applicant in this case. We
18 are in agreement with Park and Planning staff about the
19 continuance. I do want to thank them for their continued
20 assistance in trying to give us patience while we do work
21 with the town of Cheverly on this project.

22 And Commissioner Doerner, if I can maybe answer
23 your question about why the Town has not provided any
24 recommendations yet, in that we have been working with both
25 the town of Cheverly, mayor, and city council, and their

1 planning board which serves as an advisory body on planning
2 and zoning matters that are of interest to the town. And
3 we've had time to make sure that when they do respond that
4 they are going to be recommending support. So I think they
5 haven't made any final decisions yet, and that's why there's
6 been no -- anything introduced in the record.

7 We've had issues with getting everyone to common
8 ground. The Town only meets once a month, and the planning
9 board only meets once a month. So when we don't get into a
10 meeting in time, we kind of miss the window and a whole
11 month goes by before we can actually get forward with any
12 sort of discussion or debates among the whole planning board
13 or among the whole mayor and town council.

14 It is my understanding that after having met with
15 the mayor and town council at least twice, the town of
16 Cheverly planning board at least three times to talk about
17 concerns and modifications to our request, that we will,
18 when we come back in June, we will have, not only the
19 recommendation of support from the town of Cheverly, but a
20 revised detailed site plan that we think would be more in
21 line, or at least more appropriate for what would be aligned
22 with the planning goals and principals in this property.

23 CHAIRMAN: Mr. Forman, let me -- let's not get
24 anywhere close to the merits of it, though, because this is
25 just a request for a continuance.

1 MR. FORMAN: Okay. My apologies, Mr. Chair. But
2 yeah, yes. So I hope that provides a little bit of
3 background as to why we haven't heard from the town of
4 Cheverly yet.

5 CHAIRMAN: Thank you, Mr. Forman. Anything else
6 you want to bring to us, Mr. Forman?

7 MR. FORMAN: No. Just thank you very much for
8 your time and opportunity to speak this morning, and we are
9 in favor of the continuance request.

10 CHAIRMAN: Thank you.

11 Commissioners, any questions for the applicant?

12 All right. Seeing none, I have two folks on the
13 sign-up sheet by the name of Nicole Nies and Sabino Epiceno.

14 Are you both of you on the line? Are either of
15 you on the line? If so, can you either make your voice
16 heard or show up on camera?

17 MS. NIES: Yes, I'm on the line. This is Nicole
18 Nies.

19 CHAIRMAN: Okay. Mr. -- I think it's a Mr. --
20 Epiceno, Sabino?

21 Okay. So just Ms. Nies.

22 Ms. Nies, you do know that what is before is only
23 a request for a continuance. Is that what you wish to speak
24 to?

25 MS. NIES: Yes.

1 CHAIRMAN: Okay. All right. Then I'm going to
2 swear you in. Do you solemnly swear or affirm that the
3 testimony you will give will be the whole truth and nothing
4 but the truth?

5 MS. NIES: Yes.

6 CHAIRMAN: Okay. Thank you. Consider yourself
7 sworn in, and you have up to three minutes to speak, and the
8 floor is yours.

9 MS. NIES: All right. Thank you. My name is --

10 CHAIRMAN: I need you to identify yourself on the
11 record formally, by the way, Ms. Nies.

12 MS. NIES: Sounds good. My name is Nicole Nies.
13 I'm the Cheverly West 828 President, which is neighboring to
14 the property in question. In regard to the continuance,
15 this has been on the agenda monthly since December, and the
16 applicant did have the opportunity to meet with the town of
17 Cheverly more than once. So I do have a concern in issuing
18 this continuance that the intention behind it is that we
19 keep punting it down the road so that neighbors who have
20 signed up to speak in the past and address their comments
21 maybe miss the meeting, like has happened with one of our
22 neighbors, Sabino Epiceno, to voice their opposition to it
23 and to present their testimony. So it has been monthly
24 since December, and I know that they have already met with
25 the Town.

1 And we have talked with the lawyer Nate Forman
2 ourselves in discussion with our concerns, so we would just
3 hope that if this is continued again, maybe that we could
4 put a firm deadline on this, just because we've been
5 attending these meetings monthly since December, and they
6 have had a chance to meet with the Town. And we live in
7 closer proximity than the Town.

8 CHAIRMAN: Thank you, Ms. Nies. I appreciate you
9 taking the time to come testify. Some of this is -- the
10 procedures are such that their request for continuance can
11 be made, and we consider them at the time. I would
12 certainly hope that this June 29th is ample time for the
13 applicant so that this will be a final, as you suggest.
14 There's things that are not quite in our control around
15 that, but we hear you loud and clear. So thank you, again,
16 for taking the time and coming to speak with us.

17 Commissioners, any other questions for Ms. Nies?

18 Okay. There's no one else who signed up to speak,
19 so I'll close this hearing such as it is, and it's just a
20 request for continuance. And what is your pleasure?

21 COMMISSIONER WASHINGTON: Mr. Chairman, I move
22 that we approve the request for continuance to June 29th for
23 DSP-21032.

24 MADAM VICE CHAIR: Second.

25 CHAIRMAN: I've got a motion by Commissioner

1 Washington with second by Commissioner Bailey.

2 Any discussion on the motion for continuance?

3 COMMISSIONER DOERNER: Yeah, discussion. Do we
4 need the applicant to waive the action limit date, and --

5 COMMISSIONER WASHINGTON: It's already been waived
6 according to the staff report.

7 COMMISSIONER DOERNER: Well, was it waived until
8 to -- was it waived until that particular date?

9 COMMISSIONER WASHINGTON: There's no date on it.

10 CHAIRMAN: (Indiscernible).

11 MS. LOCKHART: My understanding it was waived
12 indefinitely previously.

13 CHAIRMAN: Well, (indiscernible).

14 COMMISSIONER DOERNER: Okay. Okay.

15 CHAIRMAN: Excellent. Thank you for asking. All
16 right. If there's no further discussion, did I begin to
17 call the roll already?

18 COMMISSIONER WASHINGTON: No.

19 MADAM VICE CHAIR: You did not.

20 CHAIRMAN: Okay. Great. I will now.
21 Commissioner Washington?

22 COMMISSIONER WASHINGTON: Vote aye.

23 CHAIRMAN: Commissioner Bailey?

24 MADAM VICE CHAIR: Vote aye.

25 CHAIRMAN: Commissioner Geraldo?

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COMMISSIONER GERALDO: I vote aye.

CHAIRMAN: Commissioner Doerner?

COMMISSIONER DOERNER: Vote aye.

CHAIRMAN: I vote aye as well. The ayes have it,

5-0.

(Whereupon, the proceedings were concluded.)

DIGITALLY SIGNED CERTIFICATE

ESCRIBERS, LLC, hereby certified that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Planning Board in the matter of:

7. DSP-21032 5801 ARBOR STREET PROPERTY 4-27-2023
Regular Meeting, PPS DSP-21032

By: Stacy L. Grate Date: August 6, 2023

Stacy L. Grate, Transcriber