

Red Lion Borough Planning Commission
Meeting Minutes
Monday, May 17th, 2021

Members present

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

Others present

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

Visitors

Damon Hall, CHR Corp.

1. The meeting was called to order @ 7:03p.m. followed by the pledge to the flag.
2. Ms. Nidam made a motion to approve the April 19th, 2021 Meeting Minutes; Ms. Seabolt seconded. All were in favor; motion carried.
3. **A revised Land Development Plan was presented by CHR Corporation/Rutter's for the 5 Winterstown Rd. store**—Damon Hall, Engineer for Rutter's presented a revised Land Development Plan for the Rutter's store #48 at 5 Winterstown Road. Per comments from Borough Engineer Jeff Shue, Rutter's original plan was revised. Jeff Shue's letter dated May 17th, 2021 noted the following updates:
 - **Red Lion Borough Zoning Ordinance**—*all issues have been resolved.*
 - **Red Lion Borough Subdivision & Land Development Ordinance**—*4 waivers to be acted on:*
 - Section 22:303.3--Waiver for Preliminary Plan & go right to a Final Plan to be acted on by Borough Council.
 - Section 22-510--Waiver for sidewalks—for installation on the site's Winterstown Road frontage which is in Windsor Township. The Township supports this waiver and general consensus of Red Lion's Planning Commission was that this was acceptable.
 - Section 22-506.3 & 4—Waiver for additional ROW & roadway widening along Railroad Lane (alley behind the store), where an 8" reveal curb will be installed running the entire length of the property from Winterstown Road into the western side of the property. And a 6' fence will also be installed along that area. They will not widen Railroad Lane nor expand the right-of-way because it's not plausible.
 - Section 23-301.13—Waiver for the Stormwater Management Ordinances that require all facilities to dewater in less than 72 hours due to the unusual stormwater on this property. The stormwater splits so some drainage goes to the front corner (western edge along S. Main Street) from an infiltration bed under the surface & when exceeded it will be a "bubble up" inlet, traveling into the gutter line of Main Street, just as it is today. The other drainage will flow along Winterstown Rd. in a similar "bubble up" inlet situation traveling from an infiltration bed that was added to the plan.
 - **Administrative or outside regulatory issues:**
 - Surveyor's seal & signature—*traditionally added after everything else is resolved.*
 - Sanitary sewer planning module, required by DEP—*everything is in line for this, but signatures will be needed.*

- Provide a copy of the Highway Occupancy Permit—they're waiting for their 3rd review. *Jeff doesn't foresee any problems.*
- Construction estimate is necessary in order to process a security to ensure everything is done as presented on the plan.
- All modifications & final actions should go on the Cover Sheet after Borough Council acts on it.
- **Stormwater Management Ordinance outstanding issues:**
 - A notarized signature of the property owner is needed on the plans.
 - Signatures & seals from the professional engineer attesting the work.
 - There's an Operation & Maintenance Agreement that the property owner must sign. That's important on this particular plan because there are things that will need done on a regular basis to deal with the proposed design.
 - Applicant will provide fees for the cost of periodic inspections, required to ensure everything is operating correctly.

Jeff stated there is nothing additional to be taken care of that's not already addressed above; the 4 waivers, 5 administrative issues & 4 stormwater management issues will all be conditions of plan approval.

Mr. Craley mentioned outdoor lighting at some Rutter's stores & questioned the height of the wall pack at Store #48 to ensure it doesn't shine on adjoining properties. Damon said the wall packs are approx. 10' height except for the one on the rear wall of the store which will be mounted at a height of 6'. Damon also stated a new type of wall pack will be mounted in that area, one that has no glare or illumination on neighboring properties. Canopy height (over the gas pumps) is to be determined but the lights in the canopies will be recessed. Mr. Elfner inquired about the location of the proposed 6' fence along Railroad Lane. Damon said the fence will begin past the parking lot (before the edge of the building) and extend to Winterstown Road.

Mrs. Barley made a motion to recommend approval of all 4 waivers as written in Jeff Shue's letter dated May 17th, 2021; Mrs. Slenker seconded. All were in favor; motion carried.

Ms. Nidam made a motion to recommend approval of the plan subject to all the 9 conditions outlined in Jeff Shue's letter of May 17th, 2021 which are administrative/outside regulatory issues (1 thru 5) and stormwater management issues (1 thru 4); Mrs. Barley seconded. All were in favor; motion carried.

4. **Other before the Committee:**

- A Planning Commission meeting will be held on June 21st @ 7pm to review:
 - Pleasant View Church who is subdividing the parsonage from the church
 - 401 E. Broadway/100 Redco Avenue—Rexroth plans
 - June Zoning Hearing--TBD
- Mr. Craley reported on a letter from the County. He always believed that when someone owns two common lots & wants to consolidate the lots into one, they shouldn't have to go through the land development process, & most municipalities didn't require it. Now the Assessment Office won't allow lot lines to be removed to consolidate or merge parcels with just a letter from the Borough. Will Borough Council need to approve a consolidation going forward? Jeff Shue believes that is the case. Mr. Craley said the definition of subdivision in the Municipal Planning Code does not involve merger & consolidation, but this may be the case going forward. Someone may challenge this because Mr. Craley doesn't believe the Assessment Office has legal authority to make that decision. Jeff Shue stated the act of consolidating two lots into one isn't the problem, but once consolidated, deeds can get messy. He believes the Assessment Office is trying to avoid a situation where a property that's been consolidated now has 1 common deed for 2 properties then sometime in the future, someone wants to

sell 1 of the properties but the deed has lost the individual descriptions which could cause problems, but Mr. Craley doesn't believe that would be a huge problem.

The County's letter said, "they're encouraging municipalities to review their policies", so the municipality can still allow 2 lots to be consolidated & an interior lot line removed, but the Tax Assessment office will still send 2 tax bills.

If the Borough is considering changing their Ordinances, Jeff said a lot of municipalities are creating a very simple requirement of an adjustment of a property line or consolidation, then a dedicated ROW for streets or sidewalks isn't necessary. It's just a simple administrative act of making 2 lots into 1. More on this as staff is made aware.

5. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 7:31p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary