



Board of Appeals of Baltimore County

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105 WEST CHESAPEAKE AVENUE
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March 2, 2016

Nancy C. West, Assistant County Attorney
Baltimore County Office of Law
The Historic Courthouse
400 Washington Avenue
Towson, Maryland 21204

Robert Chertkof, President
Industrial Enterprises, Inc.
1112 Somerset Place
Lutherville, Maryland 21093

RE: *In the Matter of: Industrial Enterprises, Inc.*
Case No.: CBA-16-017

Dear Ms. West and Mr. Chertkof:

Enclosed please find a copy of the Consent Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington Han".

Krysundra "Sunny" Cannington
Administrator

KC/tam
Duplicate Original Cover Letter
Enclosure

c: Sam Moxley, Hearing Officer/Executive Office
Vincent J. Gardina, Director/DEPS
Nathan Forand/DEPS
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF:
INDUSTRIAL ENTERPRISES, INC.
ROBERT CHERTKOF, PRESIDENT
PROPERTY LOCATED ON THE SES
OF QUAD AVENUE

* BEFORE THE
* COUNTY BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No: CBA-16-017

* * * * *

CONSENT ORDER

The above captioned matter arises as an appeal of an administrative decision of Hearing Officer, Sam Moxley, relative to the imposition of certain stormwater remediation fees assessed on a property located on the southeast side of Quad Avenue in the Rosedale section of Baltimore County, Maryland 21237 and consisting of three discrete, vacant parcels with the following Property Tax Account Numbers, namely, (a) 24-00-003885; (b) 15-09-350023; and (c) 15-09-350022 (collectively, "the Property").

WHEREAS, the legal owner of the Property is Industrial Enterprises, Inc. and Robert Chertkof is the President (collectively referred to as "Chertkof"). The Property is subject to a forest buffer easement, a forest conservation easement and a critical area easement; and

WHEREAS, Chertkof withdrew his appeal of Property Tax Account No. 15-09-350023 on or about January 18, 2016; and

WHEREAS, stormwater runoff from impervious surfaces—such as parking lots, roads and roofs—causes a range of environmental problems including pollution of the Chesapeake Bay and other waterways, more frequent flooding, increased erosion and contamination of drinking water. In an effort to mitigate these effects, the federal government and the State of Maryland have enacted a series of new stormwater remediation mandates; and

WHEREAS, in 2012 the General Assembly of Maryland passed House Bill 287, which

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requires the largest jurisdictions in Maryland, including Baltimore County, to assess fees to fund these mandates; and

WHEREAS, Baltimore County established the Stormwater Remediation Fee to help offset the cost of stormwater management services provided to those who live and work in the County; and

WHEREAS, upon further investigation the County Department of Environmental Protection and Sustainability has determined that access to the Property is limited and that the soil surface has sufficient vegetative and/or permeable cover that allows stormwater to infiltrate into the ground; and

WHEREAS, the parties have reached a settlement prior to the hearing scheduled before the County Board of Appeals for Baltimore County ("CBA"), and this Order being intended to dispose of the above-referenced matter, it is this 2nd day of March, 2016, by the CBA, upon consent of the parties to this case hereby

ORDERED, that the withdrawal of Chertkof's appeal of Property Tax Account No. 15-09-350023 on or about January 18, 2016 shall be and is deemed to be with prejudice; and further

ORDERED, that Baltimore County shall make adjustments to the stormwater remediation fees assessed on the Property as follows:

(a) Property Tax Account No. 24-00-003885 - the County shall reimburse Chertkof for fees previously paid as follows:

| | |
|---------------------|-----------------|
| FY 2013- 2014 | \$337.69 |
| FY 2014- 2015 | \$337.69 |
| FY 2015- 2016 | \$225.12 |
| Total | \$900.50 |

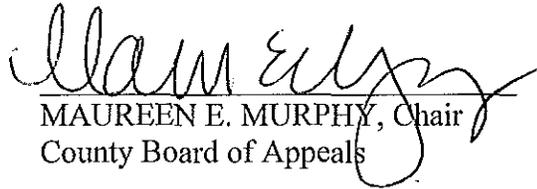
(b) Property Tax Account No. 15-09-350022 - the County shall reimburse Chertkof for fees previously paid as follows:

FY 2013- 2014\$ 50.26
FY 2014- 2015\$ 50.26
FY 2015- 2016\$ 33.51
Total**\$134.03**

and it is further

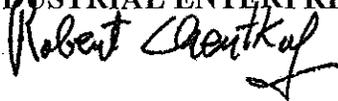
ORDERED, that the entry of this Consent Order shall in no way be deemed an admission by any party, and that it is intended solely in compromise of disputed claims by the parties; and it is further

ORDERED, that the above captioned matter be and is hereby dismissed with prejudice by Industrial Enterprises, Inc. and Robert Chertkof, President.


MAUREEN E. MURPHY, Chair
County Board of Appeals

Reviewed and Approved as to Form and Legal Sufficiency:

INDUSTRIAL ENTERPRISES, INC.



Robert Chertkof, President
1112 Somerset Place
Lutherville, MD 21093
Pro Se

BALTIMORE COUNTY, MARYLAND


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Historic Courthouse, 2nd Floor
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