

KOL SHALOM- COMMUNITY MEETING MINUTES

MEETING DATE: November 18, 2024
LOCATION: Congregation Kol Shalom
KOL SHALOM REPRESENTATIVES:

- Howard Salob (HS), Congregation President
- Allison Charapp (AC) Director of the Rothman Religious School and the Tree of Life Pre-school
- Jeffrey Halpern-(JHH) Principal Architect- Halpern Architects

ATTENDEES: Please see Attachment 1

INTRODUCTORY COMMENTS:

- 1) JHH introduced himself and the representatives from Kol Shalom. A voluntary sign-in sheet was passed around to those attending the meeting.
- 2) JHH-Explained purpose of meeting as addressing the separate issues of the Special Exception and any additional Community Concerns.
- 3) As an introduction to the topics to be discussed, JHH provided an explanation of multiple regulatory agencies and that these agencies use terms differently. He explained that the Special Exception was for a "Child care- not in a private home" under the Zoning Code. He explained that under the Maryland State Office of Childcare the child care in question is a Pre-school, which is defined as a form of child care that includes educational components.
- 4) JHH clarified the difference between a Special Exception, which is a permitted use subject to specific conditions within the code as compared to a Permitted Use with normal requirements such setbacks and the like.
- 5) JHH explained the term Pre-existing Non-conforming Use and that a preliminary review by AAcO. P&Z indicated that the Pre-school would appear to qualify as a Pre-existing Non-conforming Use.
- 6) JHH explained why each of the various reviewing agencies would permit a different pre-school occupancy, but that the most stringent of the requirements that are set by the Zoning Code, the Maryland State Board of Education, the Building Code and COMAR would govern. In this case, the most stringent of those would be the certification by the Maryland State Office of Childcare, which only permits an occupancy of 39 pre-school students at any one time.
- 7) JHH indicated that Kol Shalom is not seeking the Special Exception to expand its facilities or enrollment, nor to permit a change to its current uses. It was further clarified that the Special Exception does not inherently allow the Pre-school to expand or change its pattern of use. The purpose of the application for the Special Exception is simply intended to clear up Kol Shalom's zoning status.
- 8) JHH explained that the fact that the Pre-school had not gotten a special exception was discovered a roughly a year ago. Once it was discovered, Kol Shalom met with the County and determined that the pre-school appeared to qualify as a Pre-existing non-conforming use, but that that the Congregation could also apply for a Special Exception. A review of the current zoning code indicated that the Pre-school met the required conditions for a Special Exception.

H A L P E R N

A R C H I T E C T S

- 9) In response to questions, it was clarified that while the pre-school and the religious school each have their own name, neither are a separate entity from the synagogue, nor are they a separate legal entity from the other, and neither the synagogue, religious school, or pre-school are a 'for profit' organization.
- 10) It was also clarified that the conditions for obtaining a Special Exception do not require that the pre-school be an integral part of the synagogue. nor do the statutory conditions within the Zoning Code prevent the pre-school from making a profit.

QUESTIONS AND COMMENTS FROM ATTENDEES

General Explanation of Terms used below:

In the discussion points below, the numbered items are summarized comments and questions from the community. Paragraphs labeled as "Response" are intended to be explanatory in nature. Paragraphs labeled as "Recommendations" are the recommendations being made by Halpern Architects to the Board of Directors of Congregation Kol Shalom and/or to the Director of the Schools. Paragraphs labeled as "Agreed" are items, which subsequent to the meeting, have been already been discussed and agreed to and/or have already been physically addressed by the Congregation.

11) Interpretation of the Zoning Code that permitted the 2013/2014 permit to be approved:

Discussion:

Members of the community asked for additional information on basis of the interpretation that permitted the original 2013/2014 permit to be approved

Response:

This question was not answered fully during the meeting. A subsequently researched and prepared detailed explanation has been added to these minutes (Please see Attachment #2)

As summarized in the meeting, the 2013-2014 permit was approved by Anne Arundel County Office of Planning and Zoning as being compliant under the Planning and Zoning policy that was in place at the time. That policy made the determination that existing religious institutions could add a pre-school without a Special Exception. That policy was predicated on a basis that a pre-school was considered to be an integral part of a religious institution and therefore under section **18-4-106** of the Anne Arundel County Code "*Religious Facilities on a lot of at least 2 acres of land with less than 300 onsite parking spaces*" are a permitted use. To summarize, under that 2012 through 2014 P&Z departmental interpretation, the pre-school was considered to be a part of that Permitted Use. (Please see Attachment #2 for more detail.)

COMMUNITY CONCERNS

12) General:

The concerns expressed by the community fell into several categories:

- a) Number of Students in the pre-school and more specifically any possibility of expansion,
- b) The use of Hidden Meadow Lane by synagogue and pre-school generated traffic,
- c) Use of the property by the school adjacent to residences,
- d) The impact of the synagogue on the safety of the adjacent residences, and
- e) Communications

The items below contain the specific information for each of these categories of concern.

13) Number of Students in the pre-school and more specifically any possibility of expansion.

Discussion:

The community noted that when the pre-school was established, the Congregation believed that the pre-school would have a maximum pre-school occupancy of 24 students. Over time, based on recommendations from the Maryland Office of Childcare, that maximum occupancy grew to 39 students. While the Synagogue has repeatedly stated there is no intention to expand beyond the current 39 student occupant count that is permitted by COMAR, and the Office of Childcare, the community is concerned that the synagogue might find a way to expand the school population in much the same way that it has expanded beyond the original projection of 24 pre-school students.

There was a discussion of the current enrollment in the school. JHH explained that the school can only have a 39 pre-school student occupant count at any given time. That means that there cannot be more than 39 pre-school students on campus at any given time. At this point the school is nearly fully subscribed, meaning that most days there are 39 students on site during the pre-school's five day week.

It was further explained that not all of the children are enrolled for every day of the entire week. For example, some students attend three days a week, while others might attend one or two days a week. The attendance schedule is arranged so that those students who do not attend each day of the week fill most of the empty slots left open by other partial enrollment students. As a result, while there is a limit of 39 students that can attend on any given day, there are more than 39 students enrolled in the school. The current total enrollment is 48 students.

Some members of the community requested that the pre-school reduce its enrollment back to 24 students. Similarly, in prior discussions, other members of the community had requested that the pre-school curtail growth beyond its current level. Additionally, concern was expressed that the pre-school could switch to multiple sessions per day and thereby increase the number of vehicle trips on Severn Grove Road and Hidden Meadow Lane. Some members of the community requested that there be a written agreement that limits expansion of the Pre-school enrollment or occupancy.

Recommendations:

Based on research, the Special Exception can contain restrictions beyond those that are defined within the Zoning Code driven Special Exception requirements. To address the concerns about potential expansion of the school, the recommendation is that the pre-school place a limit on occupancy of 39 students and that this limit be added as a condition of the Special Exception.

If the Board of Kol Shalom so agrees, the hearing officer would be petitioned to include that limit as a condition of the Special Exception as a means of creating a legal restriction addressing the concerns of the community regarding future expansion of the pre-school.

14) The use of Hidden Meadow Lane by synagogue and pre-school generated traffic:

The community expressed concerns about the sheer number of vehicular trips up and down Severn Grove Road and Hidden Meadow Lane resulting from the pre-school. Those concerns fell into several distinct categories as follows:

a) Safety:

Discussion:

There were a range of issues that relate to this concern. Beyond the sense that there was a danger that simply resulted from having that many vehicles on this private limited access road, there were a number of more specific issues raised. Those concerns included:

- i.) A tendency of people to drive too quickly on Severn Grove Road and Hidden Meadow Lane
- ii.) Inconsistent times of arrival and departure making it difficult to predict when it is a safe time to walk on Hidden Meadow Lane.
- iii.) The pre-school sign blocks the view to the right when pulling out of Hidden Meadow Lane onto Severn Grove Road.
- iv.) There is a blind spot adjacent to the entrance to the Kol Shalom parking lot, which makes the left turn from Hidden Meadow Lane into the parking and right turn out of the parking lot more dangerous.
- v.) A tendency for parents to be talking on their mobile devices while driving.

Recommendations:

While some of these items will require the agreement from the community, the following are recommendations to address/mitigate these items:

- That the pre-school and the synagogue strongly and frequently request that people, and staff attending the schools or attending other functions at the synagogue, car pool to reduce the number of vehicle trips.
- Install a sign at the entrance from Severn Grove Road to Hidden Meadow Lane that includes a 15 MPH speed limit and identifies Severn Grove Road a "Private Road" and also add a 15 MPH speed limit sign on the opposite end of the median facing the outbound traffic.
- Paint the existing speed bumps so that they are more visible and act more effectively. Potentially add additional speed bumps and/or make the existing speed bumps more aggressive.
- Add a stop sign at the left turn into the Kol Shalom parking lot with the words "Stop for left turn only" with an additional warning "Oncoming traffic does not stop", and also add a stop sign on the Kol Shalom property for vehicles leaving the parking lot with the warning "Through traffic does not stop".
- That the representatives of the synagogue meet with members of the community on site to review the position of the Synagogue and Pre-school sign on Severn Grove at Hidden Meadow lane, and take the agreed upon steps to improve vehicular visibility. The position of the mirror should also be reviewed and agreed upon at that time.
- That the pre-school adopt a policy that it regularly remind parents that this is a private residential road and that the speed limits and stop signs need to be obeyed. That reminder should address the concerns of neighborhood parents whose children wait for school busses on Severn Grove Road (particularly the area adjacent to the exit from Hidden Meadow Lane.)

The reminder should include encouragement to car pool. But beyond these specific items, the reminder should explicitly include that the school is located in a residential neighborhood and that simple courtesy and traffic rules need to be observed such as speed limits, and not using mobile phones while driving. These reminders should be frequently included at in-person parent meetings and in emails or other forms of communication.

(It has been observed that some of the routinely fastest and noisiest vehicles on Hidden Meadow Lane are members of the community who are in no way associated with the synagogue and the schools. The reminder to drive respectfully applies to all who use Hidden Meadow Lane.)

- Currently the pre-school policy results in staggered student drop off and pick up time. This purposefully is intended to reduce the likelihood or duration of congested traffic on Hidden Meadow Lane. But it also means that residents cannot reliably make assumptions about when there will be clusters of cars on Hidden Meadow Lane. It is recommended that the Pre-school engage in a conversation with those neighbors who have expressed concerns about the current policy and that the school work with the neighbors to develop an arrival and pick-up policy that mitigates this issue as much as possible.

Agreed:

Assuming that the neighborhood concurs, the Congregation has agreed to:

- Install a sign at the entrance from Severn Grove Road to Hidden Meadow Lane that includes a 15 MPH speed limit and identifies Severn Grove Road a "Private Road", Add a 15 MPH speed limit sign on the opposite end of the median facing the outbound traffic.
- Paint the existing speed bumps so that they are more visible and act more effectively. Potentially add additional speed bumps and/or make the existing speed bumps more aggressive.
- Add a stop sign at the left turn into the Kol Shalom parking lot with the words "Stop for left turn only" with an additional warning "Oncoming traffic does not stop".
- Add a stop sign on the Kol Shalom property for vehicles leaving the parking lot with the warning "Through traffic does not stop".
- Review the location and size of the Synagogue and Pre-school sign and mirror on Severn Grove at Hidden Meadow lane, and if necessary take steps to improve vehicular visibility.

b) Vehicular Noise

Discussion:

A concern was raised about the noise generated by the number and speed of the vehicles on Hidden Meadow Lane.

Recommendation:

The recommendations associated with safety such as carpooling to reduce the number of trips, creating a speed limit, pointing out that Hidden Meadow Lane is a private road, highlighting the speed bumps, and so on, should help reduce vehicular noise some.

c) Wear and tear on the road and Maintenance of the road and median:

Discussion:

It was pointed out by the community that the increased number of trips on Hidden Meadow Lane is accelerating the wear and tear on the road bed. It was further mentioned that Kol Shalom has not been participating in maintaining the median. The point was raised that Kol Shalom has not been addressing snow removal on the sloped portion of Hidden Meadow Lane that leads to the fire lane on the lower portion of their property, or clearing the fire lane itself.

Recommendations:

It is recommended that Kol Shalom have a paving company evaluate the condition of the paving on Hidden Meadow Lane between Severn Grove Road and their parking lot. If remedial work is required, it is recommended that Kol Shalom contract to have that work performed at their expense. It is suggested that similar evaluations and repairs be performed on a regular basis (perhaps annually).

Additionally, it is recommended that Kol Shalom have the company that mows the lawn on Kol Shalom's property mow the median whenever they mow the lawn at Kol Shalom. It is also strongly recommended that Kol Shalom have the company that does their snow removal to have them salt the road and./or perform snow removal on Hidden Meadow Lane from Severn Grove Road to the Fire Lane and on the Fire Lane itself.

Agreed:

Kol Shalom has contacted their lawn service and has added mowing of the median to their scope of work whenever they are mowing the lawn at Kol Shalom. Kol Shalom has contacted their snow removal service. The scope of the snow removal has been altered to add salting the road and./or performing snow removal on Hidden Meadow Lane from Severn Grove Road to the Fire Lane and clearing the Fire Lane itself to that company's scope of work.

d) Lights shining in homes near the road and Kol Shalom site:

Discussion:

Concerns were raised about the pole mounted security lighting that Kol Shalom has added on their property shines a high level of light into adjacent residences. There was also a mention of car headlights shining into adjacent homes.

Recommendations:

It is recommended that Kol Shalom evaluate means of limiting light spread so that it is not directed onto adjacent properties while still lighting areas of Kol Shalom's site and Hidden Meadow Lane as necessary for safety. This can be accomplished by adding louvered covers or black out panels on the fixtures adjacent to the property edges and which currently directly impact adjacent residences.

While the building has minimal use during dark hours, it is also suggested that the Pre-school evaluate drop-off and pick-up times to determine whether these can be adjusted to minimize those periods when headlights would be directed into adjacent properties.

Agreed:

After the meeting, there was a walk-through of the property to develop an initial sense of the extent to which light spread was impacting the adjacent properties. The light fixtures in question, actually belong to BGE. Kol Shalom contacted BGE to request that they add light spread control devices to those fixtures that shine into adjacent residential properties. A meeting took place with BGE to review this issue. BGE submitted a proposal to add shielding to the fixtures. Kol Shalom has contracted with BGE to have that work performed.

e) Traffic study

Discussion:

Concerns were expressed that a traffic study was not required at the time that the pre-school was constructed in 2013-2014 and that it will not be required as a part of the Special Exception process. There were questions about the basis under which a traffic study was not required when the permit was approved in 2013. Some members of the community suggested that the Synagogue should voluntarily perform a traffic study at this time.

Response:

JHH responded that the original permit was issued under the policies that were in place at the time that the permit was issued that waived the requirements for a traffic study. (Please see attachment #4 for copy of that policy.) It was estimated that on days when the preschool was in session, there are approximately 90 round trips (180 one way trips) onto the site by parents and school and synagogue staff members.

It was pointed out that the number of trips for other events, such as religious services and classes, were greatly reduced by the Congregation switching to video and hybrid program formats. It was acknowledged that while the Congregation needed to make efforts to mitigate the concerns of the neighbors, a traffic study would serve no useful purpose at this time.

15) Storm water management:

Discussion:

Storm water management features were installed under the permit that was issued at the time that the school wing was constructed. Those feature have been inspected and augmented at various times since then. There was also a later voluntary major redesign and alteration to the storm water management that was performed under a separate permit that was intended to further enhance the effectiveness of the system.

The Neighbors reported that these bio-retention ponds are not functioning as well as they should and that some or most of the plantings appear to have died off.

Recommendation:

It is recommended that the Congregation retain a storm water engineer or contractor to review the condition of the retention ponds. Beyond the normal testing, in particular that review should compare the plantings that were specified as a part of the permit for the supplemental storm water measures that were installed after the original installations. Should deficiencies be discovered, those deficiencies should be addressed promptly.

Additionally, the neighbors reported children occupying the area in and around the retention ponds. It is strongly recommended that the schools adopt and enforce a policy forbidding children to occupy these areas. Alternatively, it may be appropriate to add fencing around the pond closest to the school.

16) Use of the property by the school adjacent to residential properties:

Discussion:

It was pointed out that the school uses a number of trails through portions of the woods that exist on the Kol Shalom property. Some of these trails abut neighboring residential properties and all are outside of the shielded play areas. Neighbors testified that the noise produced by the children on these trails is clearly audible in the homes and yards of the adjacent properties and prevents them from the normal use of their properties.

During the meeting, JHH pointed out to the Director of the Preschool that this use of the trails adjacent to neighboring houses is in clear violation of the requirement that *“The activities on the property shall be located in a manner to shield surrounding residential property from the effects of noise.”* In that discussion, it was agreed that the forestation and other plantings on those portions of the site does not provide an adequate buffer for the sounds being produced.

Recommendation:

It is recommended that the pre-school establish a firm and permanent policy that prohibits the use of any portion of the site that closely abuts neighbor’s homes in which those activities fail to shield the neighbors from the effects of the children’s noise. Additionally, it is recommended that the school set a policy that limits the number of children in any group being escorted onto the site outside of the shielded outdoor areas.

17) The impact of the synagogue on the safety of the adjacent residences:

Discussion:

Members of the community expressed concern about the danger that the presence of the Synagogue presented to the surrounding homes in a time when religious institutions more frequently come under violent attack. It was further pointed out that the neighbors would not have any notice if a violent act were to occur at the synagogue until police and medical personnel showed up.

Response:

The synagogue has made diligent efforts to harden the facility and increase its security. On the advice of the local police, the school did attempt to create a warning system to alert neighbors. But in the course of the discussion, it became apparent that there was no knowledge of what that system was or how to use it.

Recommendation:

It is strongly recommended that the Congregation work with their fire and security monitoring service to create a reliable neighborhood alert system that would contact the neighbors via a group text and/or email. Neighbors should be contacted with a request to provide their mobile phone numbers and/or email addresses if they wish to be included in that neighborhood alert.

18) Communications

Discussion:

In the course of the discussion, it became clear that there has not been open door communications between the Synagogue and the neighborhood. It was clear that this needed to be addressed through improved two-way communications. Some examples of this are as follows:

- The neighbors do not have access to the normal schedule for the synagogue and the schools.
- The neighbors indicated that they had no way of knowing when the Synagogue has an unusual event planned.
- It was pointed out by the Synagogue that there is a calendar of events that is published on the Congregation webpage and that calendar is visible to the public. The community was concerned that the calendar listings did not indicate whether the events were in person, via video conference, hybrid or a home celebration.
- While the Synagogue did obtain a permit to improve the accessibility of its kitchen, the neighbors saw construction vehicle arriving without knowing what work was being performed.
- Many of the concerns expressed by the neighbors appear to have been long term issues.

Recommendation:

The Congregation should contact the neighbors and offer to include them on the email list to receive the Synagogue's weekly newsletter. The communication should encourage those neighbors wishing to receive the newsletter to provide an email address to be used for that purpose. The Newsletter does typically include all events planned during the upcoming week(s).

The congregation should also email those neighbors whenever any unusual activity or construction is planned.

The Synagogue should provide a clear method of communication that the neighbors can use to express their concerns to the Synagogue or the schools. In that manner, items can be addressed in a more timely manner before they seemingly become a neglected long-term issue.

The Synagogue should more routinely host neighborhood discussion meetings so that there can be contemporaneous dialogue and working sessions to help mitigate the impact of Synagogue and school activities on the neighborhood.

ATTACHMENT #1- KOL SHALOM- COMMUNITY MEETING: ATTENDEES

November 18, 2024

NEIGHBOR ATTENDEES
M KATHRYN TULLIER TRUSTEE ,1910 HIDDEN MEADOW LN, ANNAPOLIS MD 21401
MARY ANNE PATTERSON - 1914 HIDDEN MEADOW LN, ANNAPOLIS MD 21401
HUGH A AND DENISE A, MITCHELL- 1912 HIDDEN MEADOW LN, ANNAPOLIS MD 21401
STEVEN AND CHERIE YELTON- 1913 HIDDEN MEADOW LN, ANNAPOLIS MD 21401
ANDREW AND DANINE FALCON- 1895 SEVERN GROVE RD, ANNAPOLIS MD 21401
W P DINSMOOR AND MARY JEAN WHITE-1899 SEVERN GROVE RD,ANNAPOLIS MD 21401
ROGER CONEY AND HOLLY E LASH- 216 MARGRETS GLEN LANE, ANNAPOLIS, MD 21401
KYLE J AND PAUL J, WIMBISH- 1885 SEVERN GROVE RD, ANNAPOLIS MD 21401 KYLE@WINBISHMASONRY.COM
BONNIE NICHOLSON, GLORIA AND JOE MAYNE- 1903 SEVERN GROVE RD., ANNAPOLIS, MD 21401
ARCHITECT
JEFFREY HALPERN, HALPERN ARCHITECTS- 2238 BAY RIDGE AVENUE, ANNAPOLIS, MD 21403
KOL SHALOM
HOWARD SALOB, CONGREGATION PRESIDENT
RELIGIOUS SCHOOL AND PRE-SCHOOL
ALLISON CHARAPP- DIRECTOR DANIEL ROTHMAN RELIGIOUS SCHOOL AND TREE OF LIFE PRE-SCHOOL

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ATTACHMENT #2: EXPLANATION OF THE 2013 ZONING EXPLANATION:

A Request was made to explain the interpretation of the code that was made back in 2013. To explain that exception, the discussion will start with the table below. This is out of the current Anne Arundel County Zoning code but is the essentially the same table that existed in 2012.

In this table, the synagogue and the religious school at Kol Shalom falls in the category of a *Religious facility on at least 2 acres with less than 300 parking spaces*. The properties on Hidden Meadow Lane are zoned R-1 and under the zoning code, the synagogue and the religious school are a permitted use within that zoning. In 2013, there was a zoning interpretation, that a pre-school or daycare that was a part of a religious facility would be considered an integral part of that religious facility. In other words, the pre-school was not considered to be a separate zoning use and therefore did not require a Special Exception.

18-4-106. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1
Produce markets	C	C	C
Public utility essential services	P	P	P
Public utility uses	SE	SE	SE
Recovery residences	P	P	P
Religious facilities on a lot of at least two acres with less than 300 onsite parking spaces	P		P
Religious facilities on a lot of at least two acres with 300 or more onsite parking spaces	SE		P
Religious facilities on a lot of at least 5 acres if the coverage for all buildings, including onsite parking, is not more than 30% of the lot		P	
Religious facilities, existing, with less than 300 onsite parking spaces that abut and have direct access to a collector or higher classification road	P	P	P

During the review by Planning and Zoning there was also a discussion that Kol Shalom had operated the religious school within their building since the 1980's and as such, the pre-school might be considered an expansion of the existing religious school that predated the then current code.

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Per the table below, under that interpretation the preschool would also be considered a permitted use.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1
agricultural goods			
Rooming houses			
Schools, private academic, in existence on or before May 12, 2005	P	P	P

To the best of my knowledge, the permit approval was granted under the interpretation that the Preschool was an integral part of a religious facility and religious facilities and as such, under section 18-4-106, it was a Permitted use.

Since that time, the interpretation for all child care facilities and preschools at all religious facilities has changed such that childcare and preschools are now viewed as “Child care centers other than as a home occupation” and per the table below, are now required to have a special exception.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1
Carnivals, circuses, and fairs, temporary	C	C	C
Cemeteries	SE	SE	SE
Child care centers other than as a home occupation	SE	SE	SE

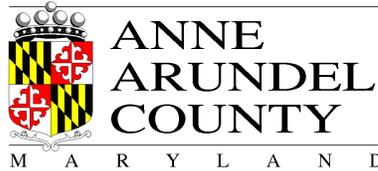
It should be understood that facilities that preexisted the current zoning code, or which obtained permits under the prior interpretation of the code, are deemed to be a pre-existing non-conforming use and as such are still legal even if their zoning status is not in conformance with current code interpretations.

Per discussions with Planning and Zoning Enforcement, this pre-existing non-conforming use exists for many, if not most, older pre-schools and requests for either certification as a pre-existing non-conforming use or an application for a special exception is a pretty common occurrence.

Please see Attachment #3 and #4 which are the documents referred to during the meeting. The first of these documents is the Attachment #5- *Preliminary Plan Approval 10-23-13* and the second was the Attachment #4- *AACo Memo on Pre-schools and Daycares operating within existing churches*.

As an explanation of these documents I will start with the *Preliminary Plan Approval 10-23-13*. In order to apply for a building permit, there is a preliminary plan review process. That process consists of submitting a preliminary set of drawings to the County, and in those days included a meeting or meetings with the code officials to agree upon the criteria under which the project would be reviewed. The *Preliminary Plan Approval 10-23-13* documents the conclusion of the Office of Planning and Zoning on the general compliance with the Zoning Codes as the project was submitted, reviewed, and constructed.

The other document, Attachment #4- *AACo Memo on Pre-schools and Daycares operating within existing churches* was the one that was not available at the meeting. That document specifically explains the basis for not requiring a traffic study. But in the last paragraphs it also supplies the general basis that allowed the permit to be issued for the Kol Shalom preschool without requiring a Special Exception.



County Executive John R. Leopold

**Office of Planning and Zoning
Development Division**

INTER-OFFICE CORRESPONDENCE

DATE: September 12, 2012

TO:

FROM: Larry R. Tom, Planning & Zoning Officer

SUBJECT: **Pre-schools and daycares operating within existing churches**

The Office of Planning and Zoning has recently received a number of requests involving the use of existing religious facilities to operate pre-schools and day care facilities and private schools.

Article 17-5-201 states that Site Development Plans for religious facilities that do not contain a private academic school are exempt from the APF requirements for Roads and Schools, while Site Development Plans for private academic schools are subject to the test for APF.

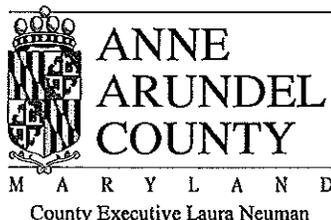
I have recently approved modifications to eliminate the Site Development Plan requirement for pre-schools operating within an existing religious facility based on the fact that the ITE Trip Generation, Eighth Edition The ITE Trip Generation, Eighth Edition notes that churches are buildings in which public worship services are held that may also include meeting rooms and classrooms that offer day care or extended care programs during the week. The peak hours of the generator are the weekday a.m. peak hour between 10 a.m. and 12 p.m. and the weekday p.m. peak hour varied between 7 p.m. and 11 p.m.

The ITE Trip Generation, Eighth Edition has a different rate for private schools K – 8 and indicates the peak a.m. hour of the generator coincides with the peak a.m. trips of the adjacent road network and that the p.m. peak hour is from 2 to 4 p.m.

Consequently, it is the policy of the Office of Planning and Zoning that pre-schools and day care facilities with an enrollment no greater than 60 students may operate within an existing church facility without the need for Site Development Plan approval prior to the

issuance of a Zoning Certificate of Use since the ITE Trip Generation includes them under churches. Pre-schools with an enrollment greater than 60 students, as well as private academic schools will be subject to addressing APF for roads as part of the Site Development Plan review process. A modification to the Site Development Plan process for private academic schools must include a Traffic Impact Study to demonstrate there is no impact to the surrounding road network.

cc: Development Division staff
Joannie Coleman Casey, Zoning Enforcement
Lori Rhodes, Zoning Division
HBAM



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ANNAPOLIS, MARYLAND 21401
OFFICE OF PLANNING AND ZONING

October 23, 2013

Mark W. Evans, Associate
Drum, Loyka & Associates, LLC
1410 Forest Dr., Ste. 35, Clock Tower Place
Annapolis, MD 21403

Re: Congregation Kol Shalom Synagogue
Preliminary Plan # C2013-0050 00 PP
Tax Map 45 Block 15 Parcel 241

Dear Mr. Evans:

The Preliminary Plan for the above referenced project has been reviewed by the agencies listed below and copies of their comments are attached.

- | | | |
|----|----------------------------|----------------------------|
| A. | OPZ/Planning, Env. & Land. | Approval, October 18, 2013 |
| B. | Fire Marshal | Approval, October 21, 2013 |

I. Agency Comments to Be Addressed

The agency comments listed below (copies attached) must be addressed with the Site Development Plan submittal:

- | | | |
|----|-------------------------------|----------------------------|
| A. | OPZ/Planning, Environ., Land. | Comments, October 18, 2013 |
| B. | OPZ/Engineering & Utilities | Comments, October 15, 2013 |
| C. | OPZ/Traffic | Comments, July 22, 2013 |
| D. | Fire Marshal | Comments, October 21, 2013 |

II. Adequacy of Public Facilities

Adequacy of Facilities for items A., B., C., D., and E. below, have been reviewed and are approved subject to any noted conditions.

- A. Fire Suppression: Adequacy of Fire Suppression has been demonstrated. Please see the enclosed Fire Marshal's comments dated October 21, 2013.
- B. Roads: Adequacy for Roads has been demonstrated. Adequacy for Roads has been demonstrated, through submittal of the Trip generation information and determined that the proposed development will generate less than 50 trips per day; therefore, Adequacy has been met. Please see OPZ/Traffic comments dated July 22, 2013.

- C. Schools: Residential uses are not proposed. School adequacy is not required for this project.
- D. Utilities: Adequacy of Water and Sewerage has been demonstrated. This site will be served by private well and septic and Adequacy of Utilities approval is deferred to the Department of Health. Health Department recommended approval June 26, 2013.
- E. Storm Drains: Adequacy of facilities for storm drainage has been addressed. It has been adequately demonstrated that the onsite drainage system and stormwater management system installed by the developer includes environmental site design to the maximum extent practicable, complies with the stormwater requirements of the Anne Arundel County Code, and is capable of conveying through and from the property, the design flow of storm water runoff originating on the site to an adequate outfall; and offsite downstream drainage systems are capable of conveying the design flow of storm water runoff to an adequate outfall between the site outfall(s) to the Point(s) of Investigation (POI) located at Lot #3B of the Merele Marcellus Property.

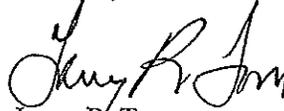
III. Decision

Based upon the information submitted for the above referenced project, this office recommends Preliminary Plan approval to the Department of Inspections and Permits as of the date of this letter. This recommendation is subject to the items in Sections I and II listed above being satisfactorily addressed with a Site Development Plan submittal.

IV. Resubmittal/Agreements/Expiration

Each agency submittal package for the Site Development Plan shall include a point-by-point response letter addressing the items in Sections I and II, above. Please note that as per Article 17-4-201(d), the Preliminary Plan and, if applicable, approvals for Adequacy of Public Facilities, expires twelve (12) months from the date of this letter, October 23, 2014, unless a Site Development Plan is submitted for review. If you have any questions regarding this approval, please contact Donna Aulds at pzauld02@aacounty.org or 410-222-7960.

Sincerely,



Larry R. Tom
Planning and Zoning Officer

cc: Kathy Shatt, OPZ
Judy Motta, PAC
Dan Kane, PAC

Congregation Kol Ami, Inc.
File
Patti Turner, OPZ

COMMUNITY MEETING MINUTES

November 12, 2013

'Congregation Kol Shalom Synagogue'

Addition to Religious Facility

Tax Map 45, Grid 15, Parcel 241, Lot 1

Summary Minutes of Community Meeting

A community meeting was held at 6:00 PM on November 12, 2013 at the Kol Shalom Synagogue, located at 1909 Hidden Meadow Lane, Annapolis, MD 21401.

Approximately 15 people from the public and Congregation were in attendance. A sign-in attendance sheet was distributed and is attached with these minutes. Mr. Jeff Halpern of Halpern Architects, and Mr. Mark Evans of Drum, Loyka, & Associates conducted the meeting. Mr. Halpern is the architect for the project and also a member of the congregation. He opened the meeting by welcoming the attendees and introducing the project. He explained that the project consists of a small expansion to the end of the existing building. The addition contains bathrooms, office space, and preschool classrooms. The existing classrooms are being reconfigured as a library, classrooms, an office, and media room. The project will not change the sanctuary portion of the building. A fenced in play area of approximately 750 square feet will be provided between the sanctuary and proposed addition. Stormwater management will be provided on the grounds, which currently has no management. The proposed stormwater management should improve the environmental situation of the property. A new septic system is required to be installed which will have nitrogen reducing technology. There are no changes to the existing parking and no expected changes to the traffic patterns. The Congregation is considering repaving the parking area but there are no final decisions on that topic at this time. A change from the last community meeting is the addition of a fire lane at the bottom of the hill on the property that has been required by the Fire Marshall's Office. Without the addition of the fire lane the project would not get approval.

The current projections for preschool attendance are 10-12 children, with a maximum of 24 children per State Code. The Congregation anticipates that it would take some time to build that number from the projected 10-12 kids to the maximum of 24. The Hebrew education classes that are currently in place will continue to operate, which currently consists of approximately 35 children.

Mark Evans of Drum, Loyka, & Associates, who is the civil engineering project manager for the project, added that this is the 2nd community meeting that has been held. It is required to occur within 45 days of the submittal of the Site Design Review package, which was made on October 25, 2013. He went on to explain that the main difference between the current plan and the plan presented at the 1st community meeting is the addition of the fire lane. The fire lane is needed to meet fire hose drag length requirements. A fire truck should be able to park within 150-ft of any point along the perimeter of the building so emergency personnel do not have to drag a fire hose more than 150-ft to fight a fire. The proposed addition will create a situation where it will be greater than 150-ft from existing parking areas to the perimeter of the building, therefore the fire lane has been added to provide access to the back of the existing building and side of the proposed addition. There were minor tweaks to the relocation area of the existing sheds so they will not impede fire fighters. There were also minor tweaks to the footprint of the proposed

Community Meeting Minutes
Page 2 of 5

sidewalk. The size and location of the proposed addition and the proposed stormwater management have not changed from the 1st community meeting.

After the introduction, attendees expressed concerns and asked questions related to a variety of issues. The following is a summary of that discussion. Please note that the summary below is not exactly in sequential order of how the questions were asked:

A neighbor asked for the proposed dimensions of the addition:

-The wall dimensions are approximately 39-ft x 69-ft, rectangular.

What will the operating hours of the preschool be?

-Preliminary conversations regarding the operating hours have included the idea of 3 days a week during the afternoons. There is no set plan yet and the Congregation is still in the planning phases.

-Final scheduling will depend on enrollment and class size.

What are the Hebrew education class hours?

-Wednesdays from approximately 4-6:30 PM and on Sundays.

How many students currently participate in the Hebrew education classes?

-Approximately 35 students

The addition seems too large for the student count:

-The preschools maximum allowed for the building after the addition and renovation is 24 preschool children. There are special requirements for preschool aged children versus older kids.

-The requirement for preschoolers is 35 square feet of space per student. The addition will have the required space for the preschoolers and for the older children who participate in the Hebrew education classes. The renovation and addition will not only have classrooms; there will be office space, a library, and bathrooms.

-The floor plan and architectural renderings were on display.

Will there be a queuing plan and pick-up/drop-off line?

-The Congregation estimates 10-12 cars because the preschool will not occur at the same time as the Hebrew education classes, nor at the same time as events in the sanctuary. The existing parking area can easily fit that amount of vehicles. The length of the lot is approximately 180-ft, which could fit 10 single file cars comfortably. If cars queued side by side then much more could fit. That also does not include the actual parking spots that could be filled. There are currently 27 parking spaces in the lot. If needed a queuing plan can be developed if a problem is created.

-The typical estimation formula is 2 kids/car with the expectation of carpooling, which would further alleviate the vehicle congestion.

-No drop-off/pick-up would occur in the grass area and fire lane at the bottom of the hill.

Is there a long range plan?

-The proposed renovation and addition cannot fit more than 24 preschoolers based on the requirements in the State Code. Eventually the preschoolers will grow out and then theoretically attend the Hebrew education classes, which occur at different times than the preschool. In order for the Congregation to thrive a diverse demographic of all ages is required. Regardless of the size of the Congregation or the number of children attending the Hebrew education classes, the preschool cannot exceed 24 children.

Community Meeting Minutes
Page 3 of 5

- There is no intention to making the facility a full time school. Religious education classes are a few hours a week. It does not take the place of regular academic schooling. If there are not enough preschoolers the building would still function to provide the Hebrew education classes to the older aged children.
- The preschool will be open to non-members and all denominations.

A neighbor expressed concern of the school continuing to grow:

- The project will be maxing out the potential of the property. To do a bigger expansion would require expansion to the parking area, and that expanded parking would take up the space where building could potentially go.
- 0.61 acres of the property will be placed in forest conservation area with this project as required by the county. Anne Arundel County will hold that easement. The conservation area further restricts possibility for future expansion.

How was parking calculated?

- Calculations were submitted to the County following their manual.
- The sanctuary requires 1 space per 3 seats. There are 50 seats, which results in 17 spaces.
- The classrooms require 1 space per 15 seats. Based on the square footage of the building and the square footage per student requirements, the seat county is 130 seats, which results in 9 spaces.
- The total required is 26. Currently there are 27 provided.
- From a fire code occupancy standpoint much more students could occupy the building, but the State Code has a lower density and is used to calculate parking.

The preschool classrooms can hold 12 kids per room?

- Yes, that is the maximum allowed per classroom based on the proposed floor plan and COMAR.

Once constructed, what will happen to the old Hebrew education class space?

- The addition and renovation will have classrooms, office, bathrooms, and library. The sanctuary will not be changed. Some of the classrooms will meet the special requirements set in place for preschools. Other classrooms will serve the older children for Hebrew education. The additional classrooms will provide the Congregation the ability to divide up the classes by age groups for the Hebrew education classes because currently there is a wide range of ages in a single class. The division of the age groups will allow the Congregation to better serve its younger members.

What are the age groups of the preschool?

- That is yet to be determined.

What are the Congregation's offsite parking arrangements?

- Currently the Congregation utilizes offsite parking and shuttle busing for approximately 4 days out of the year. It is unsure exactly how many vehicles fill that offsite parking on those day when shuttling is implemented, although the building could have up to 300 people attend. That amount does not get reached.

Could you distribute a copy of the planning sheet?

- The only planning document is the Development Application, which we submit to the County. We have enclosed a copy of that application with these minutes.

Will lighting be provided in the parking area?

- No additional lighting in the parking area or along the fire lane is proposed with this project.

Will there be parking on the fire lane?

-No parking will be allowed on the fire lane to maintain access for emergency personnel.
Overflow parking will still occur on the grass areas.

When the Congregation merged, neighbors were told that most of the members were middle aged or older and no schools were anticipated:

-At that time it was true. Currently there are approximately 125 families in the Congregation. There has been as many as 135 and as few as 60 when the congregation moved to the site, and 90 members (before the merge). If the congregation were to exceed much more than 135 then the Congregation would have to relocate completely. The nature of the membership is as expected, new families come in, some older and some younger; some families move away; some members unfortunately pass away; and some are born. The reasoning for this project is not to try to grow, it is to better serve those younger families that are currently members. *

Neighbors expressed their concerns with the use of the road, the volume increase, people using high speeds on the road, and the wear and tear and maintenance on the road. The Congregation comprises of probably 80% of the use:

-It is one of the Congregation's goals to be good neighbors. The Congregation has always tried to accommodate the concerns of the neighbors; and neighbors have always had the ability to reach out to the Congregation to express concerns. With the addition of the preschool and a maximum allowed student count of 24 children, the Congregation does not anticipate any issues or new problems. The building is currently used every day already. There will be unavoidable wear and tear on Hidden Meadow, as with any used roadway. During the last repave that occurred the Congregation did provide an extra share of the cost for that work beyond what is required. The Congregation has paid for repairs to the road, most recently the placement of gravel at the entrance to Hidden Meadow. Dr. Salob the Congregation President mentioned that the Congregation also pays for snow plowing for the whole road when the need arises. -There are non-members that speed along the road and the speeding is not something that the Congregation can control unfortunately. *

-If there were ever needs or plans to expand beyond what is proposed in this project then the Congregation would have to relocate entirely to another property. One goal is to provide a better service to its younger members, which is a reason for the preschool and addition; to be able to cater better to the separate age groups for the Hebrew education classes. The addition and renovation are not for the purpose of expanding the Congregation.

Do you need an environmental study for this project?

-An environmental study would have only been required if the building expansion was more than 5,000 square feet. In that instance a study by the Maryland Department of the Environment would have been required. How much expansion? *

Is this meeting the last expected community meeting?

-Yes, this meeting is the last and 2nd of 2 required community meetings for this approval process. The 1st was for the preliminary plan phase, which was when the County reviewed the adequacy of public facilities and planning for the project. This community meeting is required within 45 days of the submittal for the Site Design Review phase when is a more construction minded submittal after planning and public facilities have been reviewed. We have fine-tuned the stormwater management design, the sediment and erosion control, and other details needed to actually construct the project.

Community Meeting Minutes
Page 5 of 5

Did the project go through re-zoning?

-The project did not require rezoning because the religious facility is an acceptable/permitted use for the zoning of the area. The project will have through 2 separate phases of review by the County Dept. of Planning & Zoning and other county departments before grading permits are applied for.

What is the fire truck turning radius?

-The fire marshal required 46-ft of back-up length for a truck to turn around. To achieve this, the curbed island with a tree in the middle of the parking area will be removed. The parking spaces are not included when delineating that 46-ft back up length.

A neighbor expressed concerns about drainage to downstream properties:

-The project includes full stormwater management for the site, which currently has none. A micro-bioretenion device is proposed at the bottom of the hill that will capture runoff from almost all of the proposed fire lane and parts of the building. The device will not exceed 1-ft of depth and will not be fenced in. Other underground drywell devices at the top of the hill will intercept rooftop drainage. The proposed management handles the proposed addition, fire lane, and parts of the existing currently unmanaged building.
-Approximately 50% of the building will drain to the north towards Severn Grove Road, and 50% to the south towards lots 2A, 2B, 3A, and 3B.

Will children be playing on the grassed hill?

-No children are anticipated to be playing on the hill. The proposed play area is designated for that purpose.

When do you expect construction to begin?

-The Congregation hopes to have permits in January and then start construction. Then occupancy in the spring.

The meeting was concluded at approximately 7:45 PM.

Note: These meeting minutes were prepared by Drum, Loyka & Associates, LLC.

Contact Information:

Mark Evans
Drum, Loyka & Associates, LLC
1410 Forest Drive, Suite 35
Annapolis, MD 21403
410 280-3122



Picture 1 - View from the front lawn our house at Kol Shalom, as seen not in character of the neighborhood



Picture 2 - View from inside our house at Kol Shalom, we see the parking lot, their lights, and trash bin.



Picture 3 - View from the front of our house to shared driveway that cars pass on to get to Kol Shalom



Picture 4 - Shared driveway, each side is one lane



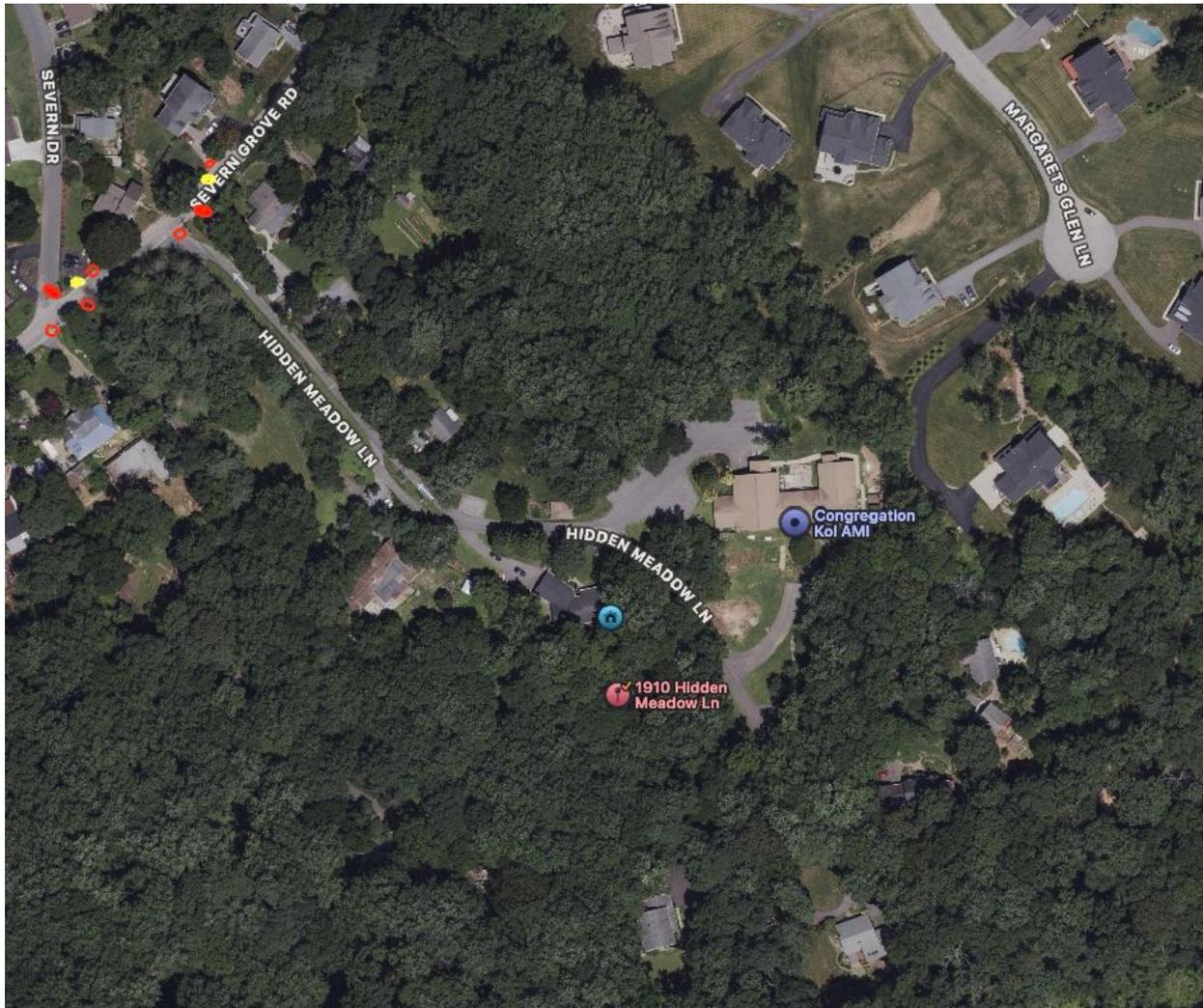
Picture 5 - View of trying to get onto Severn Grove road



Picture 6 - View from shared driveway from the other direction, as seen there is no shoulder



Picture 7 - Children in non-fenced area next to parking lot



Picture 8 - Red dots are roads and driveways, yellow is bus stops.



Picture 9 - At entrance to Kol Shalom coming up from bottom of hill



Picture 10 - 3/4 way up hill looking at Kol Shalom on the right, road turns to left that you can not see.



Picture 11 - Looking out our living room window at night



THIS DEED, Made this 31st day of August, in the year one thousand nine hundred and eighty-one, by and between PIERRE M. TULLIER and SHARON D. TULLIER, his wife, formerly of Anne Arundel County, State of Maryland, parties of the first part, Grantors, and CONGREGATION KOL AMI, INC., a Maryland corporation, party of the second part, Grantee.

WITNESSETH, That in consideration of the sum of ONE HUNDRED FIFTEEN THOUSAND and 00/100ths (\$115,000.00) DOLLARS, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey unto the said party of the second part, its successors and assigns, in fee simple, all that parcel of ground situate in Anne Arundel County, State of Maryland, and described as follows, that is to say:

RECORD FEE 12.00
RECORD TAX 805.00
TRANS TAX 575.00

BEGINNING for the same at the northeasternmost corner of Lot One as shown on the plat filed among the Land Records of Anne Arundel County in Liber WGL 3328, folio 447; said beginning point being at the end of the North 33 degree 27 minute West 83.3 foot line of the second parcel of the conveyance by Hiram Madison Shaw and Isabel Shaw, his wife, to Pierre M. Tullier and Sharon D. Tullier, his wife, by deed dated September 26, 1975 and recorded among the Land Records of Anne Arundel County in Liber WGL 2796, folio 425; thence leaving said beginning point so fixed and running with the lines of said second parcel of said conveyance to Tullier as now surveyed South 56 degrees 33 minutes West 308.00 feet to the easternmost side of a 50 foot private right-of-way as shown on said plat of the Tullier Property; thence leaving the outlines of said conveyance to Tullier and running through said first and second parcels of said conveyance with the easternmost side of said 50 foot private right-of-way with a curve to the right having a radius of 166.33 feet the arc distance of 171.75 feet; thence still with said 50 foot right-of-way South 21 degrees 41 minutes 14 seconds East 172.24 feet to the end of said right-of-way and the northernmost outline of Lot Two as shown on said plat of the Tullier Property; thence leaving said 50 foot private right-of-way and running with the divisional line between Lots One and Two, North 77 degrees 59 minutes 31 seconds East 314.60 feet to intersect the North 33 degree 26 minute 40 second West 592.60 foot line of the first parcel of the aforementioned conveyance to Tullier; thence leaving Lot Two and running with part of said North 33 degree 26 minute 40 second West 592.60 foot line and with the North 33 degree 27 minute West 83.3 foot line of said second parcel of said conveyance to Tullier, as now surveyed, North 33 degrees 26 minutes 40 seconds West 440.0 feet to the point of beginning. Containing 2.412 acres, more or less, according to a description by Edward Hall, III & Associates, Inc. in July of 1981.

COUNTY TAX 1150.00

BEING all of Lot One as shown on the plat of the Pierre M. Tullier Property as shown on the plat recorded among the Land Records of Anne Arundel County in Liber WGL 3328, folio 447. The improvements thereon now being known as 1909 Hidden Meadow Lane.

#03513 0040 R01 T14:58

TOGETHER with the use in common with others entitled thereto of the 50 foot private right-of-way to Severn Grove Road as shown on the minor subdivision plat of the Tullier property recorded among the aforesaid Land Records in Liber WGL 3328, folio 447.

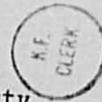
AUG 31 81
805.00

BEING part of the property which by Deed dated September 26, 1975 and recorded among the Land Records of Anne Arundel County in Liber WGL No. 2796, folio 425, was granted and conveyed by Hiram Madison Shaw and Elizabeth Shaw, his wife, unto the said parties of the first part, Grantors herein.

575.00

1150.00

I hereby certify that the property contained herein has been transferred as provided for under Article 81 Section 5-104 of the Maryland Code.
District 2nd-dp



RECEIVED FOR RECORD
CIRCUIT COURT, A.A. COUNTY

1981 AUG 31 PM 3:01

W. GARRETT LARRIMORE
CLERK

The Grantors do hereby grant unto Grantee the full and free right and liberty for it, its tenants, servants, visitors and licensees, in common with the Grantors, their tenants, servants, visitors and licensees, at all times hereafter, on foot or on horseback, or in vehicles, to pass and repass along the private roadway, hereinafter described, for all lawful purposes connected with the use and enjoyment of the aforescribed property as a single family dwelling home, and any lawful purpose permitted within zoning laws in effect on the date of execution hereof.

Said private roadway being known as Hidden Meadow Lane, as more accurately described and shown on the plat by Edward Hall, III, entitled "Resubdivision of Pierre M. Tullier Property", said plat being recorded in the Land Records of Anne Arundel County in Liber WGL 3328, folio 447.

Said right-of-way being granted to the party of the second part, its successors and assigns, to run with the land.

Provided, all maintenance and improvement expenses, mutually agreed upon, shall be shared equally by all adjoining land owners having a right to use in common the aforescribed private roadway; provided, Grantee herein, its successors and assigns, shall be obligated for no more than one-fifth (1/5) share of such expenses.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot or parcel of ground and premises to the said party of the second part, Grantee, its successors and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter, or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

Grantee joins in the execution of this Deed for the purpose of acknowledging the covenants hereinabove set forth.

WITNESS the hands and seals of said grantors.

WITNESS the corporate seal and the signature of the President of said Grantee.

WITNESS:

Stephen Palmer

Vivian A. Yeagle

Pierre M. Tullier (Seal)
Pierre M. Tullier, Grantor

Sharon D. Tullier (Seal)
Sharon D. Tullier, Grantor

CONGREGATION KOL AMI, INC.

Cynthia R. White

By: Anton Galucci
President

STATE OF FLORIDA, County of Martin, to wit:

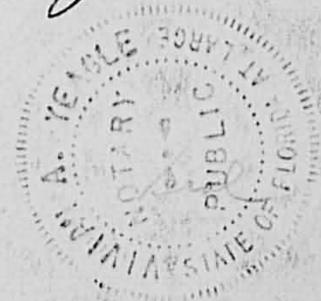
I HEREBY CERTIFY, That on this 17th day of August, in the year one thousand nine hundred and eighty-one, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared PIERRE M. TULLIER and SHARON D. TULLIER, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Vivian A. Yeagle
Notary Public

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JUNE 23 1985
BONDED THRU GENERAL INS. UNDERWRITERS

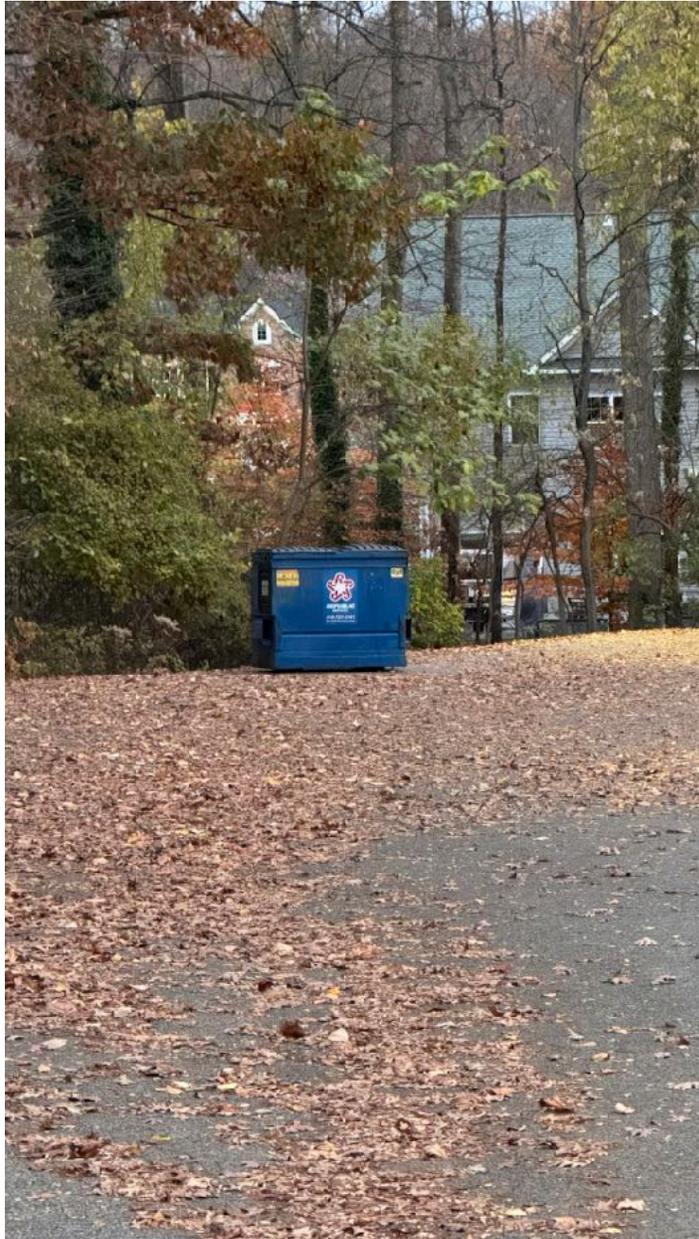


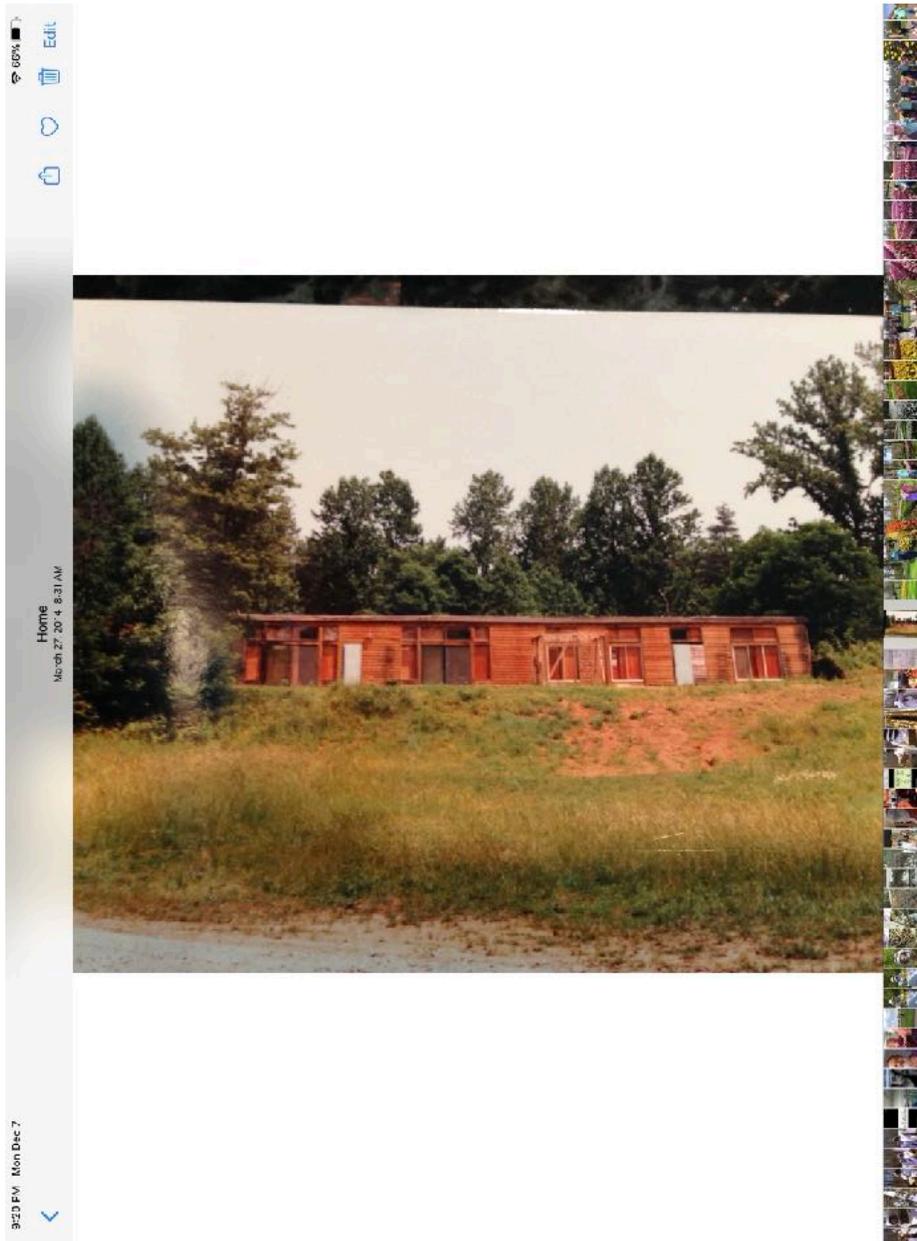
Mailed to: Chesapeake Land Title













NOTICE
AN APPLICATION HAS BEEN FILED FOR SPECIAL EXCEPTION
TO ALLOW A CHILD CARE CENTER OTHER THAN AS A HOME
OCCUPATION IN AN R1 RESIDENTIAL DISTRICT

LOCATION: 1008 HIDDEN MEADOW LANE, ANNAPOLIS
CASE NO. 2022-0151-S
CONSIDERATION BEGINS

PENDING A PUBLIC ZONING MEETING. FOR INFO CONTACT
THE ZONING DIVISION AT 410-222-7437 OR VIEW WEBSITE
WWW.AACOUNTY.ORG/ADMIN-HEARINGS

**PRIVATE PARKING
UNAUTHORIZED VEHICLES
WILL BE TOWED**



To: Hearing Officer
From: Curtis Fatig/1910 Hidden Meadow Lane/301-996-4609

The special exception should be denied.

The preschool has ruined the nature of the neighborhood as well as creating dangerous conditions with the traffic for the residents on Hidden Meadow Lane, the children at bus stops, the children at Kol Shalom, on Severn Grove Road and our shared private driveway (Hidden Meadow Lane). This is our opportunity to speak out, since complaining about the day care at Kol Shalom previously would of fallen on deaf ears since no hearing was ever done with the neighbors notified or involved. We attempted to speak out about the increase traffic in 2013 and the need for a traffic study, but to no avail.

The staff report is flawed due to inaccurate application by Kol Shalom. An example is the outdated C-1 drawing showing items not implemented and items that have since been removed. The hearing officer or staff should come and look, possibly meet with the parties involved in the neighborhood.

In the staff report Findings paragraph 3, the day care was not an existing school as they were told by Kol Shalom. So a traffic study should of been completed in 2013/2014. To correct this error a traffic study should be completed now. Also the day care is the majority use of the building.

In the staff report Special Exception Standards,

-item 2 is not met since since children play next to parking lot with no barriers and cross parking lot to enter/exit facility while cars are passing them, see picture 7. Also parking lot is insufficient with only 25 spaces for all activities.

-Item 3 is flawed with noting the fenced outdoor play yard is located at the side of the building. It is located at the front of the building. What the applicant calls the front of the building has no windows, no doors, or no sidewalks, see picture 1. The out door play area is in violation of the rules.

-Item 4 the site does not provide buffering between the neighbors. The existing child care center has increased from about 10 students to 24 to 39 to enrollment of 48, so that alone would indicate that this special exception should be denied due to the surrounding residential properties are not shielded from the effects of noise, hazards, or other offensive conditions. See picture 1, 2

-Last paragraph, the facility is not compatible with a R-1 district due to traffic created on a residential area, noise/fumes/safety in the neighborhood and lighting in the neighborhood. A different location would be better suited for the day care with adequate roads and infrastructure.

Other items that are flawed in the application are noted below.

In Kol Shaloms application, the misstatements.

Section 18-11-112

(2) Parking area and circulation is not adequate to avoid children and adults walking across the parking lot while other cars are entering/exiting the facility. We watch as parents do not park in

the area of traffic cones and walk their children across the parking lot as others are entering/exiting. This is a danger to the children.

(3) Not all the outdoor play areas are fenced, and as noted some those that are not fenced 'tend to be on the quieter activities' is not true. Play areas in the front and next to parking lot are a danger. As can be attested to by the multiple neighbors around Kol Shalom. See Picture 7

(4) The activities, including cars entering and exiting, the neighbors are NOT shielded from the effects of noise, hazards, and other offensive conditions. Many neighbors can see directly into the Kol Shalom facilities. See Pictures 1, 2, 7, and 11.

(7) As noted Kol Shalom has never had a special exemption for the preschool (only religious school and synagogue) and the zoning letters in 2013/2014 were not provided all the information to make an informed decision. In addition during the winter, the fire lane for that building is not accessible due to being snow covered fire lane as well as the hill being a 12% grade is not safe during snow/ice events as experienced in the past with AACO ambulance crews. The only time (except once) the hill is cleaned of snow is when the other neighbors clean it, but then fire lane is still covered since on their property. Also many cars will park on the fire lane when the 25 spaces are full, this is not a parking area. Without a full time fire lane, how is the day care allowed to operate ?

Section 18-16-304

(1) As noted above, it is detrimental to the public health and safety for those on Severn Grove road and the shared driveway (Hidden Meadow)

(2) Also noted above, the access roads are NOT designed to be compatible with the development of the preschool.

(3) This preschool noise, lighting, and traffic exceeds that of other uses.

(4) The location has adversely affected the area, other locations are more suited for a high traffic facility.

(5) The existing traffic on Severn Grove road has been greatly impacted by the increase traffic generated by the Kol Shalom day care.

(6) Kol Shalom already has exceeded their planned traffic use in those 2013/2014 memos, of 50 trips per day.

(8) Just because enrollment increases does not mean there is evidence of public need. If they raised their rates higher then need would decrease, does that mean there is no longer a need for a preschool ? Where is the survey and analysis that the preschool location is where it needs to be to service the community ?

(9) As noted they have increased the enrollment since 2014, so it is not consistent with the 2014 memos. So they have NOT "maintain adherence to the criteria for the specific use"

Point 1.

The pre-school has been operating without the proper zoning since 2013. November 19, 2024 from Jeff Halpern stated “During the review by Planning and Zoning there was also a discussion the Kol Shalom had operated the religious school since the 1980’s and as such, the pre-school might be considered an expansion of the existing religious school that predates. Per the table below, under that interpretation the preschool would also be considered a permitted use.”

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1
Temporary structures consisting of temporary seasonal structures that sell produce and other agricultural goods			
Rooming houses			
Schools, private academic, in existence on or before May 12, 2005	P	P	P

E-mail to the Falcons on Sept 26, 2024 it is stated by Jeff Halpern “new pre-schools under 60 students located on the property of an existing religious organization were not required to have a special exception”

It is a new school, not an expansion of the existing one, since allows for younger children than the existing religious school as well as instruction outside of religious context and outside the existing religious school hours.

Also in the Oct 23, 2013 Office of Planning and Zoning Memo section II. subsection B. Roads, adequacy was exceeded, so the decision for preliminary plan approval to the Department of Inspections and Permits was done in error.

Point 2.

It has been extremely disruptive to the character of the neighborhood - Noise, traffic, safety, and lighting - including the beeping from the cars, car lights shining in houses, parking lot lights shining in houses (See picture 11), cars driving too fast for road conditions, etc. The addition of the pre-school has made it an exponentially worse. When we remodeled our house at 1910 Hidden Meadow Lane, we had to move our driveway to we could enter/exit safely with the traffic from Kol Shalom, and that is when it was only 24 students.

Point 3.

Traffic - The traffic has increased dramatically. The original statement from Larry Tom (Oct. 23, 2013) indicated less than 50 trips a day would not need a traffic study. Even the 2013 letter from Kol Shalom indicated 24 students would be in the preschool program. This alone would generate more than 50 trips a day between students and staff, so I assume Larry Tom was not given all the information when Kol Shalom was approved for the building expansion with a greater traffic load on our shared private driveway.

The road width is about 18 feet which would not allow for a UPS/Fex delivery van and a pickup truck to pass by one another. Or safely 2 pickup trucks or large SUVs. On snow days when the road is plowed only 1 car can travel it at a time.

The load is now, about 180 trips a day (a trip is when a car passes) and as far as I can tell no authorization or review has been done to allow the increase. In front of our house on October 30, 2024 there were cars that passed between 8:10 and 9:10 - 68 cars passing in just 1 hour

just for kol shalom that is more than 1 car a minute, and just 2 from the other neighbors. Between 11:30 to 12:30 - 41 cars passed the house for Kol Shalom. More cars pass our house in the morning than the entire remaining part of Severn Grove road. See Picture 3

On November 8, 2024 while taking the trash bins back to the house we had to get off the shared driveway, that has no shoulder, to get out of the way of 11 cars while walking a total of 218 steps.

Coming up the hill from the 4 houses at the bottom cannot safely navigate the turn at the intersection with Kol Shalom driveway with any incoming or out going traffic. Picture 9 and 10

This excess traffic creates not only noise but a danger to children playing in our yard, people walking their dogs, people walking their children, checking the mail, taking the trash out, driving out of driveways, other drivers entering Severn Grove Road, people walking along Severn Grove road since there is no shoulder on this public road, and coming up the hill on the shared driveway to exit the community, as well as disrupting the character of the neighborhood. See Picture 4, Picture 5, and Picture 6.

The neighborhood was not involved with Larry Tom's 'analysis' or in any of the 'interpretations' made for Kol Shalom back in 2013/2014. Since the construction and day care enrollment exceeded the 50 trips per day since opening a traffic study should of been done and must be done before a decision on the special exception.

Bill 3-05 adopting the 2005 Subdivision Code and in Section 26-5-401 (a) stating that a development passes the adequate roads facilities test if the development creates 50 or fewer trips.

—So at the time of the Larry Tom letters, if it created more than 50 trips a traffic study would be required to prove that traffic was adequate. No traffic study or analysis was ever done for Kol Shalom.

Margarets Glen subdivision of 14 houses was required to have a traffic study, it generates less traffic on Severn Grove Road than the Kol Shalom day care, yet it doesn't need a traffic study ?

The entrance/exit of the shared driveway to Severn Grove Road is unsafe for viewing of traffic, other driveways, bus stops, safe walking along the Hidden Meadow Lane and Severn Grove road, currently no shoulder in many areas and with the large increase in traffic makes it unsafe to walk or for the school children waiting for the school bus. Within 130 feet of Hidden Meadow lane are 2 bus stops, 5 driveways and 1 subdivision entrance/exit. See picture 5, 6, and 8.

This preschool would be better served in an area with adequate infrastructure.

Point 4.

The original plan, that was not properly zoned for in it's present location, Kol Shalom in their building/facility budget in 2013 said 24 students were planned. As explained to the neighbors at that time it was to attract young members to the congregation. Once they realized that they could have 39 students they upped their student rate as well as opening up to anyone, without notifying anyone in zoning or the neighborhood.

In Kol Shalom application documents it has a drawing that shows the child care parking in an area that is used also by the religious school and the synagogue. On their sign, it is posted addition parking and pointing down the remaining part of Hidden Meadow lane, there is only a

fire lane, not additional marked parking. The parking is not adequate for the uses of the building.

What is to limit them from in the future doing internal modifications to increase the student limit again to 60 students or more ?

Summary:

The Preschool should not be allowed to operation in the facility, since it never operated within the zoning memos at the time, was not a preexisting use prior to 2005, trips per day exceeded the limit established, that did not take into account the noise, lighting, traffic, and adverse effects on the neighborhood.

If the ruling is that the preschool should be allowed, then a restriction of a total number of student per day, be placed on the facility. For less than trips a day to 50, which would include the day care and religious school. This would mean far less than 24 students and staff since that would generate about 106 trips a day. I calculate about 10 students, plus staff would be around 50 trips a day. Additional noise reduction and light mitigation (including headlights turning into the shared driveway, turning into their parking lot, street lights shining into neighboring homes, etc) be implemented for all properties around the facility.



Picture 1 - View from the front lawn our house at Kol Shalom, as seen not in character of the neighborhood



Picture 2 - View from inside our house at Kol Shalom, we see the parking lot, their lights, and trash bin.



Picture 3 - View from the front of our house to shared driveway that cars pass on to get to Kol Shalom



Picture 4 - Shared driveway, each side is one lane



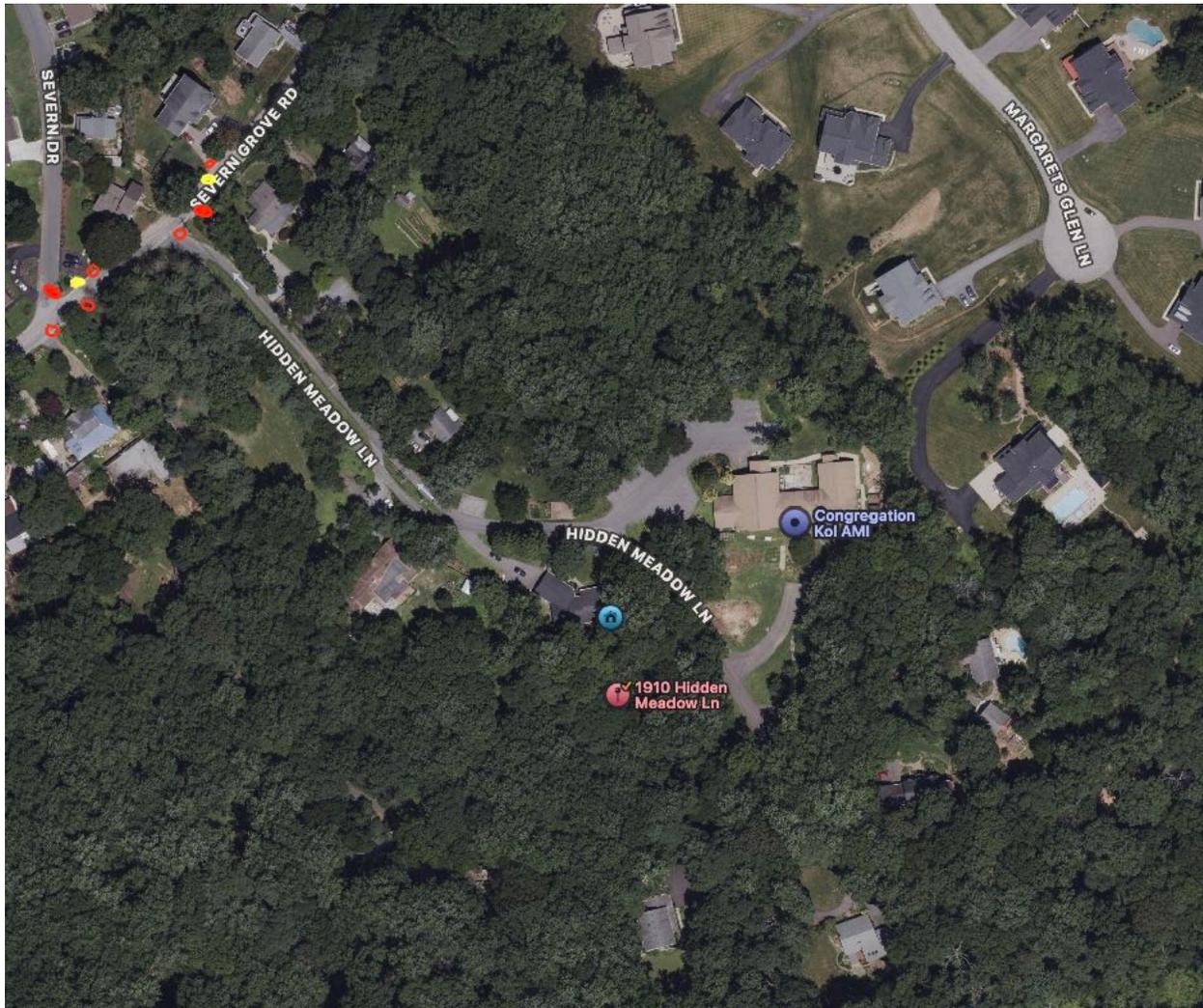
Picture 5 - View of trying to get onto Severn Grove road



Picture 6 - View from shared driveway from the other direction, as seen there is no shoulder



Picture 7 - Children in non-fenced area next to parking lot



Picture 8 - Red dots are roads and driveways, yellow is bus stops.



Picture 9 - At entrance to Kol Shalom coming up from bottom of hill



Picture 10 - 3/4 way up hill looking at Kol Shalom on the right, road turns to left that you can not see.

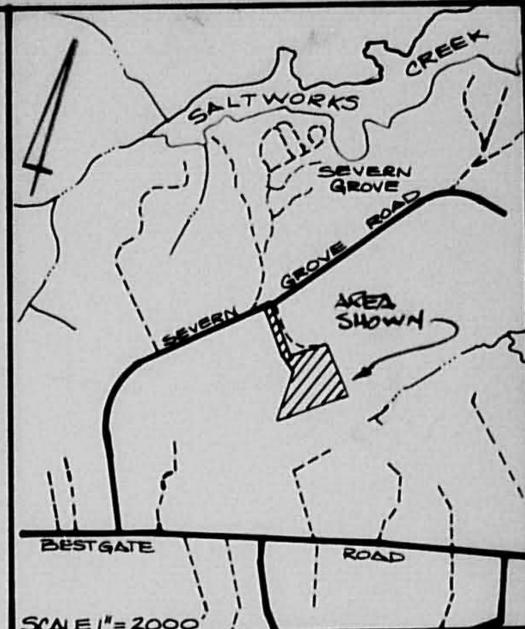


Picture 11 - Looking out our living room window at night

NOTES

1. 1909 DENOTES HOUSE NUMBERS
2. WAIVER NO. 622, DATED 2/21/80 GRANTED TO ALLOW A LOT MINOR SUBDIVISION.

3328 M1447



TAX MAP 45
BLOCK 10
PARCEL 241

R-2 ZONING SETBACK REQUIREMENTS:

FRONT	30 FT.
SIDE	7 FT.
REAR	25 FT.
CORNER	20 FT.
COMBINATION	30 FT.

BELL GROVE CORPORATION

RECORD FEE 7.50
#39393 0055 R02 T11:20
JUL 28 80

APPROVED FOR RECORDING WITH DEED BY THE A.A.CO. PLANNING AND ZONING OFFICER BY SPECIAL EXCEPTION AS TO PLAT SIZE.

* *J. Howard Boop* 7-24-80
PLANNING & ZONING OFFICER
FSD & REC. FEES PAID 9-24-80, CR 17155

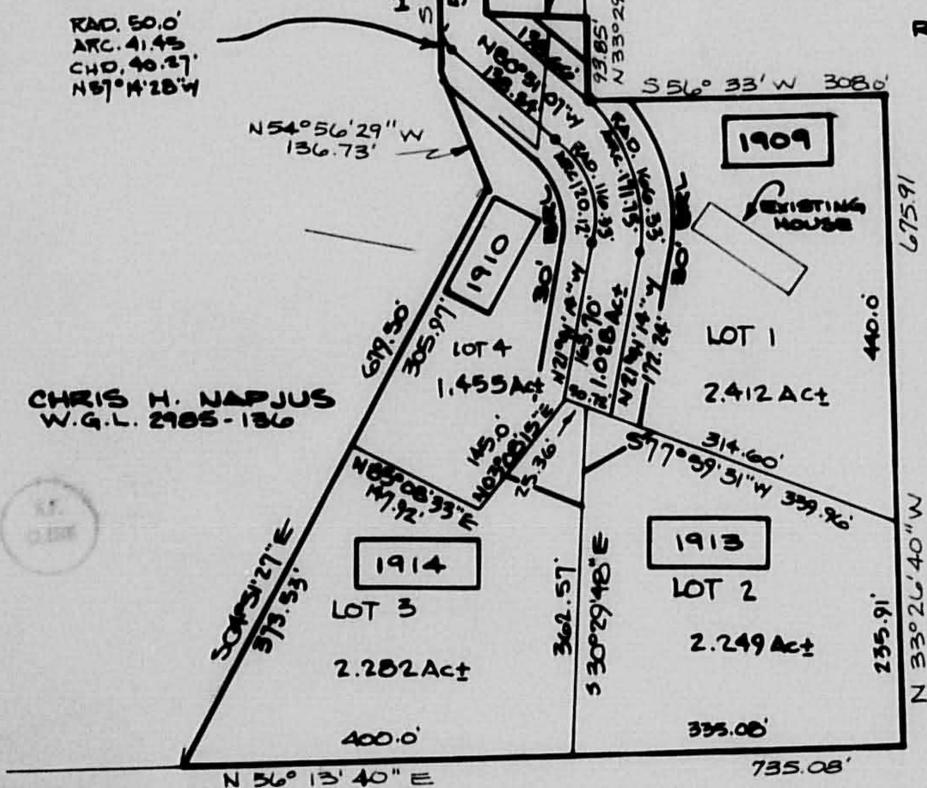
APPROVED BY THE A.A.CO. HEALTH OFFICER.

J. Howard Boop 5/20/80
HEALTH OFFICER DATE

RAD. 50.0'
ARC. 41.45'
CHD. 40.27'
N57°44'28"W

CHRIS H. NAPJUS
W.G.L. 2985-186

RECEIVED FOR RECORD
CIRCUIT COURT, A.A. COUNTY
1980 JUL 28 AM 11:24
W. GARRETT LARRIMORE
CLERK



* THE 50' RIGHT OF WAY SHALL BE PRIVATE, NON-COUNTY OWNED AND MAINTAINED AND SHALL NOT BE PETITIONABLE TO THE COUNTY AS A COUNTY ROAD OR FOR MAINTENANCE.

THIS IS A PLAT OF THE PROPERTY CONVEYED TO US BY DEED W.G.L. 2796-425, DATED 9-20-75

* WE HEREBY ADOPT AND APPROVE THIS PLAN OF SUBDIVISION.

Pierre M. Tullier 2/4/80
PIERRE M. TULLIER DATE

Sharon D. Tullier 5/15/80
SHARON D. TULLIER DATE



Edward Hall, III

**PIERRE M. TULLIER
PROPERTY**
RESUBDIVISION OF APPROVED PLAT W.G.L. 2858-675
SEVERN GROVE ROAD

2ND DISTRICT A.A.CO. MD.
SCALE: 1" = 200' NOV 1979

EDWARD HALL III & ASSOCIATES, P.A.
REGISTERED PROFESSIONAL LAND SURVEYORS
ANNAPOLIS, MARYLAND

FOR TITLE SEE:
HIRAM MADISON SHAW & WIFE
TO
PIERRE M. TULLIER & WIFE
SEPTEMBER 20, 1975
W.G.L. 2796-425
SEE ALSO
A.A.CO. P&Z APPROVED
PLAT AT: W.G.L. 2858-675

MS#80-118



**ANNE
ARUNDEL
COUNTY**

M A R Y L A N D

County Executive Laura Neuman

2664 RIVA ROAD, P.O. BOX 6675

ANNAPOLIS, MARYLAND 21401

OFFICE OF PLANNING AND ZONING

October 23, 2013

Mark W. Evans, Associate
Drum, Loyka & Associates, LLC
1410 Forest Dr., Ste. 35, Clock Tower Place
Annapolis, MD 21403

Re: Congregation Kol Shalom Synagogue
Preliminary Plan # C2013-0050 00 PP
Tax Map 45 Block 15 Parcel 241

Dear Mr. Evans:

The Preliminary Plan for the above referenced project has been reviewed by the agencies listed below and copies of their comments are attached.

- | | | |
|----|----------------------------|----------------------------|
| A. | OPZ/Planning, Env. & Land. | Approval, October 18, 2013 |
| B. | Fire Marshal | Approval, October 21, 2013 |

I. Agency Comments to Be Addressed

The agency comments listed below (copies attached) must be addressed with the Site Development Plan submittal:

- | | | |
|----|-------------------------------|----------------------------|
| A. | OPZ/Planning, Environ., Land. | Comments, October 18, 2013 |
| B. | OPZ/Engineering & Utilities | Comments, October 15, 2013 |
| C. | OPZ/Traffic | Comments, July 22, 2013 |
| D. | Fire Marshal | Comments, October 21, 2013 |

II. Adequacy of Public Facilities

Adequacy of Facilities for items A., B., C., D., and E. below, have been reviewed and are approved subject to any noted conditions.

- A. Fire Suppression: Adequacy of Fire Suppression has been demonstrated. Please see the enclosed Fire Marshal's comments dated October 21, 2013.
- B. Roads: Adequacy for Roads has been demonstrated. Adequacy for Roads has been demonstrated, through submittal of the Trip generation information and determined that the proposed development will generate less than 50 trips per day; therefore, Adequacy has been met. Please see OPZ/Traffic comments dated July 22, 2013.

- C. Schools: Residential uses are not proposed. School adequacy is not required for this project.
- D. Utilities: Adequacy of Water and Sewerage has been demonstrated. This site will be served by private well and septic and Adequacy of Utilities approval is deferred to the Department of Health. Health Department recommended approval June 26, 2013.
- E. Storm Drains: Adequacy of facilities for storm drainage has been addressed. It has been adequately demonstrated that the onsite drainage system and stormwater management system installed by the developer includes environmental site design to the maximum extent practicable, complies with the stormwater requirements of the Anne Arundel County Code, and is capable of conveying through and from the property, the design flow of storm water runoff originating on the site to an adequate outfall; and offsite downstream drainage systems are capable of conveying the design flow of storm water runoff to an adequate outfall between the site outfall(s) to the Point(s) of Investigation (POI) located at Lot #3B of the Merele Marcellus Property.

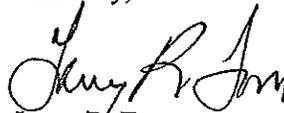
III. Decision

Based upon the information submitted for the above referenced project, this office recommends Preliminary Plan approval to the Department of Inspections and Permits as of the date of this letter. This recommendation is subject to the items in Sections I and II listed above being satisfactorily addressed with a Site Development Plan submittal.

IV. Resubmittal/Agreements/Expiration

Each agency submittal package for the Site Development Plan shall include a point-by-point response letter addressing the items in Sections I and II, above. Please note that as per Article 17-4-201(d), the Preliminary Plan and, if applicable, approvals for Adequacy of Public Facilities, expires twelve (12) months from the date of this letter, October 23, 2014, unless a Site Development Plan is submitted for review. If you have any questions regarding this approval, please contact Donna Aulds at pzauld02@aacounty.org or 410-222-7960.

Sincerely,



Larry R. Tom
Planning and Zoning Officer

cc: Kathy Shatt, OPZ
Judy Motta, PAC
Dan Kane, PAC

Congregation Kol Ami, Inc.
File
Patti Turner, OPZ

To: Hearing Officer

From: Norik Dzhandzhapanyan / 221 Margarets Glen Ln
Residents of the Property directly East of the pre-school reading area.

Notes and comments for hearing regarding Tree of Life pre-school special request.

As per Maryland State Department of Education letter of compliance (revised on 9/22/21) the approved pre-school use seems to be for Classroom 1 & 2, total 39 pupils, operating from 9am to noon.

The Synagogue, religious school and pre-school entities seem to be referred to as common entities in some cases and individual in others. The vagueness indicates potential for more than 39 pupils and up to 60 or more.

For example, the letter dated on 12/19/2013 addressed to Mr. Daniel L. Kane, from Dr. Howard Salob (president of Congregation Kol Shalom) indicates six full-time classrooms. Two classrooms for pre-school (as referenced in the MSDE letter of compliance) with 12 pupils per classroom instead of the total 39 referenced in MSDE. The letter also refers to a capacity of 59 student in the other four classrooms. A potential for 83 - 98 students.

Letter of Explanation references:

Page 2, first paragraph

"At the time, based on a ruling from Larry Tom, the pre-school was considered to be a permitted use since it was a pre-school operating within an existing religious facility with a planned enrollment of less than 60 students."

Page 2, section (1)

(1) The facility shall be located on a lot of at least one acre for a center with less than 60 children and on a lot of at least two acres for a center with 60 children or more.

The Child Care facility is on the grounds of the synagogue for Congregation Kol Shalom. The site is 2.4 acres in size. The preschool is certified by the State up to a limit of 39 students per day in accordance with COMAR and as such will remain below 60 children.

Questions

1. What is the current enrollment and operating hours?
2. Does the special exception allow for enrollment beyond 39 pupils?
3. Is there a verification of compliance mechanism?
4. Will the special exception allow for expanding to more than 60? How many more?
5. If so, is there a study indicating the adequacy of parking?

Anne Arundel County Zoning Code

https://codelibrary.amlegal.com/codes/annearundel/latest/annearundelco_md/0-0-0-118383

§ 18-3-104. Parking space requirements.

Childcare facilities:

2 spaces for each group of 10 children or less

Religious facilities in combination with a school:

1 space for every 3 seats plus 1 space for every 15 classroom seats plus 1 space for every 5 seats in a multi- purpose room or 1 space for every 3 permanent auditorium seats

January 11, 2025

Norik & Diana Dzhandzhapanyan
221 Margarets Glen Ln
Annapolis, MD. 21401
909-636-9448

To whom it may concern:

We are the residents and owners of the property to the East of 1909 Hidden Meadow (Synagogue and child-care facility). We are supportive of nature-based worship and education as described by Congregation Kol Shalom and the Tree of Life preschool, to that end we have made improvements to the space between our properties by planting and maintenance to maintain the natural setting.

Our concern is the potential of parking requirements of an expanded enrollment which would be enabled by considerations beyond what exist today. A possible parking space is the open area between our properties as illustrated below. Unless every possible effort was made to study and mitigate the impact of an expanded commercial operation in the middle of a quiet residential neighborhood to include traffic, pollution, safety and noise considerations we would be opposed to such expansion which we feel would be enabled by the approval of the exception sought by Kol Shalom.



Norik & Diana Dzhandzhapanyan