

Red Lion Borough Planning Commission
Meeting Minutes
Monday, April 19th, 2021

Members present

Cindy Barley
Beth Nidam
Joyce Seabolt
Muriel Slenker
Ian Montgomery
Wade Elfner

Others present

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

Visitors

Sam Craley
Nate Resh, Rock Commercial Real Estate
Kim Hogeman, York County Blight Committee
Dennis Klinedinst

Jesus Lopez
Glenn Rexroth
Stephanie Grove

1. The meeting was called to order @ 7:02pm followed by the pledge to the flag.
2. Mrs. Barley made a motion to approve the February 22nd, 2021 Meeting Minutes; Mrs. Seabolt seconded. All were in favor; motion carried.
3. **A Special Exception application was submitted by Jesus Lopez for an automobile body shop at 207 Redco Ave., Suite 6.** Mr. Lopez was present with his realtor, Nate Resh to speak to the Committee. Mr. Lopez stated he is renting the space, located in the Industrial Zone, from Glenn Rexroth, who was also present tonight. Mr. Rexroth has already given Mr. Lopez permission, in writing, to conduct this type of business at this location. The letter of permission will be presented at the Zoning Hearing.

Mr. Lopez said he currently does this type of work at a body shop, but this is his first business adventure on his own & he has signed a 3-year lease for the approx.18,000 sq. ft. space (including parking & exterior area). He stated all parts, equipment, lubricant, etc. as well as repair work will be indoors, but customers dropping off their cars for work will park them in the designated outdoor area. This is where damaged vehicles, waiting for repair will be stored also. Mr. Lopez will pull the vehicles inside to do the estimate, but until everything goes through with the insurance, the vehicles will remain outside until they're ready for repair.

The building will have a paint booth & Mr. Lopez has spoken to EPA and will need to adhere to their regulations. A building permit will need to be obtained prior to the paint booth installation; this will be inspected by the Borough's 3rd-party inspector.

Mr. Rexroth said this space was an old building, but he has rebuilt it to look like new. There are no residences around this area. The property is surrounded by other commercial/industrial facilities. The lighting is already installed & is to code. Mr. Lopez will add his business signage to the large sign at the entrance to Redco Avenue (along E. Broadway) & also on the building at 207 Redco. Once a customer turns onto Redco Avenue, directional signage will direct them to the body shop.

Mr. Craley stated, prior to 2015, an automobile body shop was only allowed in the Commercial Zone. It's now allowed in the Industrial Zone by Special Exception. The Committee believes this type of business is perfect for the Industrial Zone.

Is there a possibility that the Heritage Rail Trail would be extended down at that end of town & screening at the body shop would be necessary? Dan said there is only a railroad spur that extended to the old Yorktowne Kitchens building; it didn't go any further. The Committee had previously discussed necessary screening for this type of business when it borders residential properties. Mr. Craley said the insurance company may require the damaged vehicles to be

stored inside (in a secure area) pending determination of a claim. So, he doesn't believe screening is necessary in this case and said it meets the requirements of Section 605 and the General Standards for this use.

With no further discussion, Mrs. Barley made a motion to recommend approval for the Special Exception for the automobile body shop at 207 Redco Avenue, Suite 6; Ms. Nidam seconded. All were in favor; motion carried.

4. **Rexroth Industrial Park Plan**—Planning Commission members had signed this plan last fall, but due to the pandemic & other circumstances, the 90-day deadline to record the plan has expired. This original plan for the industrial park dates to 2014. Mr. Rexroth obtained signatures from Windsor Township's Board of Supervisors tonight and is requesting the Planning Commission sign it again as well.

Mrs. Barley made a motion to reapprove & sign the original Rexroth plan; Mrs. Slenker seconded. Motion carried with Mr. Montgomery abstaining because he was not on the Planning Commission at the time of the original signing nor part of the deliberations.

5. **Kim Hogeman with the York County Blight Committee was present to discuss proceedings on 215 E. Lancaster Street.** The Blighted Property Review Committee is a new County entity, formed by the County Commissioners in 2018 by Ordinance. They work with municipalities to take a blighted property through the legal process to legally designate it as blighted. They not only work with the municipalities, but also the owners of the property during the violation process. Once designated as blighted, a municipality can go through the condemnation process. Each situation is different & it can be a lengthy process in getting to that end result of condemning a property.

Kim has & continues to work with the owners of 215 E. Lancaster Street whose violation process began in 2018. This is one of the first properties presented to the Blight Committee & was used as an example of why the committee should be formed.

Kim (or Committee member) goes with the municipal staff to document the violations already received, verify the problem & send their own violations (from Blighted Committee). Then it goes through a series of approvals (acceptance into the program, etc.) and blight determination resolutions & other violations are mailed via Certified Mail to the property owners. After that, the property is legally designated as blighted by the Blighted Review Committee and, by Ordinance, goes to the municipality's Planning Commission then to the York County Planning Commission then to the Redevelopment Authority of the County of York.

Concerning the property at 215 E. Lancaster Street, Kim said we're approximately $\frac{3}{4}$ through the process and she is scheduled to present it to YCPC tomorrow, April 20th and the Redevelopment Authority on May 5th.

Pictures of the property at 215 E. Lancaster were presented to the Planning Commission, along with a Blight Determination Resolution. Within the past 6 months, the property's condition has seriously deteriorated. Part of the legal process is an appeal in which the owner has the opportunity to appeal, present a redevelopment plan & then remedy the situation. The owners of 215 E. Lancaster have declined the appeal. He (and his sister, whom he transferred ownership to) are very aware of the situation & that it's very blighted. Both he & his sister have received all the violations.

The benefit to the property owner in this case is they don't need to take any more action to remedy the situation nor pay for demolition of the property. Demolition is necessary & required at this point.

Kim said the next step after getting a property designated as blighted is a totally different process of condemning a property. A later process of seizing the property is done through a redevelopment agreement with the Borough because the property would eventually be transferred to the Borough.

Having just recently learned of the Urban Redevelopment Law, Mr. Craley asked if the Redevelopment Authority of York would be the entity to condemn the property. Kim said the

Borough would do the condemnation which would allow the Redevelopment Authority to work with the Borough to take the property by eminent domain. There is condemnation & there is eminent domain. The Borough could legally condemn a property & not own it.

This is the first time Red Lion Borough has seen a property the whole way through a blighted process. Mrs. Price is on the County's Blighted Property Review Committee; however, she has abstained from voting on anything related to Red Lion Borough during this time.

In 2018, when the County Commissioners formed the Blighted Property Review Committee, the Land Bank Authority was also formed. They focus more on demolition & they have grant funds available for that once the time comes. They don't have authority of eminent domain; the Redevelopment Authority does.

Mr. Craley said ultimately filing a condemnation proceeding to take a property by eminent domain cannot be done by the Borough. So, the Borough won't condemn the property (as stated above); the Redevelopment Authority would do the condemnation.

Kim said after the legal designation of blight is complete, the Borough's attorney would meet with the Redevelopment Authority's attorney to outline a purchase/condemnation/eminent domain/redevelopment agreement where the Redevelopment Authority would take the property by eminent domain & transfer ownership to Red Lion Borough. Then, with the Land Bank's assistance, the property would be demolished & the Borough can redevelop the property as they wish. That's the goal, but there are many steps till then.

Mr. Craley questioned why Red Lion Planning Commission is involved because, per Urban Redevelopment Law, the definition of "Planning Commission" (Subsection F certification) states "the Planning Commission shall mean the particular Planning Commission of the city or county in which the particular authority operates".

Kim said staff of York County Economic Alliance, Redevelopment Authority, County Commissioners, Land Bank & attorneys decided by adding the step of involving the local Planning Commissions of the municipality where the property is located helps to connect all the pieces together.

Mr. Craley was concerned about the language in the Blight Determination Resolution because it states Red Lion's Planning Commission is certifying to the Redevelopment Authority that this property is blighted. It's not RLPC's responsibility to do the certification. The certification is based on the language in Subsection F of 1712.1 and Mr. Craley believes the Planning Commission that is to certify is York County Planning Commission. Mr. Craley said RLPC can recommend or agree with the process, but he believes the certification must come from YCPC. The Resolution can be amended to read:

"The Red Lion Borough Planning Commission, after review of the Resolutions and the evidence in support thereof, agrees with the BPRC determination that the property is Blighted pursuant to the Urban Redevelopment Law."

Questions from the Committee:

- Can the Borough take it upon themselves to call the property blighted, condemn it & go to the Land Bank for demolition monies? *Kim said if the Borough has the deed, yes. The Land Bank Demolition Agreement will be with the Borough.*
- By doing the above, what if the Land Bank does not grant the demolition funds? *The Borough can't take the property by eminent domain. The Redevelopment Authority will file the eminent domain proceeding.*

Mr. Craley said part of the process of eminent domain is there must be an offer to the owner of "just compensation" for the property which the owner either accepts or rejects. The owner has two options when eminent domain is filed against them:

- Try to find a reason to contest it (must be on technical grounds)

- They can agree with it, in which case the condemner must provide “just compensation”. In the case of 215 E. Lancaster Street & the condition of the property, the Borough could offer the owners \$1.

Committee discussion:

- Mr. Montgomery doesn’t agree with seizing someone’s rightfully owned property & then deduct labor hours, fees, etc. from the compensation given (owed) to them. He doesn’t think it’s fair for the taxpayers to make a profit from seizing someone else’s property. Kim said this is the last step of a long process. When it comes to that step, the Borough is negotiating a Redevelopment Agreement with the Redevelopment Authority & the Land Bank involving who’s doing what job, costs involved, what’s being reimbursed, what is the property going to be used for, etc. There will be an opportunity for negotiation at that point.
This process could all stop if the property owners sell the property, it gets demolished & something else gets built on that site. If the blight goes away, this process stops. The ultimate goal is to remediate the blight. It’s done this way, so the Borough has control of the process & the end result.
- Mr. Craley said the property owner also has a responsibility to maintain the property & the condition of 215 E. Lancaster Street has seriously declined over the past few months/years. The Borough attempted to negotiate with the owners to find a solution for many years. The owners don’t want anything to do with 215 E. Lancaster because it will cost more for them to demolish it or fix it up than it’s worth.
- Violation notices to the owners started back in 2018. This has been a long process and the owner had a right to appeal the decision on the blight, but he chose not to.
- Mr. Elfner mentioned that a blighted designation on a property may have a negative impact on neighboring residential properties that are looking to sell (or buy) properties because they may not be able to get financing. This is in an Industrial area; however, the lender may not care about the zoning, only the proximity to the blighted property. Mr. Elfner just wants everyone to be aware of the impact it may have if a blighted property sits for years.
Kim said she doesn’t believe the condemnation/eminent domain process takes years once it comes to that point. Mr. Craley said if the property owners don’t disagree on anything, it can move fairly quickly.
- Of note, Kim stated she is on good terms with the property owners & speaks to him about once/week. She included a detailed conversation log in the Committee’s information packets tonight. He has been made aware of all the proceedings & he’s aware of the end result.

As stated previously, Mr. Craley believes the official entity that must certify to the Redevelopment Authority means the York County Planning Commission. He recommends Red Lion’s Planning Commission approve Resolution 2021-01 as modified to read:

“The Red Lion Borough Planning Commission, after review of the Resolutions and the evidence in support thereof, agrees with the BPRC determination that the property is Blighted pursuant to the Urban Redevelopment Law.”

Mrs. Barley made a motion to adopt Resolution 2021-01 as written above and as recommended by Solicitor Craley; Ms. Nidam seconded. All were in favor; motion carried.

6. **Other Business**—Dan Shaw said Rutter’s may be ready to come back in May with their plan.
7. **Adjournment**—Ms. Nidam made a motion to adjourn the meeting @ 7:58p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary

