

**Red Lion Borough Planning Commission
Meeting Minutes
Monday, October 21, 2019**

Members

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

Others

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

Visitors

Dianne Price
Dennis Klinedinst
Rick Bogart, Kaltreider-Benfer Library Board
Don Dellinger, Kaltreider-Benfer Library Director
Lee Faircloth, Gordon Brown & Associates

1. The meeting was called to order @ 7:00p.m. Everyone participated in the pledge to the flag.
2. Ms. Seabolt made a motion to approve the July 15th, 2019 Meeting Minutes; Mrs. Barley seconded. All were in favor; motion carried.
3. **Subdivision Plan submitted by Kaltreider-Benfer Library** on behalf of Red Lion Municipal Authority for property located at 147 South Charles Street, Red Lion was received by the Board. Lee Faircloth, from Gordon Brown's office presented color-coded copies of the subdivision plan between property owned by the Red Lion Municipal Authority & Red Lion Borough (Fairmount Park). As per the color-coded map, the property the library will end up with is outlined in orange; property that the Municipal Authority will end up with is outlined in blue; property the Borough will end up with is outlined in yellow. Fairmount Park will adjoin the properties & is also outlined in yellow.

As part of the subdivision, the Authority is offering a 50' wide right of way dedication of Myers Avenue to the Borough. This is a private street, but the Borough could eventually extend this street back into Fairmount Park.

There was an issue with the setbacks to the rear of the Library & Mr. Faircloth said he had addressed some of Jeff Shue's previous comments by revising the plan. Jeff Shue discussed his comments per his October 16th, 2019 letter to the Borough regarding Kaltreider-Benfer Library:

From the Red Lion Borough Zoning Ordinance:

- Per a 2018 Zoning Hearing Board case, setback variances could be permitted; however, a rear setback requested by the Library, is not going to give them what they need in order to comply with requirements. Therefore, a Variance would be required.

Mr. Craley asked if the Library would be considered a corner lot (having 2 sides & 2 fronts), only one of the sides would require the rear setback. Could the area between the water tank & the library be considered a side setback, which only requires a 10' setback? This space, however, is only 8', not the 10' required setback.

This is the only setback in question, which would require a Variance. Mr. Craley stated that Case Law says *when you already have established buildings & are only changing ownership, not use, there's no reason NOT to permit the Variance.*"

From the Red Lion Borough Subdivision & Land Development Ordinance:

- Jeff suggested a Waiver be requested of the Preliminary Plan.

- Existing Condition Plan did not include information on all corners or line monuments. *This has now been added as a note on the plan.*
- Street right of ways for all abutting public roadways must be added to the plan. *This has now been added to the plan.*
- The clear site triangles for the access driveways shall be added to the plan. *These have been added to the plan.*
- Notarized statement signed by the owner of the property, which in this case involves Red Lion Borough & Red Lion Municipal Authority. *This is outstanding & would require signatures from BOTH entities.*
- All utilities shall be shown on the plan as they exist on the site. There has been a Comprehensive Utility Inspection on this property in anticipation of a library expansion. Jeff suggested adding all this information to **this** plan. The Borough will require a Stormwater Plan & all the building permits will be in place, but this is the last plan that gets recorded. *Mr. Faircloth agrees; the Utility Inspection Report information will be added to this plan.*

Additional comments:

- Seal & signature of land surveyor required on plan. *Seal is on, signature can be added after all issues are resolved.*
- Cover sheet of plan has been changed to include 5 signature lines for the Borough Planning Commission.
- Requested note be added to the plan that any development of the properties be required to address independent permitting as required by Borough Ordinance. *This note was added twice, so that will need corrected.*
- The use, access & maintenance of the shared facilities shown on this plan will need to be further addressed in an independent agreement between the Library, the Borough & the Authority. Such document should be defined by note on the plan cover sheet. *Jeff stressed this is very important.*

Other Committee & Solicitor comments:

- Mr. Craley asked who proposed the 50' dedication of Myers Avenue to the Borough? He said he doesn't like to see a municipality take additional right-of-way beyond sidewalks if there's no chance of widening the street. The Borough has the right, under Section 506:2 of the SALDO, to reduce the right-of-way & he believes the Borough **should** take the right-of-way that covers the sidewalks & back where Park Lane comes across, but not extend to a 50' right-of-way. In the future, should the Library decide to expand again, the 25' front setback would be in the middle of the parking lot. *Jeff Shue stated he believed it made sense to own it because the Borough planned to maintain it and possibly extend the road into Fairmount Park. He said the right-of-way dedication also addresses overlap of property from the park onto this property, so that now it's in the right-of-way. Mrs. Price said Borough Council wanted the 50' right-of-way; she & Jeff Shue don't foresee the library extending the building out over the parking lot. A 50' right-of-way makes more sense than less because it would extend to the edge of the parking lot. Borough Council & staff do not see a downside to obtaining the 50' right-of-way.*
- Jeff Shue stated the Commission cannot act on this Subdivision Plan until a Variance is obtained for the setbacks. Dan Shaw stated the preliminary plan for the library expansion didn't list a Variance request for the setback on the south side (toward Charles Street) & it would be required. Mr. Faircloth said the 2018 Hearing Board decision read the Variance was approved for a reduction of the front setback of Red Lion Municipal Authority property from 25' to 11', so he interpreted that as Authority property only having one front setback at Charles Street. The 11' setback was also used between the

Library building & the water tank. The Zoning Hearing Board gave Variances for the Library property & the Authority property at that time. Dan Shaw reported the four (4) dimensional Variances listed in the ZHB notes for what would be the Municipal Authority's property:

- One for the 25' front at the water tank; Variance needed for 11'
- One for the 40' rear; Variance needed for 18'
- One for the required 3' setback for the accessory structure (building in the corner of the parking lot); Variance needed for an approximate 20" structure
- One for the height of the tower

Two (2) dimensional Variance listed in the ZHB notes for the Library property:

- One for the 40' rear setback; Variance needed for 11' proposed
- One for the impervious surface; Variance needed for proposed 20% to 40%

Mr. Craley said he does not want to delay this plan, but he believes Variances for the setbacks are going to be required and until that's certain, the Planning Commission can't make a recommendation until specific requests are presented to them. Committee members recommended Gordon Brown Associates put together all necessary Variances to request them all at once. Jeff Shue foresees two additional Variances being needed:

- One for the front setback off Charles Street
- One for the rear setback

Corner lots have two sides & two fronts. Mr. Craley said the definition of side setbacks in the case of a corner lot, state "the second side setback shall be the required distance between the rear lot line & the side setback line projected from the side lot line to the opposite front." The side & rear of the building should be clarified when this plan returns to the Planning Commission.

Mr. Horne made a motion to table any recommendation on the Subdivision Plan until necessary adjustments are made; Ms. Nidam seconded. All were in favor; motion carried.

4. Further business before the Commission

- Dan presented a list of proposals/revisions to the Zoning Ordinance for the Commission's review. This can be expanded on, as necessary. Discussion was held on a few of them. In addition, Mr. Montgomery asked about the following:
 - Blighted properties, such as those in the midst of the foreclosure process, but not yet totally vacant. Mrs. Price said if they're vacant, the County can declare them blighted.
 - Is a dog park in Red Lion Borough a possibility? Red Lion is one of the few municipalities that allow dogs in their parks (Fairmount Park); however, the dogs must be on leashes. Mrs. Price said Dallastown Borough used to operate a dog park, but it was closed after a few people had gotten bitten. They experienced a lot of issues with it & Red Lion Borough doesn't want the liability risk.
- Melanie Thompson brought a property to Dan's attention that is being advertised as a Bed & Breakfast in the Borough. Section 27:608 of the Zoning Ordinance was read, regarding the definition of a Bed & Breakfast Inn, and this property Ms. Thompson mentioned does not meet most, if any, of the requirements:
 - Guest stays limited to a maximum of 7 days.
 - A maximum of four guest rooms (*the definition states "no more than 2 guest rooms", so there's a discrepancy here*)
 - Breakfast shall be the only meal served to overnight lodgers.
 - Minimum of one off-street parking space per guest room.
 - The inn must comply with local regulations, such as fire, health & building codes.
 - One sign may be erected on the property.

- Bed & breakfast operations shall be conducted to be clearly incidental & accessory to the primary use of the site as a single-family dwelling.

Ms. Thompson said the property owner of the home in question is not living in the home at all. The owner is operating it as a rooming house; however, it's advertised on AirBNB.com as a bed & breakfast. The property doesn't meet the requirements for a rooming house either, which are:

- Any structure proposed as a rooming or boardinghouse shall have a habitable floor area in addition to that required for the person or family operating the facility of at least 300 square feet for each roomer or boarder; provided, however, that each room to be occupied for sleeping purposes by a single person shall contain at least 72 square feet of floor area and each room to be occupied by two or more persons shall contain at least 68 square feet of floor area per occupant.
- No facilities for cooking or dining shall be provided in individual rooms or suites.
- All rooming and boardinghouses shall comply with all applicable local regulations including, but is not limited to, fire, health, safety, and building codes.

Mr. Craley said if the property does not meet the above requirements, it is a violation of the Zoning Ordinance & illegal because the property owner does not live there anymore; it's not a Bed & Breakfast.

What if the property owner creates a residential lease for these "tenants"? Mr. Craley said typically when that is done, the tenant plans to use the property as their residence.

It was suggested that Dan contact PSAB for some research help for this situation.

5. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 8:00p.m.; Ms. Nidam seconded. All were in favor; motion carried. Meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary