

**Red Lion Planning Commission
Meeting Minutes
Monday, January 18th, 2016**

Members

Cindy Barley
Robert Frutiger
Felix Milner
Wade Elfner
Nevin Horne

Others

Dianne Price, Borough Manager
Mike Craley, Solicitor
Dan Shaw, Codes/Zoning
Stacy Myers, Recording Sec'y

Guests

Christina Frutiger
Brian Baker
Tony Musso

Kelly Henshaw
Troy Leiphart
Byron Trout

1. The meeting was called to order @ 7:00p.m. All present participated in the pledge to the flag.
2. Mr. Frutiger made a motion to accept the October 19th, 2015 Meeting Minutes; Mr. Milner seconded. All were in favor; motion carried.
3. **Reorganization of Planning Commission**—
 - Chairman—Mrs. Barley made a motion to reappoint Wade Elfner as Planning Commission Chairman. Mr. Milner seconded. All were in favor; motion carried.
 - Vice Chairman—Mrs. Barley made a motion to reappoint Beth Nidam as Planning Commission Vice Chairman. Mr. Frutiger seconded. All were in favor; motion carried.
 - Mr. Elfner welcomed Nevin Horne to the Planning Commission. Mr. Horne replaces Dee Kabacinski as the Borough Council Representative.
4. **An application was submitted by Tony Musso for a Special Exception to allow an automobile sales lot and a Variance to waive the requirement for a 1600 sq. foot display building.** Mr. Musso's property is located at 406 East Broadway, Red Lion, in the Commercial Zone. Mr. Musso would like to sell cars from the rear (and lower level) of his pizza shop located at 406 East Broadway, but he does not have a 1600 sq. foot display building required by the Borough Zoning Ordinance. He stated most of his car sales are online and if a customer wants to come in person, it will be by appointment only. At this point, he does not have an on-site office where the paperwork will be conducted. That will have to be established later should the State require it. The last time the Commission recommended approval for this type of business was 2012, to allow automobile sales at Hake's Best Garage (corner of Walnut & South Main Streets). Zoning Ordinance 27:605 (Automobile and/or Trailer Sales; Automobile Body Shop and/or Garage) requirements were discussed:
 - a. Lot area of 12,000 sq. ft.; *has 15,400 sq. ft.*
 - b. Lot width of 80 ft.; *has 110 ft.*
 - c. Display room, not less than 1600 sq. ft.; *needs Variance for this*
 - d. Service/Repair area needs to be enclosed; *no Service/Repair will be done*
 - e. No outdoor storage of parts, equipment, lubricants, etc; *N/A*
 - f. All exterior storage of vehicles will be screened from adjoining residential zoned properties; *Mr. Musso's property has a chain link fence with privacy slats surrounding it.*
 - g. Demolition/junking of vehicles is prohibited; *N/A*
 - h. All vehicles shall be repaired & removed from property with two weeks; *N/A*Mr. Musso stated that access to the sales area will be via an access drive at the side of his property. Signage will designate parking for any car sales customers. He currently has two residential parking spaces in the rear of his property. In the front of the pizza shop, he has plenty

of parking (one space is required for every four seats in the restaurant); the pizza shop has less than 40 seats.

After review and discussion of the Zoning Ordinance 27:605, Mrs. Barley made a motion to recommend a Variance be granted to not require the 1,600 sq. ft. display building and a Special Exception to allow the automobile sales lot in the Commercial Zone. Mr. Milner seconded. The motion carried, with a 3-2 vote, Mr. Horne and Mr. Frutiger opposing.

All Commission members agreed that the requirement of the 1,600 sq. ft. display building should have been on the list of Ordinances to be recodified recently as they believe this is unrealistic.

5. **An application was submitted by Troy A. Leiphart Masonry, Inc. for a Special Exception to allow a mini-storage facility and a Variance to waive the requirements to provide public sewer, a paved access drive or paved parking spaces for the property located at Neff Street.**

Byron Trout, Mr. Leiphart's Engineer, stated that Mr. Leiphart owns the mini-storage facility, which is in the Industrial Zone, and is requesting a Special Exception and a Variance to avoid connecting to public sewer at the facility and providing a paved access drive and paved parking spaces for customers accessing the facility. The requirements per the Zoning Ordinance, 27:629 were discussed:

- a) Lot area should be at least one acre; *has 1½ acres*
- b) Lot width should be a minimum of 100 feet. *Currently Mr. Leiphart does not have this, but hopes to combine this parcel with the adjoining parcel of land (per a Land Development Plan)*
- c) All lights should be shielded to direct light onto established property and away from adjoining properties. *Currently have wall-mounted lights.*
- d) Buffers and screens shall be provided to adequately protect neighboring properties if residential use or zones. *Currently screened through trees to protect neighboring Cherry Street Apartments.*
- e) Service or repair of stored equipment shall not be conducted on premises. Also no other business other than the rental of storage units shall be conducted. *N/A; plan to continue as currently doing.*
- f) No outdoor storage will be permitted. *N/A, nothing is stored outdoors.*
- g) 30' travel lane will be provided between parallel buildings. *Will have this after the Land Development Plan is submitted.*

Mr. Craley stated Mr. Leiphart should've submitted a Land Development Plan (or a sketch plan, at the least) showing the site and the buildings in order for the Planning Commission to recommend approval of the Special Exception. It cannot be proved that Mr. Leiphart meets all setback requirements with no plan. The plan must show what all will be done on the property, the layout of the property including all buildings, etc, and must meet all the Zoning requirements. The Board cannot make a recommendation at this time with no plan.

Troy A. Leiphart Masonry, Inc. withdraws their application for the Special Exception and the Variance. They must submit a letter to the Zoning Officer to request a 60-day extension.

6. **An application was submitted by Brian K. Baker for a Special Exception to allow a vehicle storage lot in the Commercial Zone at 400 East Broadway, Red Lion.** Mr. Baker purchased the property at 400 East Broadway in 2005 from his father. Since 2010, he has had a fenced-in area behind the property where impounded and/or wrecked vehicles are stored until they are repaired or towed away. He was told when he installed the fence that it met the requirements of the Borough's Zoning Ordinance. Now he said he is told he will need a Special Exception to store the vehicles. He stated approx. 30+ cars can be stored in the area at one time. Mr. Baker stated he also has additional off-street parking that can be used for vehicle storage too. Some of the vehicles he stores were involved in accidents and they must be kept in a secure area until police investigations are completed. Commission members do not see a problem with the vehicle storage behind Mr. Baker's property at 400 East Broadway. Mrs. Barley made a motion to

recommend approval of the Special Exception to allow a vehicle storage lot at 400 East Broadway. Mr. Milner seconded. All were in favor; motion carried.

7. **Zoning Hearing** is scheduled for Tuesday, February 16th, 2016 @ 6p.m.
8. **Adjournment**—With no further business before the Commission, Mrs. Barley made a motion to adjourn the meeting @ 7:56p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary