

Item 3.3 - Correspondence

From: [Michele Rosenfeld](#)
To: [MCP-Chair](#)
Cc: [Gatling, Tsaiquan](#); [Dickel, Stephanie](#)
Subject: September 12 Planning Board Hearing: Extension Request Bradley Hills Grove Section 2, Preliminary Plan 120230090
Date: Tuesday, September 10, 2024 9:15:22 AM
Attachments: [Outlook-ptfibxyq.png](#)
[2024.09.10 Harris letter.signed.pdf](#)

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Dear Chairman Harris:

Please accept the attached correspondence, filed on behalf of my clients and others, in the record of the above-referenced proceeding for Board consideration in connection with this matter.

Respectfully submitted,

Michele Rosenfeld
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September 10, 2024

Mr. Artie Harris, Chair (via email: MCP-Chair@mncppc-mc.org)
Montgomery Planning Board
The Maryland-National Capital Park
and Planning Commission
2425 Reedy Drive, 14th Floor
Wheaton, MD 20902

RE: Extension Request
Bradley Hills Grove Section 2, Preliminary Plan 120230090
8509, 8513 Meadowlark Lane (the "Project")

Dear Chairman Harris:

Please accept this letter into the record of the pending extension request for the above-referenced Project for Board consideration. For the reasons explained herein please **DENY** the extension request for this application.

I submit this request on behalf of (a) my clients Sean and Kathleen Cahill, confronting property owners who live at 8512 Meadowlark Lane; (b) my client Patti Waksal, an abutting property owner who lives at 8517 Meadowlark Lane; and (c) the following individuals who concur in this request:

1. Mark Goldstein and Marty Vanderhoof, 8508 Meadowlark Lane
2. Luigi Notaragelo and Evelina Mazzolari, 8307 Meadowlark Lane
3. Ramon and Jean Barquin, 8521 Meadowlark Lane
4. Mishka Dehghan and Ali Sanai, 8505 Meadowlark Lane
5. Rahul Rajkumar and Usha-Kiran Ghia, 8516 Meadowlark Lane

Grounds for Denial

The applicant for this Project has filed a request for extension of time to present the subdivision to the Montgomery Planning Board (the "Board") and is scheduled to be considered by the Board on September 12.

My clients oppose the extension request (the applicant's third) which - if granted - would extend the standard 120-day review period for a subdivision application to a review period of more than two years. The Subdivision Regulations require the Board to schedule a public hearing to begin within 120 days of Planning Director acceptance of a subdivision application. County Code Chapter 50 § Section 4.1.E. Although this Code Section allows the Board to grant an extension of the 120-day requirement, as of this month the application has been pending for more than 1½ years.

This extraordinary delay in presenting the application at a public hearing has been burdensome on my clients, who have been compelled to monitor the Project's status every several weeks to determine if it is progressing through the development review process. Not only is this an inconvenience, but it carries with it a financial burden. My clients retained me for this purpose as they are not familiar with the Planning Department's online resources and were concerned that they might miss the opportunity to participate in the proceedings in a timely manner if they did not have help monitoring the process.

The Board also should know that the interests of the community at large also have been compromised because the applicant has failed to maintain the Project signage required by County Regulation 50.10.01.04.C Notice (Sign Posting) pending a hearing on the merits of the application. The applicant is required to place signage on the subject property in the most visible location available, avoiding landscaping or other features that would impair or obstruct the visibility of the signs from the street. Moreover, the applicant must maintain application signs "throughout the review of the application." Development Review Manual § 50/59.10.01.04.C.3. Neither of these requirements have been met, as seen in the photographs shown in Figures 1 and 2 (taken on August 6, 2024). One sign simply is not visible, and the other has not been posted since April 2024.



Figure 1



Figure 2

The time provided to the applicant thus far to complete its application has been more than generous.

1. The application was filed February 24, 2023;
2. The applicant received its first extension on July 11, 2023; and
3. The applicant received a second extension on February 6, 2024, which expires on September 12, 2024.

For more than a year and a half we have monitored this project for applicant submissions and any other project updates. There has been no applicant activity evident in the file in 2024 except for two extension requests.

At this time, it is unfair for my client to be required to continue to monitor a stagnant project.

Conclusion

We ask that the Board:

Deny the extension request and require the applicant to undergo a new application process (including a new pre-submission community meeting) at such time, if ever, the applicant is in a position to move forward.

Alternatively, we ask that the Board:

Impose a condition of approval that requires the applicant to mail a copy of any new materials submitted in connection with the application to all parties of record within three (3) business days of submission to staff; and

Require all signage be re-posted and maintained properly, as my clients are not the only people who are potentially impacted by the proposed subdivision.

Respectfully submitted,

Michele McDaniel Rosenfeld

Michele Rosenfeld

cc: Sean and Katleen Cahill
Patti Waksal
Mark Goldstein and Marty Vanderhoof
Luigi Notaragelo and Evelina Mazzolari
Ramon and Jean Barquin
Mishka Dehghan and Ali Sanai
Rahul Rajkumar and Usha-Kiran Ghia
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