

**From:** [Timothy Maloney](#)  
**To:** [Clerk of the Council](#); [Brown, Donna J.](#); [Walker-Bey, James T.](#)  
**Cc:** [Norman Rivera](#); [Timothy Maloney](#); [Marion J. Holland](#)  
**Subject:** Suffrage Point Remand Letter March 4 2024  
**Date:** Monday, March 4, 2024 7:53:12 PM  
**Attachments:** [Suffrage Point Remand Letter March 4 2024.pdf](#)

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TIMOTHY F. MALONEY, ESQ  
JOSEPH GREENWALD & LAAKE, PA  
[tmaloney@jgllaw.com](mailto:tmaloney@jgllaw.com) | **OFFICE:** 301.220.2200 | **eFax:** 240.553.1737

**Greenbelt Office – Mailing Address**

6404 Ivy Lane, Suite 400, Greenbelt, Maryland 20770  
**T:** 301.220.2200 | **F:** 301.220.1214 | [www.jgllaw.com](http://www.jgllaw.com)

**Rockville Office**

111 Rockville Pike, Suite 975, Rockville, Maryland 20850  
**T:** 240.399.7900 | **F:** 240.399.7901 | [www.jgllaw.com](http://www.jgllaw.com)

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March 4, 2024

**Via Electronic Mail Only:**

**ClerkoftheCouncil@co.pg.md.us; djbrown@co.pg.md.us**

Prince George's County Council  
Sitting as the District Council  
c/o Donna J. Brown, Clerk  
Prince George's County Council  
Largo, Maryland 20772

RE: DSP 21001 – Remand  
Suffrage Point  
March 11, 2024 District Council Session

To the District Council:

This office represents Suffrage Point in connection with the above-referenced detailed site plan which was remanded to the Planning Board. The hearing in this matter is now set for March 11, 2024, having been continued from February 26, 2024.

We understand that parties of record in opposition to this detailed site plan are objecting to the approval based upon the “60 day rule” in 27-256(c)(5), as enacted in CB 83-2015. This legislation was enacted for the protection of the applicants so that their applications do not remain indefinitely “in limbo” before the Planning Board on remand.

Here, the same parties of records raising the “60-day rule” successfully sought numerous postponements before the Planning Board, effectively preventing the Board from completing its work in 60 days. They cannot now be heard to object to the delays before the Planning Board when these days were caused by their own postponement motions.

The following is a timeline of the consideration before the Planning Board which demonstrates multiple continuances obtained by the City of Hyattsville and/or other parties of record in opposition, including a month continuance requested by the opposing parties of record from the October 5, 2023 hearing:

- 1-5-23 Planning Board hearing on merits of the DSP, multiple requests to continue from City and opposition to 1-12-23 then again by opposition to 2-2-23;

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- 2-2-23 Planning Board on the merits and approved;
- 4-16-23 Smith request to Continue Council hearing set 4-24-23
- 4-20-23 City Request to Continue Council hearing of 4-24-23 and granted to 5-8-23;
- 5-8-23 Council remand hearing;
- 5-8-23/5-11-23 Dewberry files floodplain waiver data for DPIE review
- 5-16-23 Council directs Planning Board to conduct remand process;
- 7-25-23 DPIE issues revised Floodplain waiver approval and 7-25-23 DPIE response to Remand Order;
- 8-7-23 Suffrage files Remand response;
- Planning Board hearing posted for 10-5-23;
- 9-8-23 Suffrage files one week continuance of 10-5-23 Planning Board hearing
- 10-5-23 Planning Board posted;
- Smith and City request continuances to 11-2-23;
- 11-2-23 Planning Board hearing and approval

There were additional delays before the Planning Board because of the necessity of DPIE to review the application for flood plain waiver. Except for a one-week continuance request by Suffrage, all of the other delays were beyond the control of the applicant.

Significantly, in six other remand cases, the Planning Board approvals were returned to the District Council well after the sixty days ran. A listing of those cases has attached as Exhibit #1. The District Council has never interpreted the 60-day requirement as preventing approval of an application returned after that date. Indeed, such a requirement would not be constitutional because the timing of the Planning Board approval is beyond the control of the applicant.

Copies have been sent to the parties of record in the attachment as Exhibit #2.

Very truly yours,  
JOSEPH, GREENWALD & LAAKE, P.A.



By: Timothy F. Maloney

Attachments (2)

cc: JTWalkerBey@co.pg.md.us



27.1

Reference No.	Type	Status	Title	Remand Review Timeframe
CSP-21001 Remand	Conceptual Site Plan	Oral Arguments	Linda Lane Property	Notice 10/25/23 PB Action 12/7/23 Council Hearing 2/26/24 Decision not yet listed
DSP-21001 Remand	Detailed Site Plan (Prior Ordinance)	Oral Arguments	Suffrage Point	Notice 1/24/24
DSP-16004 Remand	Detailed Site Plan (Prior Ordinance)	Planning Board Decision is Final	Oaklawn	Notice 6/25/21 PB Continuance 9/23/21 PB Action 10/7/21 No Request to Hear
DSP-20029 Remand	Detailed Site Plan (Prior Ordinance)	Planning Board Decision is Final	Behnke Property 7-Eleven	Notice 5/27/21 PB Action 7/22/21 No Request to Hear
DSP-20006 Remand	Detailed Site Plan (Prior Ordinance)	Final	Checkers Laurel (Remand)	Notice 3/25/21 PB Action 5/20/21 Council Approval 10/13/21
CSP-18002 Remand	Conceptual Site Plan	Final	Magruder Pointe (Remand Pursuant to Court Order)	Notice 1/31/19 PB Action 3/14/19 Council Approval 5/13/19
DSP-11017 AmendCond Remand	Amendment of Conditions	Final	Hyattsville Subway Sandwich Shop (Amendment of Conditions) (REMAND)	Records aren't clear. DAMS indicates remand was to ZHE.

Ex. 2.

Copies sent to the following Parties of Record:

CASE NO: DSP-21001  
CASE NAME: SUFFRAGE POINT  
PARTY OF RECORD: 75  
PB DATE: 11-30-2023

SCOTT WILSON  
P.O.BOX 483  
COLLEGE PARK MD 20741 -  
483 (CASE NUMBER: DSP-  
21001)

BRENDEN SLOAN 5512 39TH  
AVENUE  
HYATTSVILLE MD 20781 (CASE  
NUMBER: DSP-21001)

EMILE ROMERO  
5515 38TH  
HYATTSVILLE MD 20782  
(CASE NUMBER: DSP-  
21001)

MARK GRAHAM 5600 38TH  
AVENUE  
HYATTSVILLE MD 20782 (CASE  
NUMBER: DSP-21001)

DANNY L SCHAIBLE  
5416 39TH AVENUE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-  
21001)

GERMAN ROCHEZ 5515 38TH  
AVENUE  
HYATTSVILLE MD 20782 (CASE  
NUMBER: DSP-21001)

ALICIA  
MELENDEZ  
P.O.BOX 792  
BLADENSBURG MD  
20710 -792 (CASE  
NUMBER: DSP-  
21001)

RUBY SABINA  
6400 40TH AVENUE  
HYATTSVILLE MD 20782  
(CASE NUMBER: DSP-  
21001)

DAV  
ID  
REA  
SE  
5206  
41ST  
AVE  
NUE  
HYATTSVILLE  
MD 20781  
(CASE  
NUMBER:  
DSP-21001)

MARY GRAHAM  
  
5600 38TH  
  
AVENUE  
  
HYATTSVILLE MD 20782  
  
(CASE NUMBER: DSP-  
21001)

MIRAN  
DA  
CARTER  
5512  
39TH  
AVENU  
E  
HYATTSVILLE  
MD 20781  
(CASE  
NUMBER:  
DSP-21001)

JESSICA WEISS  
5606 43RD AVENUE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-  
21001)

JESSALYN SCHWARTZ  
5722 39TH AVENUE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

«Next Record»JESSALYN  
SCHWARTZ 5722 39TH  
AVENUE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

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(CASE NUMBER: DSP-  
21001)

«Next  
Record»JESSALYN  
SCHWARTZ 5722 39TH  
AVENUE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-  
21001)

MS.ELIZABETH ARNOLD  
125 HEDGEWOOD DRIVE  
GREENBELT MD 20770  
(CASE NUMBER: DSP-21001)

WERRLEIN WSSC LLC  
522 DEFENSE HIGHWAY  
ANNAPOLIS MD 21401  
(CASE NUMBER: DSP-21001)

ALLISON KOLE  
55506 43RD PLACE PLACE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

SHANNA E FRICKLAS  
5008 40TH PLACE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

SHANNA FRICKLAS  
5008 40TH PLACE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MR.JASON SWIFT  
4906 40TH PLACE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MS.IRENE MARSH  
4912 40TH PLACE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MS.SHERRY WILDER  
5009 40TH PLACE SUITE 208  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MS.JANINE M WILSON  
4460 3842 0478  
4914 40TH PLACE  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MS.LESLEY MURDOCK  
5009 40TH PLACE SUITE 201  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

ANDREW TSUI  
3901 QUEENSBURY ROAD  
HYATTSVILLE MD 20782  
(CASE NUMBER: DSP-21001)

NINA S FAYE  
4004 QUEENSBURY ROAD  
HYATTSVILLE MD 20782  
(CASE NUMBER: DSP-21001)

KARA P VEIGAS  
4010 HAMILTON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

HELEN H BUTT  
3906 MADISON STREET  
HYATTSVILLE MD 20781 -1749  
(CASE NUMBER: DSP-21001)



KATE CALLOWAY  
4025 HAMILTON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

JORGE AGUILAR BARRANTES  
4208 FARRAGUT STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

JIM CHANDLER  
CITY OF HYATTSVILLE  
4310 GALLATIN STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

HOLLY SIMMONS  
CITY OF HYATTSVILLE  
4310 GALLATIN STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

DANIEL BRODER  
3929 MADISON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

CHRISTINE BLACKERBY  
SUSTAINABLE HYATTSVILLE  
3706 JEFFERSON STREET  
HYATTSVILLE MD 20782  
(CASE NUMBER: DSP-21001)

EDWARD PORTER  
4204 FARRAGUT STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

EDGAR B BUTT  
3906 MADISON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

JENNIFER HANNA  
4102 LONGFELLOW STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

JULIE WOLF  
4008 HAMILTON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

THERESA IMMORDINO  
4112 EMERSON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

LEIGH ALTMAN  
4209 FARRAGUT STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

FLAWN WILLIAMS  
4100 GALLATIN STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

HILARY FORSLUND  
5802 LUSTINE STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MAC ALTMAN  
4209 FARRAGUT STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

SARAH EISEN  
4001 JEFFERSON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

KARA P VEIGAS  
KARA VEIGAS MSW INC  
4010 HAMILTON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MR.GREG SMITH  
SAVE OUR SUSTAINABLE HYATTSVILLE  
(SUSTAINABLE HYATTSVILLE)  
4204 FARRAGUT STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MR.T CARTER ROSS  
3915 LONGFELLOW STREET  
HYATTSVILLE MD 20781 -1743  
(CASE NUMBER: DSP-21001)

MR.GREG SMITH  
4204 FARRAGUT STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MR.WILLIAM PARKHURST  
4100 FARRAGUT STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MR.CHRISTOPHER CURRIE  
4100 CRITTENDEN STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MS.AMANDA EISEN  
4028 HAMILTON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MS.SARAH HARPER  
4103 GALLATIN STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MS.JENNIE REINHARDT  
4105 GALLATIN STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MS.AMANDA EISEN  
4028 HAMILTON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MS.GRETA MOSHER  
4002 CRITTENDEN STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MS.NANCY J MEYER  
4007 WEST 4007 STREET EAST  
HYATTSVILLE MD 20781 -1736  
(CASE NUMBER: DSP-21001)

MRS.VICTORIA E BOUCHER  
4101 GALLATIN STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MRS.MARSHA K MAZZ  
4016 JEFFERSON STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MRS.VICTORIA BOUCHER  
SUSTAINABLE HYATTSVILLE  
4101 4101 GALLATIN ST. STREET 4101  
GALLATIN ST.  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

DR.TIMOTHY DAVIS PHD  
4700 BANNER STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MR.WILLIAM H PARKHURST II  
4100 FARRAGUT STREET  
HYATTSVILLE MD 20781  
(CASE NUMBER: DSP-21001)

MITCHELL BERNARD  
PETRA DEVELOPMENT  
4102 HAMILTON STREET  
HYATTSVILLE DC 20781  
(CASE NUMBER: DSP-21001)

TREY SHERARD  
RIVERKEEPER, ANACOSTIA  
RIVERKEEPER 45 SOUTHWEST L STREET  
SUITE 70565 WASHINGTON DC 20024  
(CASE NUMBER: DSP-21001)