

**Red Lion Borough Planning Commission  
Meeting Minutes  
Monday, February 22<sup>nd</sup>, 2021**

**Members present**

Cindy Barley  
Joyce Seabolt  
Muriel Slenker  
Ian Montgomery  
Wade Elfner

**Others present**

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

**Visitors**

Sam Craley  
Damon Hall

1. The meeting was called to order @ 7:02p.m. followed by the pledge to the flag.
2. Mrs. Barley made a motion to approve the October 19<sup>th</sup>, 2020 Meeting Minutes; Mrs. Slenker seconded. All were in favor; motion carried.
3. **Reorganization of Planning Commission**—Mrs. Barley made a motion to nominate Wade Elfner as Chairman; Mr. Montgomery seconded. It was stated that, if no changes are requested, one motion can be made to keep the previous year's officers the same for 2021. Mrs. Barley made that motion; Mr. Montgomery seconded. All were in favor; motion carried.
4. **The Land Development Plan for Rutter's at 5 Winterstown Avenue was submitted by CHR Corporation**. Damon Hall, Project Engineer for CHR Corporation presented the Land Development & Subdivision Plan to the Committee for discussion. The plan proposes to combine 4 lots into 1 and also to provide a larger convenience store, larger fuel canopy & improve/expand parking.

Two letters, one submitted by Borough Engineer Jeff Shue and one from YCPC were submitted to Damon, which he reviewed. He had a of couple questions on Jeff's letter:

- Under the Borough Zoning Ordinance Section, comment #7 regarding Screens & Buffers—Damon wanted to get clarification on residential buffers. The plan proposes a 6' vinyl slat fence along most of the property & a 4' vinyl slat fence along a front portion of the property. Dan Shaw stated, per the ZO, a 6' fence is allowed in a side yard, which is determined by the front face of the building. Jeff's comment on his letter is addressing the fact that they're going from a 6' to a 4' fence & questioning whether that will provide the screening that is necessary for the residential side of the property.

Railroad Lane is considered the rear of the property, where 6' is allowed. Damon addressed the area of the proposed 6' fence which starts along the back edge of the building, beginning at Winterstown Road & extending all along Railroad Lane, before coming up along Klunk's property & changing from 6' to a 4' fence.

Dan said from the edge of the road to the Klunk's house is 40' & the idea of the screen/buffer (in this case, a vinyl fence) is to protect the neighboring properties from light, noise, etc. If the Committee recommended a 6' fence along the entire side of the Klunk's property (to the edge of the clear sight triangle), a Variance would be necessary.

Rather than the fencing, Jeff Shue said a strong landscaping buffer would do a good job. Jeff suggested 6' junipers be planted up to the sight triangle & closer together rather than the proposed Eastern Redbud trees. Junipers would act as a greater buffer than Eastern Redbuds. Of note, Damon said the 6' junipers have a maximum height of 15', which would offer a good buffer.

Within the sight triangle, there are bushes with a maximum height of 3' proposed; however, Mr. Elfner suggested all egresses from the site have a smaller/lower-type bush so they don't

hinder drivers in lower vehicles. Cars travel fast through that intersection, trying to beat the red light, so vehicles exiting the Rutter's site may be in danger of getting hit.

The Committee was in favor of recommending lower/smaller bushes in the sight triangles. Jeff doesn't believe the southwest corner exit will be a potential sight hindrance like the Winterstown Road exit, but it may still be a good idea to plant a lower bush there also.

- Under the same section, Damon asked for clarification on Jeff's comment #9 (& YCPC's comment #5) regarding vertical curbing on site—Jeff mentioned two points regarding this comment:
  1. The Ordinance states that Railroad Lane, being an alley, should be widened to 22' both in terms of a ROW and cartway. Borough Council has the choice to waive that in the Subdivision Land Development Ordinance if they choose.  
If the Committee recommends widening Railroad, Jeff said the right-of-way would come from Rutter's side. Right now, their site has 8' & they need 11', so an extra 3' is needed. The building is offset from the ROW line, so Jeff said they should have the space for widening.
  2. The alley is to be curbed. The developer is proposing curbing along at least half of the property along Railroad, but it's still a 16' ROW & cartway that's supposed to be 22'. Jeff suggested the Borough not waive the extension of the curb for the entire length of the site along Railroad Lane, essentially from telephone pole to telephone pole. The curbing would need to stop at the one pole unless that telephone pole is moved & relocated.

Mr. Craley stated unless the Borough is expecting to see a great deal of increased traffic in Railroad Lane, he doesn't see the need to widen it. One of the things the Committee & Borough Council wanted was access to the site blocked off from the alley (Railroad Lane). Mr. Craley said Rutter's also promised less of an impact on the residential properties on the other side of Railroad, i.e., less lighting, less traffic, etc. and he doesn't see widening being consistent with that promise.

If the Planning Commission decides there should be a waiver of the SALDO for that widening, Jeff Shue said Borough Council would also have to recommend modifications of those regulations. Typically, 16' isn't wide enough for two vehicles to pass each other and as Mr. Montgomery stated, there are other streets that run parallel to Railroad Lane that take a motorist to the same place. The Committee had previously discussed the possibility of making Railroad Lane a one-way alley.

If the Borough would take the ROW, it creates a Zoning Variance on a setback. But if the Borough wants Railroad Lane widened, they could ask for an easement to include the widening, & it wouldn't push the developer into a Zoning Variance. If the Borough does not want the widening, then they waive on the ROW as well.

Mr. Craley said if the Borough wants the ROW (on Rutter's side of Railroad), now is the time to do it. Otherwise, down the road it would need to be taken by condemnation & in order to do so, good reason must be given.

- Under the Borough's Stormwater Management Ordinance Section, comment #8—Damon had a question for Jeff Shue regarding infiltration rates used for the 72-hr dewatering calculations. Damon said the system is sized appropriately but it will just take longer to dewater. Jeff didn't think that would be a problem but wanted the Committee (& Borough Council) to understand the stormwater plans for the Rutter's site, as it's a very unique design. They have two inlets at opposite corners of the property. Because there's no storm sewer onsite to tie into, both inlets will need to fill with stormwater which will come out of the grate or "bubble up". One will then run into the gutter line & the other will turn the corner & go down Winterstown Road. Jeff said stormwater is currently draining onto South Main & Winterstown Road anyway; but the developer is planning to install storm sewer piping & a collection system that will collect the water, but there is no infiltration system at the one inlet.

He said it's designed properly for the current conditions because there's no storm sewer discharge. Discussing rainfall conditions or snow melt during warmer temperatures, Jeff said the one grate will most likely bubble up 99% of the time. These types of areas can be problematic with leaves and also cold because they create icy areas. He would like to see an infiltration bed be added onsite. The Committee members agreed that some type of mitigation is necessary because of this issue.

- PennDOT permitting is soon complete, but Damon said a Resolution is still necessary from Windsor Township. The portion along Winterstown Road is in Windsor Township & the township is not proposing sidewalks along the State right-of-way. On the Land Development Plan, the township deferred to the Borough to dictate the decision of sidewalks. Mr. Craley said a note should be added to the plan that Windsor Township has signed off on that.
- Of note, Damon said all the current fuel tanks, as well as the air-fill station will be relocated.
- **Jeff Shue's letter to the Borough** was discussed and those comments were either noted as "resolved" or "outstanding". **Those items regarding the Borough's Zoning Ordinance:**
  1. Definition of use—will be updated since there are conditions as part of their Special Exception. Dan Shaw stated this use is considered a convenience store, dispensing fuel. Jeff Shue wanted to ensure that the use called out on the plan matches the language in the Zoning Ordinance. *Outstanding.*
  2. Setback modifications—a 50' front building setback is required by Ordinance, but Dan said there's a caveat. If there's something closer, it can be less restrictive. Dan reported the neighboring home has a 40' setback from South Main Street. Mr. Craley said it should be noted on the plan there's a 50' setback but 40' is permitted at the present time by the modification provision in the Zoning Ordinance (due to the existing home next door). *Outstanding.*
  3. Fence height—shall not exceed 6' on the side & rear yard; this issue is fine; however, a brick dumpster enclosure was proposed to be 8' in height. This will be revised to 6' in height. *Outstanding.*
  4. 150' clear sight triangles at South Main Street & Winterstown Road will be added to the plan. *Outstanding.*
  5. Outdoor signs—no new signs will be installed; existing signs will be refaced. *Outstanding.*
  6. Parking---site data to be updated to include the required 1 parking space per 400 sq.ft. of gross floor area. *Outstanding.*
  7. Screens & buffers—discussed previously; to be added. *Outstanding.*
  8. Minimum lot area—minimum for a convenience store dispensing fuel is 12,000 sq. ft. Site data will be updated to reflect that. *Outstanding.*
  9. Curbing on plan must be identified as either 6" vertical or 8" vertical curb. This was discussed previously and will be added to the plan. *Outstanding.*
  10. Details of the "milk crate storage" area should be added to the plan (which will be chain link fencing) *Outstanding.*
  11. Boundary lines should be clearly delineated on the plan. Clarification of ROW was needed from PennDOT, so this will be added when received. *Outstanding.*

**Items regarding the Borough's Subdivision & Land Development Ordinance:**

1. Waiver for Preliminary/Final Plan—the reference for the preliminary/final plan needs to be corrected & Jeff Shue suggested also adding all the waivers the developer will be requesting. *Outstanding.*
2. Location & outline of the home on the adjacent land needs to be identified on plan. *Outstanding.*
3. Location & details of all existing storm sewer systems should be identified on plan, but there are none on Rutter's side of the road. *Resolved.*

4. Location of all existing streets within or adjacent to this site, including rights-of-way & widths should be defined on the plan. Juniper Lane is not identified on the plan. *Outstanding.*
5. The plans must provide the required 150' clear sight triangles at South Main Street & Winterstown Road. *Outstanding.*
6. The surveyor must provide primary control points for the property. *Outstanding.*
7. The plan must identify the location & conditions of permanent reference monuments/markers. *Outstanding.*
8. Surveyor's certification must be completed, signed & sealed. *Outstanding.*
9. Appropriate signature block for YCPC needed on the cover sheet. *Outstanding.*
10. Dimensions of proposed structures on Sheet LD-4 must be on plan. *Outstanding.*
11. Fencing material, along with dimensions of outside milk crate storage area will be added to the plan. *Outstanding.*
12. Signage information will be added, including wall signs/dimensions. *Outstanding.*
13. Note indicating who is supplying bonding. *Outstanding.*
14. An approved DEP Planning Module (associated with the site's sewer flows) should be provided to Borough. Developer is requesting an exemption for this, as they don't believe sewage flows will increase with the site expansion. Red Lion Municipal Authority should address this. *Outstanding.*
15. A copy of the E & S Control Plan will be supplied to York County Conservation District. Damon said the proposed demolition/store expansion is just under 1-acre. The developer proposes to tear down the existing building & rebuild in compliance with the Zoning Ordinance. If they exceed the one-acre of disturbed area, there is a different set of criteria to follow for permitting. Jeff suggested a preconstruction meeting be held with YCCD to explain what's being planned for the site. Damon stated they plan to do so. *Outstanding.*  
The mitigation strategies that the Committee & Jeff proposed earlier will be taken into account to be either in the disturbed area or under a parking area.
16. A copy of the Highway Occupancy Permit Applications should be submitted to ensure they coordinate with the LDP. *Outstanding.*
17. Maintenance on the stormwater will require stormwater to be designed first. *Outstanding.*
18. Adjacent roads & rights-of-way; this was discussed (Railroad Lane) *Resolved.*
19. Sidewalks—a waiver has been requested for the installation of sidewalks along Winterstown Road. Damon is waiting to hear back from Windsor Township, as that section is in the township. *Outstanding.*
20. Monuments & marker symbols should match on the legend. *Outstanding.*
21. Traffic control signage & markings to be coordinated with Windsor Township, PennDOT & Borough officials, specifically, "No Left Turn" signs & pavement markings for stop bars at exits must be on at least 1 set of plans. *Outstanding.*
22. Truck turning templates will be provided, as well as creating the loading zone & parking from site, not from the alley (Railroad Lane). Time restrictions for deliveries should also be noted. *Outstanding.*
23. Applicant's engineer to provide an estimate of surety/bonding. *Outstanding.*
24. Preference is for site data, waiver requests, variances & special exceptions to be noted on the cover sheet of plan as previously discussed. *Outstanding.*
25. Applicant's engineer should better identify the cross hatched symbol on the plan. *Outstanding.*

**Items from the Borough's Stormwater Management Ordinance** were all technical issues that Jeff Shue said can be resolved on a staff level. In addition, Jeff has incorporated all York County Planning Commission's comments/concerns into his letter.

Since Damon stated he is not expecting to present this plan to Borough Council at their March 8<sup>th</sup>, 2021 meeting, Mr. Craley recommended the Planning Commission not do anything this evening, but look at a clean plan next month, when Damon Hall & Jeff Shue can present all the issues & items that have been resolved. At that time, Planning Commission can make recommendations to Borough Council regarding what waivers will be requested & what conditions are going to be there for approval.

5. **Other items to discuss on the CHR Corp. plan**—Mr. Craley suggested lighting for the proposed site be discussed. Damon said wall packs will be installed on the exterior of the building. They offer directional lighting, pointing down so they don't disturb surrounding properties. Recessed LED lighting will be installed in the fuel canopies which, although 16' off the ground, can also be shielded to be directional. The Committee wanted to ensure that specification gets added to the plan as well.

As a nearby resident & property owner of some neighboring houses, Mr. Elfner said there are already wall packs installed in the rear of the current Rutter's store and they're extremely bright, illuminating the alley. He's concerned that the expanded site & proposed lighting will flood this residential area with light, 24/7.

Jeff suggested installing the wall packs on the rear of the store below the proposed 6' vinyl fence to help shield the light from neighboring homes. This will help to keep the area safe while being considerate of neighbors.

Mr. Craley said the Zoning Ordinance states, "no objectionable illumination or glare upon adjacent properties", so he asks Damon to adhere to that when planning the proposed lighting.

6. **Adjournment**—With no further business before the Committee, Mrs. Barley made a motion to adjourn @ 8: 32p.m; Mrs. Slenker seconded. All were in favor; motion carried.

Respectfully submitted by:

Stacy Myers, Recording Secretary