

**Red Lion Borough Planning Commission
Meeting Minutes
Monday, June 17th, 2019**

Members

Beth Nidam
Cindy Barley
Joyce Seabolt
Melanie Thompson
Ian Montgomery
Nevin Horne
Wade Elfner

Others

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

Visitors

Grant Anderson, Site Design Concepts
Henry Holloway, Owner, The Mill
Ben Hushon, Owner, The Mill
Mike Jeffers, Kinsley Construction

Neil Shaffer
Dianne Price
Dennis Klinedinst
Stephanie Weaver

1. The meeting was called to order @ 7:00p.m. All present participated in the pledge to the flag.
2. Mrs. Barley made a motion to approve the March 18th, 2019 Meeting Minutes as written; Mr. Horne seconded. Mr. Montgomery asked for clarification on the last bullet point of Page 1. It reads "*the curb will be depressed on both sides, designed for cars & trucks to run over it....*". To clarify, this means "the curb will be depressed at both **ends** or **entranceways**". All were in favor; motion carried.
3. **A Special Exception application has been submitted by Shaffer Autobody** to allow an automobile sales, service and body shop at 80 Redco Avenue, which is owned by Glenn Rexroth. Mr. Rexroth told Dan he is not renewing the lease with the current tenant as there have been recurring problems with him.
According to the Borough's Ordinance, a sales & service use in the Industrial zone is only allowed by Special Exception. Before Mr. Shaffer continued, Mr. Craley stated he did some legal work for Neil several years ago involving deeds for Neil's Chanceford Township property, but there is no continuing relationship between him & Neil, so there is no conflict of interest. Neil concurred with this statement.
Neil stated he currently operates his autobody shop in Yoe, but explained he is running out of space there. He plans to operate his body shop & auto sales in the 80 Redco Avenue location. Dan Shaw reported that, in 2014, Leslie Stewart obtained a Variance to operate a body shop with automobile sales in the Industrial zone, but there were stipulations put on the Variance at his Zoning Hearing. All retail sales had to be inside the property & no mechanical repairs could be done on vehicles he did not own. In addition, he was only required to be open for business one hour/week to maintain his car dealer's license.
As Neil stated, he has operated his autobody shop & also has a dealer's license in Yoe & has been serving the community for 17 years. He said he doesn't sell many cars, but he would like to maintain his Pennsylvania license. Most of his work at 80 Redco Avenue will consist of collision repair & the autobody shop. He knows outdoor dismantling & "junking" of cars is not permitted per the Ordinance and he stated he does not do that. Any necessary work can be done indoors. 80 Redco Avenue offers 15,000 sq. ft. so there is more than enough indoor space for his type of work.
Dan stated there is fencing & trees along the side to offer screening for the business and the Committee agreed this is a good use for a property in the Industrial zone.

Mr. Craley stated that, along with Mr. Shaffer's application, he submitted an attachment referencing Section 27:605 of the Zoning Ordinance outlining the area & width of the proposed space at 80 Redco Avenue and how he will conduct his business within that space. Mr. Shaffer agreed that the statements in Section 27:605 truly represent how he plans to use the property:

- Lot area shall be 12,000 square feet, minimum.
- Lot width shall be 80 feet, minimum.
- All service and/or repair facilities shall be conducted within a wholly enclosed building.
- No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded as part of the service repair operation shall be permitted.
- All exterior vehicle storage areas shall be screened from adjoining residentially zoned properties.
- The demolition or junking of automobiles is prohibited.

Mr. Craley said when an applicant meets the specific requirements of a Special Exception, he/she is entitled to it, unless there is a direct opposition to dispute what he/she is saying.

Mrs. Barley made a motion to recommend approval of a Special Exception for Shaffer Autobody to conduct an automobile sales, service and body shop at 80 Redco Avenue; Ms. Nidam seconded. All were in favor; motion carried.

4. **Revisions to the Land Development Plan has been submitted by Kinsley Properties** for Broadway Land Company at 327 East Broadway, The Mill of Red Lion. Grant Anderson, from Site Design Concepts presented the revised LDP, concentrating on the specific revisions that were made. Comments from Jeff Shue's letter, dated June 17th, 2019 were reviewed:

1) **General Comments**

- a. The dot matrix on sheet C4 indicates it is a 2" mill & overlay. Grant stated PennDOT is only requiring full depth reconstruction within the accessway. For the other portions in that area, PennDOT is agreeable to mill & overlay. *Jeff will defer to PennDOT regarding this, but he believes vehicles will be using more than just the driveway when the shoulder is widened & a curb is installed. If the road starts to deteriorate, it will be a PennDOT issue.*
- b. Highway Occupancy Permit plans show 28' entrances but are labeled as 24'. *This has been updated/corrected.*
- c. Turning movements have been added to the HOP Plan—
 - i. The largest truck being proposed will have a 33' trailer. That truck will use the entire frontage of the property including the front parking spaces. *These trucks could only accommodate the property after-hours or if the front parking area is restricted.*
 - ii. Box trucks can accommodate the property without restricted front parking. *This will be the most frequent delivery type to the business.*
 - iii. Fire truck accessing the site from the center of town could maneuver the site by entering the lower entrance, sweep through the site and exit the other entrance, even with vehicles parked in front.

Mr. Craley asked, regarding above truck turning radius' (and Section 22:404E) and that some turning overlaps parking, would this require a waiver? *Jeff Shue said he's not sure the Ordinance is clear on this issue, but the developer has shown a box truck can access the site. While a box truck may not be the only type of truck to come to the property, it may be required to do so off-hours. He believes it's reasonable that all items above are resolved & the only outstanding condition would be the HOP.*

- 2) Plan proposes 11 parking spaces adjacent to a private street intruding into the right-of-way of the private street.
 - a. Developer/property owner has met with the adjacent property owner & they're aware of the private drive accessing the property next door & the fact that these

11 parking spaces will be located along the private drive. *Mr. Craley said something to this affect should be in writing (an agreement or box on the signed plan) that they're in agreement with the proposed use of the private drive.. Technically this is a private matter, so it's not a requirement by the Borough, but at the same time, they're using part of the private drive for parking. Mike Jeffers said an access easement was obtained from adjacent property owners for across the alley, so he believes this is resolved. A copy of that access easement was provided, which includes "establishing & confirming an unimpeded right of access", so Mr. Craley said he's satisfied that it's a private issue that the Borough does not need to be concerned with.*

- b. Sidewalks have been extended from the front of the building to the rear parking area (proposed for employee parking). *Jeff suggested extending the sidewalk to the private drive to allow an unimpeded walkway to the front of the building, but the consensus of the Planning Commission was it was OK the way the plan currently shows.*
- 3) Borough's Subdivision & Land Development Ordinance items:
 - a. Seal & signature needed by the professional Engineer. *Already done.*
 - b. Statement of ownership must be signed, dated & notarized. *Already done.*
 - c. Stormwater Management Plan requirement—*this will be a condition for plan approval.*
 - d. Information needed related to the operation & maintenance of the underground facilities (required by the Ordinance for the Borough to ensure these are maintained). *Once plan is approved, this will be obtained.*
- 4) Requested waivers are as follows:
 - a. Waiver of the Preliminary Plan & move directly to a Final Plan. *This is an administrative matter and, meeting the intent of the Ordinance, Borough staff supports approval of this waiver.*
 - b. Waiver of adjoining public roadway improvements. *Jeff suggests deferring to PennDOT because they've already reviewed their improvements to their highway.*
 - c. Waiver of sidewalks. *Sidewalks are not being proposed across the front of the property; there are currently no sidewalks in either direction from this property.*
 - d. Waiver of street trees. *No necessity for these.*
 - e. Waiver of streetlights. *No necessity for these.*
 - f. Waiver of the requirement for on-site stormwater to be connected to public sewer. *Jeff suggests deferring to PennDOT on this.*
 - g. Waiver of concrete monumentation. *Plan shows existing monumentation on site, which can be used to document the property limits, with no problem.*
 - h. Waiver of stormwater management facilities from being in a public setback. *We don't want infiltration structures or stormwater basins against someone's property, but rather within the site. This is a very limited site and developer is proposing underground infiltration (within the building setback, but not against the property line).*
- 5) Bonding will be required; however, this will be reviewed & posted once PennDOT's final approval is received.
- 6) Red Lion Municipal Authority emailed Dan Shaw stating they are satisfied with what has been submitted to them.

Mr. Craley confirmed all outstanding issues have been addressed and/or resolved.

Ms. Nidam made a motion recommending approval of The Mill's Land Development Plan on the condition these three conditions are met: 1) they obtain the Highway Occupancy Permit from PennDOT, 2) they submit an Operation and Maintenance Plan and 3) post the

- appropriate bond (TBD later), as well as obtaining the approval of the seven waivers, listed above (b thru h). Mrs. Barley seconded. All were in favor; motion carried.
5. **Adjournment**—With no further business before the Commission, Mrs. Barley made a motion to adjourn the meeting @ 7:38p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary