

**WINDSOR TOWNSHIP PLANNING COMMISSION**  
**February 19, 2009**

1. The meeting of the Windsor Township Planning Commission was called to order at 7:00 P.M. by Vice Chairman Paul Ilyes.

Present at the meeting were Jerry Pilachowski (7:03), Paul Ilyes, Charles Wilson, Dean Heffner, J. LaRue Harvey, Jennifer Gunnet, Connie Gladfelter, Jason Reichard, Kipp Allison, Jim Argento, Anthony Argento, Robert Argento, Adam Anderson (Gordon L. Brown & Assoc., Inc.), Brad McKinsey, Kristi Rachael (C.S. Davidson, Inc.), Vera Miller.

2. The Pledge of Allegiance was recited.
3. Vice Chairman Ilyes asked if there were any comments from the public. There were none. At this point, the meeting was turned over to Chairman Pilachowski.
4. Mr. Harvey motioned to approve the minutes for the January 15, 2009, meeting with a second by Mr. Wilson. Five votes yes. Motion carried.
5. Plans submitted in February:

- A. W. BRADLEY & MARCINDIE MCKINSEY – Final Reverse Subdivision Plan #L-5278, by Gordon L. Brown & Assoc., Inc. along Smith Rd. Adam Anderson from Gordon L. Brown & Assoc., Inc. went over the plan. He said they are doing a reverse subdivision. He said the property is on Smith Rd. He states that Lot 4 is being taken off of Lot 1 and added to Lot 2 which will be added to Lot 3 to become 10 acres for Clean and Green

Mr. Anderson said they are requesting a waiver for the contours. Mr. Reichard said they have 20 foot intervals and they are not planning any development for the site. He recommends the waiver be granted.

Mr. Ilyes motioned to grant the waiver for the existing contours, with a second by Mr. Heffner. Five votes yes. Motion carried.

Mr. Reichard and Mr. Allison went over the outstanding comments. Mr. Reichard asked if the well on Lot 3 was going to remain. Mr. McKinsey said they are planning to keep the well to use it for the garage. Mr. Wilson asked if Lot 3 has sewer. Mr. McKinsey said the house is going to be taken down and the sewer is going to be abandoned. Mr. Harvey asked if the well has been tested. Mr. McKinsey said yes it has been tested.

Mr. Reichard states that the well will be in the front yard when the house is removed. He said if the dwelling is going to be removed and only the garage is still on the lot. We are questioning if this is not nonconformity of the Zoning Ordinance. He states all three buildings are nonconforming the way they are now. Mr. Allison said that by removing the house and the shed that would take two of the nonconformities away. Mrs. Gunnet said that a note has to be added to the plan that if anything happens to the existing structure, it can not be replaced in its current location.

Mr. Reichard said York County Planning Commissions signature block needs to be signed. Mr. Wilson asked why does the York County Planning Commission have to approve the plan. Mrs. Gunnet said the York County Recorder of Deeds Office will not record the plan unless York County Planning Commission signs the plan. Mr. Wilson said he opposes comment number 9, which is the York County Planning Commission having to sign the plan. Mr. Allison said the Municipalities Planning Code requires the York County Planning Commission to review the plan. The signature block is our way of telling the Recorder Office they have reviewed the plan. Mr. Wilson said he would vote to approve the plan.

Mr. Heffner motioned to approve the plan, with a second by Mr. Harvey with the following conditions:

1. Section 302.3.h of the Subdivision and Land Development Ordinance requires existing and proposed wells be shown on the plan.
2. Per Section 302.3.k of the Subdivision and Land Development Ordinance, the contour lines do not meet the contour interval requirements.
3. The waiver for existing contours was granted.
4. The York County Planning Commission signature block must be signed.
5. Section 303.2.n of the Subdivision and Land Development Ordinance requires lot markers for the property under review. Concrete monuments need to be provided for the perimeter property lines that form angles in the boundary.
6. The Department of Environmental Protection "Request for Planning Waiver & Non-Building Declaration" must be approved prior to plan approval.

Five votes yes. Motion carried.

- B. IGNAZIO & NINA ARGENTO – Revised Land Development Plan #040315, by James R. Holley & Assoc., Inc. retaining wall along Ezios Way. Mr. Allison states that a retaining wall was installed after the plan was approved. He states the retaining wall is in the Townships right-of-way and they need approval from the Planning Commission and also the Board of Supervisors to add the retaining wall. He states that the Board of Supervisors voted to keep the wall, but the plan had to go through with approvals showing the wall and the details of the wall and the required notes. Mr. Allison said the wall crosses Lots 3 & 6. Mrs. Gunnet states they will have to get a Building Permit for the wall and it will need to be inspected by Commonwealth Code. Mr. Allison states the plan has not changed from the original plan. Mr. Allison said he has three comments and he had Attorney Charles Rausch look over the comments and he made a few changes to the notes. Mr. Wilson asked what addition was added to comment #3. Mr. Allison said it is the part as to who is responsible for repairing any damage to the retaining wall.

Chairman Pilachowski motioned to approve this plan, with a second by Mr. Heffner with the following conditions:

1. Revise the title to read "REVISED FINAL SUBDIVISION/LAND DEVELOPMENT PLAN FOR IGNAZIO J. & NINA ARGENTO 1021, 1031 & 1121 LOCUST GROVE ROAD".

2. Revise the purpose note to read; "The purpose of this plan is to show the addition of the retaining wall installed across Lots 3 & 6 in the street right-of-way after the original subdivisions were recorded."
3. Revise the liability note to the following; "The owners agree that Windsor Township shall not be liable for any damage it may cause to the retaining wall located within the right-of-way of Ezios Way, or be responsible for any maintenance or repairs to the retaining wall. The owners, their heirs, successors or assigns, hereby indemnify and hold harmless Windsor Township from any and all liability arising as a result of the retaining wall being constructed within the right-of-way of Ezios Way.

Five votes yes. Motion carried.

- C. DIRK L. & JODY L. POSEY AND WAYNE L. POSEY – Preliminary/Final Subdivision Plan #060111, by James R. Holley & Assoc., Inc. 4 lots along Bethlehem Church Rd. Mr. Reichard said numerous comments remain outstanding on this plan. He recommends this plan be tabled. Chairman Pilachowski motioned to table this plan, with a second by Mr. Harvey. Five votes yes. Motion carried.

6. Plans tabled in January:

- A. WILLIAM H. & MARJORIE A. DIETZ - Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A by C.S. Davidson, Inc. 4 lots along E. Prospect Rd. and Freysville Rd. Mr. Reichard said numerous comments remain outstanding on this plan. He recommends the plan be tabled, along with B, C, D, E, F, G, H, I and J. Chairman Pilachowski motioned to table this plan, along with B, C, D, E, F, G, H, I, and J, with a second by Mr. Harvey. Five votes yes. Motion carried.
- B. JEFFREY A. STINE – Final Subdivision Plan #07-1103-001 by Johnson, Mirmiran & Thompson Engineering, 2 lots along Freysville Rd. For action on this plan see, WILLIAM H. & MARGORIE A. DIETZ – Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
- C. MEADOW CREEK – Preliminary Subdivision & Land Development Plan #378.14 by Site Design Concept Inc., along Cape Horn Rd., Ruppert Rd. & Kendale Rd. For action on this plan see, WILLIAM H. & MARGORIE A. DIETZ – Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
- D. ROCKLEDGE – Preliminary Subdivision Plan #2003-29 by Johnston & Assoc. Inc., for 24 lots along Boxwood Road. For action on this plan see, WILLIAM H. & MARGORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
- E. BROOKFIELD CROSSING – Preliminary Subdivision Plan #2003-16A by Johnston & Assoc., Inc. for 71 lots along Smith Road. For action on this plan see, WILLIAM H. & MARGORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.

- F. SPRING VALLEY POOL SITE – Preliminary Land Development Plan #A-06-023, by Stahlman & Stahlman, 97 townhouses along Lombard Road. For action on this plan see, WILLIAM H. & MARGORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
  - G. COOL COUNTRY PROPERTIES - Preliminary Subdivision Plan #060619, by James R. Holley & Assoc., Inc., 32 lots along Snyder Corner Road. For action on this plan see, WILLIAM H. & MARGORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
  - H. CORA E. DELLER - Preliminary Subdivision Plan #060620, by James R. Holley & Assoc., Inc., 34 lots, along Winterstown Rd., Neff Rd. and Sinclair Rd. For action on this plan see, WILLIAM H. & MARGORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
  - I. SHADOW RIDGE, PHASE 1 - Final Subdivision Plan #060614, by James R. Holley & Assoc., Inc., 54 lots, along Burkholder and Blacksmith Road. For action on this plan see, WILLIAM H. & MARGORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
  - J. SHADOW RIDGE, PHASE 2 - Final Subdivision Plan #060615, by James R. Holley & Assoc., Inc., 35 lots, along Burkholder and Bahn’s Mill Road. For action on this plan see, WILLIAM H. & MARGORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
  - K. WOODROW, JR. & CAROLYN E. WILSON, DIRK L. & JODY L. POSEY AND WAYNE L. POSEY - Final Subdivision Plan #060111, by James R. Holley & Assoc., Inc. , 9 lots along Bethlehem Church Road. Mr. Allison states that we received a letter from James R. Holley & Assoc., Inc. withdrawing this plan. Chairman Pilachowski motioned to remove this plan, with a second by Mr. Ilyes. Five votes yes. Motion carried.
7. Chairman Pilachowski asked if there were any comments from the Planning Commissioners. There were none.
8. The meeting of the Windsor Township Planning Commission adjourned at 7:33 P.M.

Respectfully submitted,

Jennifer Gunnet  
Secretary