

Red Lion Borough Planning Commission
Meeting Minutes
Monday, October 17th, 2016

Members

Beth Nidam
Robert Frutiger
Felix Milner
Nevin Horne
Joyce Seabolt
Wade Elfner

Others

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

Visitors

Tina Frutiger
John Ogden

Dennis Klinedinst
Nick Rhoads

1. The meeting was called to order @ 7:00p.m. Everyone present participated in the pledge to the flag.
2. Mr. Horne made a motion to approve the September 19th, 2016 Meeting Minutes; Mr. Frutiger seconded. All were in favor; motion carried.
3. **An application for a Special Exception was submitted by Silverback Services.** (Case No. 10-10-16) The Special Exception is to allow automobile and/or trailer sales, automobile body shop and automobile garage major and an automobile dismantling plant/junkyard at 800 West Maple Street, located in the Industrial Zone. Mr. Rhoads, along with his attorney, John Ogden were present to give an overview of the proposed projects for the property. Mr. Rhoads is the principal owner of Silverback Services, starting the business when he was 17 years old. The current Lancaster location offers towing, auto & truck service, inspection/emission service, as well as U-Haul & retail services. Mr. Rhoads would like to bring all these services to the 800 West Maple Street, Red Lion location. He was introduced to the property, which is the old Mastercraft building, through a realtor, who stated Mastercraft went bankrupt. Mr. Rhoads obtained the property through Community First Fund which helps to provide revitalization to older communities. A condition of the loan is that Mr. Rhoads must employ local residents. Mr. Rhoads submitted pictures of the vandalism of the building (approx. 300 broken windows, etc) along with the renovations that are now taking place. The building is being painted and has new windows. Mr. Rhoads is planning to plant approx. 90 evergreen trees end-to-end to provide screening and improve aesthetics of the area. The property has been surveyed since Silverback's purchase.
A letter from Leon Haller (Mastercraft's bankruptcy lawyer) was included in the proposed project packet. Mr. Haller cancelled the lease of the Mastercraft grounds to Red Lion Borough. Mr. Rhoads was told that because there was a bankruptcy on the property, the original owner didn't disclose the lease to the trustee. Even though it was only \$1, it was still a source of income not legally given to the trustee. That was when Mr. Haller got involved and stated the lease was an impediment to selling the property. Once Mr. Rhoads purchased the property, he got insurance on it and he said the bank had "issues" with the Borough leasing part of the property for recreational purposes.
After purchasing the property, Mr. Rhoads applied for a Use & Occupancy Permit for equipment repair, heavy storage, and general manufacturing. He obtained the permit on August 25, 2016 and thought he was good to move forward with his business. Then there were trespassing issues with the Rail Trail because people didn't know where the property lines were. The paperwork showing that Red Lion Borough extinguished the Rail Trail easement was presented also.

Because the Certificate of Occupancy from 8/25/2016 did not allow for U-Haul rental and auto sales, Mr. Rhoads had to apply for the Special Exception. Silverback's Lancaster location has a different VIN number which qualifies them for a salver business, but the Special Exception was necessary to do such business at the Red Lion location.

Mr. Rhoads had several U-Haul trucks on his property before he was made aware that a SE was necessary. U-Haul Corporation will be removing the trucks on their timeline, but Mr. Rhoads has notified them that they have to be removed.

Requirements of Section 27-605 of the Zoning Ordinance--Automobile and/or Trailer Sales; Automobile Body Shop and/or Automobile Garage (Major) were discussed:

A. Lot area shall be 12,000 square feet, minimum. *Has 411,616 square feet.*

B. Lot width shall be 80 feet, minimum. *Has at least 80'.*

C. For automobile or trailer sales, the lot must be improved with an automobile or trailer display building having not less than 1,600 square feet devoted exclusively to the display of automobiles or trailers. *Has this; however, this requirement is in the process of being deleted from the Zoning Ordinance, per amendments recently submitted to YCPC.*

D. All service and/or repair facilities shall be conducted within a wholly enclosed building. *Has 11,000 square feet of inside space.*

E. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded as part of the service repair operation shall be permitted. *OK.*

F. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned properties. *Trees will be planted, but this isn't really applicable. (a residential property on the South side has been abandoned for approx. two years).*

G. The demolition or junking of automobiles is prohibited. *Has salver license in Lancaster which he hopes to transfer to Red Lion property*

H. All vehicles shall be repaired and removed from the premises within a 2-week period. *He will take "usable parts" from vehicles and move "junked" parts elsewhere for disposal.*

Requirements of Section 27-606 of the Zoning Ordinance—Automobile Dismantling Plant; Junkyard were discussed:

A. Lot area shall be 5 acres, minimum. *Has 9.4 acres (considering all parcels; integrated both tracts of land). Per the assessment records, Mr. Craley stated Mr. Rhoads obtained the property on two deeds. One from Metro Bank, described as 800 Mill Street (for the big building) Deed 2375-2074; and one from Mastercraft Specialties on Mill Street, Deed 2375-2078; referenced on the map as "1C" (for the vacant lot north of the building). The parcel with the building is 4.87 acres; the vacant lot is 3.89 acres.*

Mr. Rhoads explained the building was built in 1927. When Mr. Persing owned it and put an addition on the building, everything was re-subdivided into one parcel. Once it was re-subdivided, the parcel that the Borough had the lease on went away; the parcel number didn't exist anymore.

Mr. Ogden said they would ask, as part of the Special Exception, that both parcels be integrated and considered aggregate. The applicant is considering the entire parcel to include both tracts and the total acreage is going into the computation that the applicant has met the Ordinance requirements (for the five (5) acres in Section 27-606 and 12,000 sq. ft. in Section 27-605).

B. Lot width shall be 300 feet, minimum. *OK—meets this.*

C. Setbacks. Any area used for this purpose must be at least 75 feet from any property line and 100 feet from any street line. *The footprint of the building is not changing.*

D. The area to be used must be completely enclosed within a 6-foot-high fence so constructed as not to have openings greater than 6 inches in any direction and should include appropriate screening. *Security Fence to install fencing around perimeter on North & West sides, with evergreen trees planted in front of fence. No work on cars will be done outside anyway.*

E. It must comply with all applicable State regulations. *Salver license to be transferred from Lancaster location, once approved. State will come inspect property. State Police are also allowed to inspect any garage, anytime, in Pennsylvania without a warrant.*

General Requirements for a Special Exception were discussed. The Ordinance states the SE will be granted if the applicant meets the following criteria:

A. Has to be desirable to the public, convenience & welfare—*Mr. Rhoads stated due to a condition of the loan, local residents have to be hired, which is a benefit to the community. The building was basically an abandoned, blighted property, which has been given new life.*

B. In harmony with the various elements of the Comprehensive Plan. *Mr. Rhoads said the Tri-Borough Comprehensive Plan's "future use" map shows his property as still being in the Industrial Zone. Dan Shaw stated the map also shows a park (recreational) area near this property; however, Mr. Rhoads will have his screening of trees and fencing in place by then.*

C. Must not be detrimental to the character of neighborhood. *Property is at the end of a street and was a factory for the past 80 years.*

D. Compliance (fencing/screening) *Trees and fencing to be in place.*

As the Planning Commission was concerned about U-Hauls being stored outside and/or "junked" vehicles being left outside, Mr. Craley stated Mr. Rhoads is submitting an application for a junkyard (Section 27-606) and would legally be allowed to (in the future) have a junkyard on this property. As long as he has the fence & a 75' setback, he could operate a junkyard. Or in the future, if he would sell the property, the buyer could operate a junkyard here. Mr. Rhoads is not planning to store "junked" vehicles. He will only house vehicles long enough to pull usable parts from them and then remove them. The fence will go up to or very near the property line. That will ensure no trespassing and that the property remains private. Trees will cover the fencing. 75' is needed between the property line and where the cars would be stored. Mr. Rhoads is amenable to installing T-bar to designate the 75' line should he get to the point that he has that many cars. There are several things that Mr. Rhoads plans to do with this property; U-Haul rentals, car/truck service, inspection services, and retail (tobacco products, sporting goods, apparel). There is an employee parking lot; the U-Haul trucks would be stored around the back of the building in another area. The fencing would be completely enclosed with a gate.

Hours of operation, which may be a condition for the Special Exception, for the scrap business will most likely be 9am-5pm; U-Haul operating hours will most likely be 9am-7pm. No hours will be earlier than 7am and no later than 8pm. The Special Exception allows the attachment of reasonable conditions if the Board believes they're necessary to protect legitimate community interest.

Mr. Craley said because Mr. Rhoads already has permission for existing uses (retail, metal & plastic fabrication) and is adding to them, this goes under the issue of a "multi-use" building, making sure he meets the requirements. Mr. Craley strongly suggested Mr. Rhoads have a plan of the building to show exactly where everything is going to take place; i.e. where employees will park, where U-Haul office will be, where truck/car service will take place, where signage for each operation will be placed, etc.

To clarify, when Mr. Rhoads obtained his Certificate of Occupancy for "retail", he was under the assumption that U-Haul rentals could be included. Dan Shaw had then notified him that retail

does **not** include leasing vehicles. Commonwealth Code did the inspections for the Certificate of Occupancy; Dan Shaw issued the permit to Silverback Services, but it was for factory use. Retail use falls under a mercantile or business use. If Mr. Rhoads does vehicle sales or service, that falls under storage use. A separate Certificate of Occupancy for each of the desired uses besides the factory one will be required.

A Use & Occupancy Permit and Certificate of Occupancy are very similar. The “Use” in Red Lion Borough states the applicant is allowed to have that use in that particular zone. Certificate of Occupancy states your building meets the necessary standards to be in that building.

Mr. Craley restated, this property is in the Industrial Zone; it’s where you want your least-favorable uses, of which, a junkyard would qualify. Mr. Rhoads has a legal right to put cars outside in the field; however, he is stating that is not his intention at this time.

Mr. Horne made a motion to recommend approval of the Special Exception for the two separate uses applied for (automobile sales, service & repair and automobile salvage/junkyard) as the applicant has met the requirements of Section 27:605 & Section 27:606. Mr. Milner seconded. The motion passed with a 4-2 vote; Ms. Nidam & Mr. Frutiger opposing.

4. **Zoning Hearing** is scheduled for Wednesday, November 16th, 2016 @ 6:00p.m.
5. **Zoning Ordinance amendments** have been sent to York County Planning Commission for their review before coming back to Planning Commission & Borough Council for action.
6. **Adjournment**—Mr. Horne made a motion to adjourn the meeting @ 8:10p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary