

**Red Lion Borough Planning Commission  
Meeting Minutes  
Monday, June 21<sup>st</sup>, 2021**

**Members present**

Cindy Barley  
Beth Nidam  
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**

Samantha Craley  
Blane Markel  
Andrew Barshinger  
Tyler Rook  
Del Hawbaker

Tony Musso  
Denny Klinedinst  
Stephanie Grove  
Gene Creakman  
Reilly Nuetzel

Grant Anderson  
Glenn Rexroth  
Chris Landis  
Gary Smith

1. The meeting was called to order @ 7:00p.m. followed by the pledge to the flag.
2. Mrs. Barley made a motion to approve the May 17<sup>th</sup>, 2021 Meeting Minutes; Ms. Nidam seconded. All were in favor; motion carried.
3. **Zoning Hearing application was submitted by Red Lion VFW** for a Variance to allow a reduction in the rear setback at 815 S. Main Street, located in the Commercial Zone. Mr. Creakman & Mr. Smith represented the VFW tonight & stated they're proposing to build a 14' x 40' deck on the east side of the building. They stated Fire Code Administrators has approved the deck to be used as another fire escape too. The deck will have no steps but can be accessed from inside the VFW building.

The Variance is requested because the proposed deck will extend out to the alley & encroach on the rear setback which is 20'. Dan Shaw said the alley has never been adopted by Red Lion Borough nor Windsor Township. The VFW staff has maintained the alley for years, plowing snow, etc.

While not to scale, a drawing of the lot & proposed deck was reviewed by the Committee & Mr. Smith explained VFW & neighboring property areas. There is a picnic area in the rear grassy lot, accessed by the alley & that is also VFW property, while the property on the other side of the alley (where the small blue building is located) belongs to the neighbor. Mr. Smith said the neighbor can use the alley & will still have access to it.

Mr. Craley said the VFW's extension into the setback would only be 2' more than what is currently there with the concrete pad/air-conditioning unit. The concrete pad is already a non-conformity, so if the deck stays in line with the yellow bollards (& the A/C unit) Mr. Craley asked Dan Shaw if he would consider that an allowed extension into the back (if not encroaching further into the non-conformity). If that were the case, a Variance wouldn't be needed.

Mr. Creakman & Mr. Smith said they can take measurements & contact Dan. They are amenable to stay in line with the concrete pad. Mr. Craley recommended VFW staff get the measurements prior to going to the Zoning Hearing Board. If the Variance is needed for what appears less than 1-2', it could be considered on de minimis grounds because there would be no impact on the community.

Mrs. Barley made a motion to recommend approval of the Variance if needed based on the measurements to be obtained because of its de minimis nature; Ms. Nidam seconded. All were in favor; motion carried.

Mr. Craley recommended the VFW present a scaled drawing of what they're proposing when they go to the Zoning Hearing Board.

4. **Zoning Hearing application was submitted by Antonino Musso, Amanda Elizabeth Shaffer & Giuseppe Shaffer** for a Variance to allow an automobile washing facility, a machine shop & a reduction in the parking requirements at 430 W. Broadway which is located in the Residential Town Zone. Attorney Reilly Nuetzel (Barley, Snyder) was present on behalf of the property owner. Tony Musso, owner of the property was also present with prospective tenants, Tyler Rook & Chris Landis.

Mr. Nuetzel explained the applicants are seeking a Variance to use the property in a similar, but a less-intensive use than what was there in the 12,000sq. ft. building which formerly operated as an auto parts store. The proposed uses will be:

- On the 1<sup>st</sup> level—**By Appointment Only**, owner-operated car detailing service (by Tyler Rook) which falls within the Ordinance as an automobile washing facility, although it will be a car detailing & hand washing operation. All operations will occur **inside** the building.
- On the 2<sup>nd</sup> level—**By Appointment Only**, owner-operated machine shop (by Chris Landis) will occupy the back half of the 2<sup>nd</sup>-floor space, using approx. 2,500sq. ft. This area will eventually have heating & air conditioning & the doors/windows will remain closed. Mr. Landis is proposing to install 1 ½-2” foam board in the windows to keep it cooler/warmer and to block out sound, although his air compressor will likely be in the same spot that Broadway Auto Parts had theirs.

An existing single-family apartment will remain on the 2<sup>nd</sup> floor.

The prospective tenants don't believe this will be any more intensive than the former business. No loud equipment will be used. Mr. Landis stated the loudest machine he may use will be an air compressor, but all his work will be done inside the building as well.

The Variance for parking requirements is being requested because additional parking is not needed. There are 6 existing parking spaces for the property and with both proposed businesses being “by appointment only” there won't be a lot of customers there at one time and the tenant parks on Linden Avenue.

Mr. Musso emphasized there will be no “drop-in” appointments. Tyler Rook also operates Rook's Mobile Detailing, so this W. Broadway space will be used more as a “home base” while offering a little more service than available through mobile.

Mr. Musso said the property may eventually go back to its original state by adding a garage door to 1 side of the store front for the car detailing operation. In the back corner of the building, there is also a garage door which accesses the 2<sup>nd</sup> floor.

Chris Landis is primarily manufacturing firearm parts & stated his business hours will typically be 9am-5pm. Tyler Rook said when he's on his mobile car detailing, he tries to start as early as possible, especially when it's hot. At this location, Tyler may get a car in at 8pm, but he doesn't plan to work at 9, 10pm.

Points of discussion/questions from Mr. Craley & the Committee:

- Tony Musso is President of Borough Council and most members of the Planning Commission have had business relationships with him. Both Mr. Craley & his law firm have done legal work for him, although not zoning-related, as Mr. Musso has his own legal counsel present tonight.
- One thing to keep in mind is one of the factors of granting a Variance is whether the proposed use will have an adverse effect on the community. Atty. Nuetzel stated the proposed operations should have less of an impact on the community, particularly because the applicant stated all business will be by appointment only, which can be accepted as a condition for zoning approval.
- The Zoning Ordinance was changed years ago to prohibit change from 1 non-conforming use to another. So, this now requires a Variance. What is currently on this property would be retail sales with an apartment or an apartment in conjunction with a commercial

business. The Committee can decide to convert this property into a residential property, but only if it could be done without a prohibitive expense to put apartment units downstairs. Then there would be an issue with residential parking.

Is it more of an issue to create a residential property than what is currently being proposed? If so, then a use Variance would be warranted in this case & would probably meet the criteria & be in the best interest of the community with absolute stipulation that this be by appointment only to minimize noise & parking impact on the community.

- When asked, Mr. Musso said there are floor drains in the garage; however, minimal water is used when detailing a car.
- Chris Landis said he will occasionally use a paint booth for ceramic coating of the firearms, but there is already one there in the building, which is vented & filtered.
- Signage for either business—Tyler & Chris plan to use what's currently there with possibly adding vinyl on the windows to direct customers to each business entrance.

Mr. Craley suggested that, with the business being in the Residential Town zone, we want to mitigate any impact on neighboring properties. He believes the applicant has dealt with that & if the Committee chooses to recommend approval, it should be with these conditions:

- All business conducted onsite by appointment only.
- Limited to owner plus 1 employee (if necessary, in the future)
- Limitations to the operations as detailed in the application.
  - Auto washing & detailing by appointment only and limited manufacturing in a machine shop by appointment only.
  - Normal hours of operation, typically 7am-9pm
  - Specify operations for car detailing to owner + 2 employees.
  - Specify operation for machine shop as owner + 1 employee, 2, if needed.
- For any modifications to these conditions, the applicant must come back for additional zoning approval.

Ms. Nidam made a motion to recommend approval of the Variance; Mr. Montgomery seconded. All were in favor; motion carried.

5. **Subdivision Plan for 434 E. Lancaster Street** has been submitted by Pleasant View Brethren In-Christ Church. Church representative Del Hawbaker was present to address the Committee & answer questions regarding the subdivision plan which proposes to subdivide the parsonage from the church. Red Lion Borough is planning to purchase the church & parking lot (Lots 2 & 4); there is another buyer for the parsonage. Mr. Craley asked the following questions:

- Will the shared driveway between the house & church remain after the subdivision? Mr. Hawbaker stated the driveway will stay because that's the access to the house.
- The properties to the east of the parking lot; how will they be accessed? Mr. Hawbaker said there is a dedicated part of Pleasant View Street beside the church that can be used.

The Committee reviewed Jeff Shue's comments from his letter dated June 11<sup>th</sup>, 2021 regarding this Subdivision Plan:

**From the Red Lion Borough Zoning Ordinance**—the proposed subdivision acts to combine 3 lots into 2 and incorporate an abandoned alley into the remaining two lots. It would appear no proposed actions are subject to the zoning criteria as it will maintain or increase dimensional characteristics of the two remaining properties. *Dan said part of that alley used to extend to Boxwood.*

**From the Borough's SALDO**—requirements noted:

- A notarized statement by the Owner.
- Seals & signatures for the professional preparing the plan.
- Existing storm sewer flow direction, limits, pipe sizes & location on the property should be defined for the system at the end of Pleasant View Street. *Mr. Hawbaker stated they marked the lines that they know. Jeff Shue suggested if that section of storm water can't*

*be defined, then a modification of the Ordinance can be requested. But he said it's not worth the effort to dig pipes out, etc.*

Mr. Craley mentioned York County Planning Commission's letter dated May 10<sup>th</sup>, 2021--

- General Comment #5—a portion of the existing parking lot that appears to serve the church is proposed to be added to Lot 1. If these parking spaces are still intended to serve the church, an access easement should be provided on the plan to allow the church to access & use the spaces. Mr. Craley said at the rear of Lot 1, there are macadam parking spaces to the rear of the existing dwelling. Are those spaces to go with the dwelling (only requiring two off-street spaces) or are those to be parking for what is currently the church? *Mr. Hawbaker stated the intention is to separate the residential spaces so these 4 spaces will stay with the house and will not be needed with the church property. Mr. Craley said if the purchasers of the church & lot are satisfied that those spaces aren't needed, then there's no problem. And there is a note on the plan noting the access easement mentioned by YCPC.*

Mr. Montgomery made a motion to recommend approval of the Subdivision Plan including the following two Waiver requests & contingent on all the technical conditions on Jeff Shue's letter being met; Mrs. Slenker seconded.

- Section 402 of the SALDO-waive the requirements of a Preliminary Plan.
- Section 520 of the SALDO -waive the requirement for concrete monuments to be set at the intersection of the street ROW & the property lines.

All were in favor; motion carried.

6. **Land Development Plan for 100 Redco Avenue & 401 East Broadway** submitted by Rexroth Equities, LP. Blane Markel & Glenn Rexroth presented the Preliminary/Final Land Development Plan, stating the purpose of it is to construct additional industrial uses on the following two properties, owned by Mr. Rexroth:

- **Mia Brae Industrial Park (401 E. Broadway)**—is 59 acres of land where Mr. Rexroth is proposing to construct a 97,000sq.ft. building (situated behind Patton's Veterinary Hospital) being located in both Red Lion Borough (front portion) & Windsor Township (rear portion), the majority in Windsor Township. Sanitary sewer service for the building will go to Windsor Township via a gravity main extension from Pershing Avenue to the site. Public water will be provided by Red Lion Municipal Authority via a tap-in to the existing 12" main behind Patton's.  
The other proposal for this property is a 12,000sq. ft. building addition to the existing retail stores, Domino's Pizza & Fisher Auto Parts to be used as storage for Fisher Auto.
- **Former Yorktowne Kitchens property (100 Redco Ave)**—is 26 acres of land where Mr. Rexroth is proposing two-15,000sq. ft. buildings designed as 1) contractor office/shop & 2) storage & warehousing. There is 1 common access drive coming off the new road Mr. Rexroth put in that extended from Redco to Boxwood. These two buildings will be accessed via that access drive. Sanitary sewer will be provided through Red Lion Municipal Authority via a tie-in at an existing manhole at Boxwood Road. Public water will also be serviced by RLMA via another tap on the same 12" main.

Jeff Shue reviewed the comments on his June 11<sup>th</sup>, 2021 letter regarding this plan:

**Borough's SALDO--**

1. Notarized statement signed by the Owner—*outstanding until the plan moves forward.*
2. Approval of the modification to the NPDES permit has been received—*Resolved.*
3. CSD established what the surety should be for the improvements; however, this kind of development could be handled by holding the Certificate of Occupancy instead of requiring surety. The Borough can't do both. *To be decided amongst Borough staff & Mr. Rexroth.*

4. There was an original traffic study done when the first plan was submitted, making assumptions on what the traffic volumes would be coming in & out of this complex. Jeff's requesting an update on the study to track traffic volumes, etc. *Mr. Markel said this is currently in review & Mr. Rexroth is staying updated on this. Jeff wants a note on the plan as to what was originally assumed & what is now being projected with this development.*

**Borough's Stormwater Management Ordinance--**

1. Plans shall show & note the different sections of erosion control—*Resolved.*
2. The following information is required by the Ordinance to be shown on or provided with the plan:
  - a. A signed statement by the Owner shall be added to the plan coversheet acknowledging the stormwater management system is a permanent fixture that can be altered—*Resolved.*
  - b. A profile of the proposed storm sewer pipes on Parcel 0214 shall be provided—*Resolved.*
3. An Operation & Maintenance Agreement is required when a property has stormwater facilities. This property is unique because there is underground storage (rock bins) in both Windsor Township & Red Lion Borough. *Jeff suggests Borough staff discuss & determine outcome for agreement.*
4. Per the Security Recommendation Letter dated June 9<sup>th</sup>, 2021, the developer shall provide the amount recommended to the Municipal Stormwater Maintenance Fund.  
*Jeff suggests Items #3 & #4 of Stormwater Management be resolved by both Windsor Township & Red Lion Borough staff prior to action on the plan by Borough Council.*

**Two waiver requests/modifications regarding this plan:**

1. From Section 22-303.2—submittal of a preliminary plan—*tonight's submittal is a preliminary/final plan.*
2. Section 22-508:1A—street construction per the Borough's Ordinance, that requires a SuperPave material—*Mr. Rexroth has always used a different classification of material, but with the same value of strength as SuperPave. Redco & Boxwood are private streets, as neither Red Lion Borough nor Windsor Township wanted any responsibility of them. Mr. Rexroth has sole responsibility for the maintenance of the streets in the complex.*

Mrs. Barley made a motion to recommend approval of the plan & the two waivers listed above subject to final resolution of the issues in Jeff Shue's June 11<sup>th</sup>, 2021 letter; Ms. Nidam seconded. All were in favor; motion carried.

7. **Zoning Hearing** for action on above plans/business will be held Tuesday, July 13<sup>th</sup>, 2021 at 6:00p.m.
8. **Adjournment**—With no further business before the Committee, Ms. Nidam made a motion to adjourn the meeting @ 8:09p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary