

**Red Lion Borough Planning Commission Meeting Minutes**  
**Monday, February 24<sup>th</sup>, 2025**

**Members present**

Cindy Barley  
Beth Nidam  
Muriel Slenker  
Evan Hiester (via Zoom)  
Wade Elfner

**Others present**

Michelle Poole, Borough Manager  
Jay Nolt, Zoning Officer  
Samantha Craley, Solicitor  
Mike Craley, Solicitor  
Stacy Myers, Recording Sec'y

**Visitors**

Sandra Pietrowicz	Jennie Donahue
Blaine Markel	Charles McDaniel
Aleksa Keithan	Kristine Cousler-Womack
LuAnn Hildebrand	

1. The meeting was called to order at 7:02pm followed by the pledge to the flag.
2. **Approval of Meeting Minutes**—Mrs. Barley made a motion to approve the December 16, 2024 Meeting Minutes; Ms. Nidam seconded. All were in favor; motion carried.
3. **Public Comment**—the following were present to address the committee:
  - **LuAnn Hildebrand, 833 S. Main Street**, was present to discuss the transient business permitting ordinance on tonight's agenda. As a vendor who attends craft & vendor fairs/events, she's concerned that the additional license fee the Borough is proposing to charge will have a negative effect on these types of events held in the Borough, since vendors are already paying a \$20-50 table fee to participate in these events. Her group would not have been able to participate in the Elks Christmas event or the Red Lion Preschool event had the fee been enforced.
  - **Kristine Cousler-Womack, 14 S. Park Street, Dallastown** (but a Council member at Grace Lutheran in Red Lion) was present to also discuss the transient business fee. Kristine was present at the Council meeting where this matter was discussed but then tabled until after the 2024 holidays. She thanked the Committee for reviewing this matter again. She has talked to many vendors, some of whom are considering not holding events/fairs in Red Lion if the license fee is charged. Kristine believes this will also hurt other Red Lion businesses because when shoppers attend the craft shows, they often patronize other area businesses. She urges more thought to be put into making this decision.
  - **Megan & Emily, St. Paul's Church members** were present to request a waiver for an upcoming summer event at the church. The church is committed to serving the community as best & as often as possible. They offer free community meals each month, offer preschool programs, have had Boy Scout Troops use their facilities for over 100 years, Red Lion/Felton Band uses their facilities to practice, they conduct online worship services, as well as other items/events.
  - **Jenny Donahue, 137 W. High Street**, was present to discuss the transient business fee, as she feels it came to light after a vendor's market was held in November 2024 at Grounding Café. The event was intended to feature local artisans and their wares. Two days before the event was held, this ordinance was brought to their attention and they didn't have time to make all the vendors aware of the additional fee, nor did they want to charge additional fees, so they paid the fee themselves. Jenny said the fee isn't or won't help Red Lion businesses or people in their efforts to try and get ahead. It will, instead, be a hindrance.
4. **The Board will consider and make a recommendation to the Zoning Hearing Board for an application submitted by Sandra Pietrowicz**, to appeal the decision by the ZHB for a Special Exception and a Variance under Section 27-304 of the Red Lion Borough Zoning Ordinance to create a Commercial School at the property located at 201 S. Charles St. (Unit 7), located in the Residential Town Zone. Sandra wishes to open a music school in the area known as DC Field House (formerly the music room of Red Lion Jr. High), which she feels would be perfect for this use. The ZHB had previously denied her application because there is already a Special Exception for the property to allow entertainment & a recreational use. She believes her music school would fit in well with those uses & compliment each other.

Sandra explained she operated a successful music school in Harford County for 21 years. She believes this would do well in Red Lion. The space would offer her areas for lesson rooms, early childhood musical activities, art classes, musical theater camps, piano ensembles & classes. While the Committee agrees this would be a great opportunity for the town, Atty. Craley & Michelle Poole said (per Ordinance) we cannot add a primary use in a unit where there already is one, even if there is space for something else.

In addition, Michelle said what Sandra is proposing, a “Commercial School” is not defined as a recreation in the Borough’s Zoning Ordinance. The ZO defines a commercial school as a “school conducted for profit for such special instruction in business, art, music, trade...” so Sandra’s school falls under this definition. Besides the fact that two principal uses are not allowed per one space, Michelle stated a Commercial School is only allowed by Special Exception in the Borough Center or the Commercial Zones. A Variance would only be granted when a hardship renders the property practically valueless or unable to use, and part of the unit is already being used. Atty. Craley feels the Zoning Officer has made a correct interpretation in that the appeal should be recommended for denial. The Special Exception isn’t citing the correct section of the ZO because it’s not permitted in that Zone. If Sandra wants to take a chance & go to the ZHB without the Commission’s recommendation, she can do so. In addition, the Variance request is for the required parking spaces. Sandra noted some available spaces out front (along Charles), and said the owner mentioned designed parking spaces (the angled spaces) on Fairview Street, but those spaces aren’t specifically designated for 201 S. Charles Street, nor Unit 7 of that building. Sandra was unsure how many spaces Unit 7 actually has designated to it, but Atty. Craley said that’s something the ZHB will want to know.

Other specifics of this application were discussed. Sandra said the early childhood activities involve 6-8 children at one time. At this time, she has 3 private lessons planned. The piano class she teaches would involve, at most, 6 children. The theater classes she proposes are drop-off, pick-up later because the classes are longer. Sandra teaches the classes but also has a couple other teachers employed. So, parking will be needed for the other employees and parents who are bringing their children for lessons, etc.

Ms. Nidam mentioned & Atty. Craley agreed that typically, the lessee isn’t the one to go before the ZHB. Technically, it should be the property owner who applies for the Variance and/or Special Exception. If she decides to move forward & go before the ZHB, Atty. Craley strongly suggested Sandra get a letter from the property owner stating their approval for her to apply for the Special Exception & Variance for a Commercial School to be operated in this property.

There is a lack of sufficient evidence regarding this property & application, i.e. designated parking, specific area of the rooms, space, etc., in order for Atty. Craley to recommend to the Committee that they make a recommendation to the ZHB. But Sandra can choose to move forward and go to the Zoning Hearing, if she wants, but specifics regarding parking and dimensions of the space should be determined before doing so. Clarification of the ZHB can be obtained from Michelle and Jay.

After more discussion, Mrs. Barley made a motion to make no recommendation on this application due to lack of evidence; Mrs. Slenker seconded. All were in favor; motion carried.

- 5. The Board will consider and make a recommendation to the Red Lion Borough Council about SLCL Anderson’s project** at 20 E. Prospect Rd. This property was recently rezoned from Industrial to Residential Town. Engineer Blaine Markel represented the owner tonight, who is proposing to build 8 single-family attached units. Other plans that Blaine presented are existing conditions plans, showing rights-of-way of N. Church Lane, E. Prospect, etc. The other plan shows what is existing but also what is being proposed. The owners plan to remove the existing single-family home along with the existing outbuildings. PennDOT will not allow an egress coming out onto Prospect, stating N. Church Lane is accessible as a minor street and should be used as egress, given that Red Lion Borough receives liquid fuels for N. Church Lane. PennDOT also stated they will not grant a permit for this development to come out onto E. Prospect Rd.

With that in mind, Blaine has been working with Jay to accommodate N. Church Lane as the ingress/egress for these proposed units. What is the minimum width the Borough will require for N. Church Lane? Does widening have to be done? Discussion was held.

Section 506:2 of the Borough’s Subdivision & Land Development Ordinance requires a minor street to be a minimum width of 32’, and a minimum ROW to be 50’. Currently, N. Church has a right-of-way of 16’; however, when Blaine scoped the street, found it is wider than 16’. At the entrance, it’s nearly 18’ wide. By the definition of a minor street, the owners/developers would be required to widen their side to 16’. And currently, there is 8’ on the other side of the road. They’re amenable to do any type of widening, but must they keep that width going out to meet E. Prospect Rd? E. Prospect has a 33’ legal ROW, and if that ROW is encroached upon, a highway occupancy permit must be obtained from PennDOT (in Red Lion Borough’s name).

Blaine will get input from Borough Council on these plans & what they would like to see from this development. Atty. Craley said, by definition we either call N. Church Lane a marginal access street or a minor street. A marginal access street requires 26’ minimum cartway width; a minor street requires a 32’ minimum cartway width. Blaine stated PennDOT’s maximum cartway width for a street intersecting a state highway is 24’, but if the Borough wants 26’, a letter of request may need to be submitted to PennDOT.

Mr. Hiester has safety concerns about the additional traffic this will bring to this area, especially with foot traffic (school children walking to/from school); however, sidewalks will be required. Atty. Craley said, there are only 8 units being proposed, which may relate to 16 cars, but it's highly unlikely they'll all be leaving/coming home at the same time each day. He doesn't foresee it having a huge traffic impact on the intersection at E. Prospect. Motorists can also access E. Gay from Church Lane; they don't have to access via Prospect Rd. He doesn't like PennDOT's response to not permit a drive onto E. Prospect, but he understands their rationale.

After more discussion, Ms. Nidam suggested Blaine schedule a meeting with the traffic division of York County Planning Commission, along with PennDOT & Borough staff. That will help to clarify some requirements, restrictions, etc., and possibly help to resolve some of these issues.

Blaine would also like to get Borough's opinion on whether or not sidewalks would be required the whole way to the property line, being that this is in the Industrial Zone. A main reason for curb/sidewalk is to divert stormwater to a collection point, but that's not the case with this site.

Blaine said another proposal would be for this developer to make improvements on N. Church Lane, i.e., mill, add new binder course & add new wearing course on top. Or maybe build 4 single-family units rather than 8.

He plans to go to Council for discussion on Section 506:2 (of the SALDO) to see if any waiver would be granted on widening. He will welcome Jeff Shue's recommendation on curbing in that area & also on widening.

6. **Discussion on the transient business permitting ordinance.** Atty. Craley had notes from when this was previously discussed & proposed a new Section "13:302.3" of the Zoning Ordinance that would create a "fee exemption for nonprofit organizations that would include nonprofit organization as defined by the IRS that hold not more than two craft fairs or vendor fairs per calendar year per location, in which vendors or sellers would not be required to obtain a license". This was only a draft though, so input & discussion can take place & we can build from here.

Mr. Hiester said he believes the above draft created by Atty. Craley elaborates on the definition listed in the Ordinance for a Transient Retail Merchant/Person which is "any natural person, association, partnership, firm or corporation, except that the definition shall not include any person working without compensation and selling goods, wares, or merchandise for the sole benefit of any nonprofit, charitable, civic or service organization."

The visitors who spoke earlier tonight weren't typically in favor of limiting the events to two/year. Michelle said it was limited because otherwise, it may go from a nonprofit holding an event a couple times/year to a business enterprise (at a church/nonprofit) holding a special event more often than that. She has seen people take advantage of this situation before & that's what we want to prevent. If limitations aren't put on these types of things, that's when problems arise. Visitors said, if a number of events per year need to be listed in the Ordinance, four would be a number that's more "doable" than two. It's less hand-tying to organizations. People going out into the public to solicit sales is one thing, but tonight's visitors are talking about churches, the Elks, and like organizations who are trying to sell their items, wares, etc. in an effort to subsidize their personal budgets.

Atty. Samantha Craley said having Ordinances & rules in place are necessary for those who exploit the system. It helps to protect those who do follow the rules, but something has to be in place in order for Borough staff & the Zoning Officer to be able to enforce those rules.

If restricted to four events per year, is that per location or per organization? Atty. Craley said it's calendar year per location, but going forward, if it's found to create an unnecessary hardship for a particular organization, Borough Council could amend the Ordinance. Kristine Cousler-Womack suggested it be four events per nonprofit organization, but as Atty. Craley stated, those organizations would need to rent a facility to hold their events.

The proposed draft to exempt the fee for nonprofit organizations does not exempt those organizations from applying for a license for their event. Kristine said the extra paperwork to the Borough (being that they have no bearing on the event other than being held within the Borough lines), and the additional fee required (\$10/event) is also restrictive. Atty. Craley said his draft states "the event coordinator may get one permit for all vendors for each event" (held at a specific location).

How many events did the organizations (represented by members tonight) hold last year? Kristine said Grace Lutheran held none because of their aging congregation, but they're trying to get things revitalized.

St. Paul's Church has not held any events for many years.

Atty. Craley said the state of Pennsylvania requires registration of all corporations, including nonprofits every year (used to be every 10 years). The state of Pennsylvania also requires nonprofits who conduct certain types of charities to register with the Charitable Organizations Bureau. Red Lion Borough is saying, if you want to conduct a vendor fair (or like event), you are going to need to get a permit & pay a fee (if this Ordinance revision passes).

A list of planned events for each organization (church, scouts, Christmas bazaar, etc.) needs to be submitted so the Borough is aware of the wants & needs. If a private business decides they want to host a vendor event, they will need to obtain a permit.

After more discussion was held, and because the Planning Commission makes no decisions (only recommendations), the Committee is tabling this until more research is gathered & Atty. Craley's draft revisions are reviewed.

7. **Discussion on the Sign Ordinance**—Mrs. Slenker made a motion to table this until the March meeting; Mrs. Barley seconded. All were in favor; motion carried.
8. **Adjournment**—With no further business before the Committee, Mrs. Barley made a motion to adjourn @ 9:16pm. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary