

**WINDSOR TOWNSHIP PLANNING COMMISSION**  
**August 20, 2009**

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

Present at the meeting were Paul Ilyes, Dean Heffner, J. LaRue Harvey, Charlie Wilson, Jennifer Gunnet, Kipp Allison, Connie Gladfelter, Jason Reichard (C.S. Davidson, Inc.), Vera Miller, Lee Faircloth (Gordon L. Brown & Assoc., Inc.), William Lutz, Steven Lutz, Carol Lutz, Jerry Stahlman (Stahlman & Stahlman).

2. The Pledge of Allegiance was recited.
3. Vice Chairman Ilyes asked if there were any comments from the public. There were none.
4. Mr. Heffner motioned to approve the minutes for the July 16, 2009 meeting, with a second by Mr. Harvey. Four votes yes. Motion carried.
5. Plans submitted in August:
  - A. BRIAN E. & JODI E. HINTON – Sketch Plan #L5313, by Gordon L. Brown & Assoc., Inc. for 12 lots along Zion Church Rd. Vice Chairman Ilyes motioned to table this plan, with a second by Mr. Heffner. Four votes yes. Motion carried.
6. Plans tabled in July:
  - A. SAMUEL KISER – Final Subdivision Plan #2008.0394.00, LSC Design, 3 lots along Snyder Corner Rd. Mr. Allison states we received a letter from LSC Design withdrawing this plan. Vice Chairman Ilyes motioned to withdraw this plan, with a second by Mr. Heffner. Four votes yes. Motion carried.
  - B. KEITH & VICKI GARNER – Reverse Subdivision Plan #040109, Randy L. Howard, PLS, property along White Oak Rd. Mr. Reichard said numerous comments remain outstanding on this plan. He recommends this be tabled. Vic Chairman Ilyes motioned to table this plan, with a second by Mr. Heffner. Four votes yes. Motion carried.
  - C. WILLIAM H. LUTZ & STEVEN L. & CAROL A. LUTZ – Final Subdivision Plan #L-5307, Gordon L. Brown & Assoc., Inc., 5 lots along Springvale Rd. and Zion Church Rd. Lee Faircloth from Gordon L. Brown & Assoc., Inc. along with Steven Lutz, William Lutz and Carol Lutz went over the plan. Mr. Faircloth states the property is located along Springvale Rd and Circle Drive. He said the subdivision plan is to join Lot 5 to Steve Lutz's property, which is Lot 3. Also the remaining property along Springvale Rd. and Circle Dr. and the remainder of the farm located on Zion Church Rd. will remain as agricultural use.

Mr. Reichard and Mr. Allison went over the outstanding comments. Mr. Reichard said on Lot 6, a portion along Springvale Rd., the lot is separated by Industrial Zone and Agricultural

Zone. There are some structures located in the right-of-way. Mr. Reichard said we require a 50 foot dedicated right-of-way and he said they are providing that for the most part, but they are reducing the right-of-way down to the existing 33 feet. Mr. Reichard said in the past we have required the 50 foot right-of-way and any structure in the right-of-way had to be removed. Vice Chairman Ilyes asked if the structures are barns. Mr. Faircloth said one is a pig pen and the other is a concrete wall. Mr. Faircloth asked if there is a time that this is developed industrially then the buildings would go and the right-of-way would be offered to the Township. He states this subdivision has no development and everything stays the same. Vice Chairman Ilyes asked what is the problem with the structures. Mr. Reichard said it is like having a structure in a public street. Mr. Reichard said he recommends that the right-of-way be dedicated and the Township enters into an agreement where they would agree to remove the structures when the Township decides to fully use that entire 50 foot right-of-way. He states that the Township solicitor should evaluate this agreement. Vice Chairman Ilyes asked if a note would be added. Mr. Reichard said the agreement would be between the Township and the Lutz's. Mrs. Gunnet said a note would still be added to the plan.

Mr. Allison said a waiver is needed for Section 406.1 of the Subdivision and Land Development Ordinance for the sanitary sewer extension. He said the ordinance requires that any subdivision within 1000 feet of an existing main is required to extend the sanitary sewer. He states that he is not sure the sanitary sewer could be extended as it is outside our growth boundary area. The way the ordinance is written a waiver is required. Mr. Faircloth asked what would be the purpose of the extension when there is no new development. Mrs. Gunnet said any time you subdivide and you are within a 1000 feet of an existing main it has to be extended to the property line. Mr. Wilson asked if we could grant a waiver. Mrs. Gunnet states yes because it is outside our growth area and we do not want to promote sewer outside the growth area.

Mr. Harvey motioned to grant the waiver to not extend sanitary sewer, with a second by Mr. Wilson with a note added that any further subdivision would require a sanitary sewer extension. Four votes yes. Motion carried.

Mr. Heffner motioned to grant the waiver for the existing contour lines, with a second by Mr. Harvey. Four votes yes. Motion carried.

Vice Chairman motioned to table this plan with the outstanding comments and refer the right-of-way to the solicitor, with a second by Mr. Heffner.

1. Section 303.2.e of the Subdivision and Land Development Ordinance requires the owner's notarized signature to be provided 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. Waiver was granted for the existing contours.

4. Section 303.2.e of the Subdivision and Land Development Ordinance requires the seal and signature of the Professional engineer and/or Land Surveyor responsible for this plan to be provided on the plan.
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. Section 304.i of the Subdivision and Land Development Ordinance requires Planning Modules be processed for the proposed new land development.
7. The plan needs to formally identify any offers to dedicate right-of-way to the Township.
8. The Graphic Scale on Page 4 needs to be removed.
9. Revise building setbacks for Lot 3A and Lot 6
10. Upon Board of Supervisors approval of the plan the surveyor will set owner markers. Once the corner markers are set the surveyor must sign the provided signature block; within eighty (80) days from the plan approval date.
11. Net and gross acreages must be shown for the established zones in order to calculate the number of available building lots for the agricultural zone.
12. Revise signature blocks to identify ownership of the specific lots proposed.
13. A waiver of section 406.1 of the Subdivision & Land Development Ordinance is required to not extend sanitary sewer.
14. A waiver to not extend the sewer was granted.
15. Please provide lot & setback requirements for the Industrial Zone.
16. The plan was tabled due to numerous outstanding comments.

Four votes yes. Motion carried.

- D. 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 along with E, F, G and H. He recommends the plan be tabled. Vice Chairman Ilyes motioned to table this plan along with E, F, G, H, J, K,L, and M, with a second by Mr. Harvey. Four votes yes. Motion carried.
- E. 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. & MARJORIE A. DIETZ - Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
- F. 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. & MARJORIE A. DIETZ - Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
- G. ROCKLEDGE – Preliminary Subdivision Plan #2003-29 by Johnston & Assoc. Inc., for 24 lots along Boxwood Road. For action on this plan, see WILLIAM H. & MARJORIE A.

DIETZ - Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A. This plan was acted upon at that time.

- H. 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. & MARJORIE A. DIETZ - Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
- I. SPRING VALLEY POOL SITE – Preliminary Land Development Plan #A-06-023, by Stahlman & Stahlman, for 97 townhouses along Lombard Road. Jerry Stahlman from Stahlman and Stahlman said the plan was tabled at the last Planning Commission meeting because they were requesting a letter to Penn DOT for a left turn lane. He states Penn DOT submitted comments. He went over the plan. He states Penn DOT wants 75 feet and we accommodated that on this plan. He said we are here to ask for your approval. Mr. Allison asked if there is going to be enough room to put the sidewalk in between the basin and the right-of-way and the improvements in the future. Mr. Stahlman said yes. Mr. Heffner asked if they had all the Penn DOT permits. Mr. Stahlman said Penn DOT used to issue permits now they issue condition letters. He said five days before construction is to begin a bond is posted, and then Penn DOT is notified within three day so their inspector can come out. He states then they will release the permit.

Mrs. Gunnet asked if Mr. Reichard and Mr. Allison had a current copy of the plan. Mr. Reichard and Mr. Allison said they do not. Mrs. Gunnet asked if they feel comfortable recommending approval without seeing the revised plan. Mr. Reichard said he has seen enough of the plan. Mrs. Gunnet asked if the Planning Commission members feel comfortable to approve this plan. Vice Chairman Ilyes said he does not. He states he had not attended the last meeting and he motioned to have an accelerator lane and decelerator lane. Mrs. Gunnet said Mr. Reichard checked and it was not feasible for the acceleration/deceleration lane. Therefore, the Board of Supervisors voted against the accelerator and decelerator lane.

Mr. Wilson states the plan started with 97 units on 15 buildable net acres and now it is 98 houses. Mr. Wilson said three years ago Mr. Reichard was correcting him and he has the minutes on the cluster overlay, that the right-of-way for public roads are not part of net acreage. He said here it is net acreage all the way out to the road. Mr. Wilson states that all it would take is the substitution of one word net density, with net acreage. He states we are letting the developer define what it is that we want. He said we should be treating R1 the same as R2. With R1, we lay everything out in 10,000 square foot lots which excludes public roads. He stated the pool is leaving and the property owner has the right to remove it, but what is the Township gaining, 98 houses, 200 cars, 350 people and 150 school kids. He said you have about 370 foot road frontage, and we need 400 feet, and a site distance problem that we are dealing with as best as we can. He states we all voted for the acceleration/deceleration lane but in the overall plan does not show it.

Mr. Reichard states that for the record the minutes for June 15, 2006 were specific to the Cluster Overlay Zone in that excluding roads, water basins, streets and would be public right-of-ways and in this plan there are no public right-of-ways proposed so the acreage is equivalent to gross acreage minus the right-of-way for Lomard Rd. Mr. Wilson said we have 5 units per net acre and we are not defining net acre. Mr. Allison stated that the density would still be calculated using the road because it is not public.

Mr. Reichard recommends the Planning Commission table this plan until we have clear direction from Penn DOT that they have accepted the left turn lane.

Vice Chairman Ilyes motioned to table this plan, with a second by Mr. Harvey. Four votes yes. Motion carried.

- J. 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. & MARJORIE A. DIETZ - Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
  - K. 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. & MARJORIE A. DIETZ - Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
  - L. 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. & MARJORIE A. DIETZ - Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
  - M. 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. & MARJORIE A. DIETZ - Panorama Hills Interceptor, LLC - Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
7. An Ordinance Repealing Section 204, Cluster Overlay Zone, of the Windsor Township Zoning Ordinance.

Mrs. Gunnet states that the Planning Commission members should have a copy of Ordinance 204 that Attorney Rausch has drafted to repeal Section 204-Cluster Overlay Zone. She states they are in the process of repealing Section 204 which is the Cluster Overlay Zone altogether until a new can be written by Mr. Allison. She also said that because it is a zoning ordinance amendment the Planning Commission has to review it and make a recommendation and so does York County Planning Commission before it can go to the Board of Supervisors for approval. Mr. Wilson motioned to recommend that we proceed to the process, with a second by Mr. Harvey. Four votes yes. Motion carried.

8. Vice Chairman Ilyes asked if there were any comments from the Planning Commission members. Vice Chairman Ilyes asked Mr. Wilson for more information on his earlier comment about the elimination of specific wording regarding density. Mr. Wilson said to substitute the word acreage for density. Mrs. Gunnet said we can check with Attorney Rausch to make sure it can be changed. Mr. Wilson said net density only appears in the definition.

Mr. Allison and Mr. Wilson proposed to meet and discuss possible amendment options prior to the next meeting. Mr. Wilson states he does not want the developers to come in here and tell us what to do. Mr. Allison said it should be cut and dry no ambiguity there.

Vice Chairman Ilyes motioned that they have Attorney Rausch check to see if the change can be made, with a second by Mr. Heffner. Four votes yes. Motion carried.

Mr. Allison states we have submitted the Comprehensive Plan for review to the school district and adjacent municipalities and York County Planning Commission and the scheduled York County Planning Commission meeting is Oct. 6, 2009. Mr. Allison states he will attend.

9. The meeting of the Windsor Township Planning Commission adjourned at 8.05 P.M.

Respectfully submitted,

Jennifer Gunnet  
Secretary