

WINDSOR TOWNSHIP PLANNING COMMISSION
January 21, 2010

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

Present at the meeting were Jerry Pilachowski, Paul Ilyes, J. LaRue Harvey, Charlie Wilson, Jennifer Gunnet, Kipp Allison, Connie Gladfelter, Jason Reichard (C.S. Davidson, Inc.), Eric Johnston (Johnston & Assoc., Inc.), Phil Garland (GCI).

2. The Pledge of Allegiance was recited.
3. The Planning Commission reorganized. Mr. Harvey motioned to nominate Mr. Pilachowski as Chairman, with a second by Mr. Ilyes. Motion carried. Five votes yes.

Mr. Ilyes motioned to nominate Mr. Wilson as Vice Chairman, with a second by Mr. Heffner. Motion carried. Five votes yes.

4. Chairman Pilachowski asked if there were any comments from the public. There were none.
5. Mr. Ilyes motioned to approve the minutes for the November 19, 2009 meeting, with a second by Mr. Harvey. Motion carried. Five votes yes.
6. Plans submitted in January:
 - A. SCOTT E. & JENNIFER M. TAYLOR – Finals Subdivision Plan #09052 by Shaw Surveying, Inc., along Brownton Rd. Chairman Pilachowski motioned to table this plan, with a second by Mr. Ilyes. Motion carried. Five votes yes.
7. No plans were submitted in December.
8. Plans tabled in November:

- A. BRIAN E. & JODI E. HINTON – Final Subdivision Plan #L5313 by Gordon L. Brown & Assoc., Inc., 12 lots along Zion Church Rd. Mr. Reichard recommends this plan be tabled for outstanding comments. Chairman Pilachowski motioned to table this plan, with a second by Mr. Wilson. Motion carried. Five votes yes.
- B. WOODROW JR. & CAROLYN E. WILSON – Final Subdivision Plan #060111 by James R. Holley & Assoc., Inc. 4 lots along Bethlehem Church Rd. Mr. Allison stated that the parties for this plan have not shown up at this time. Chairman Pilachowski advised will hold this plan until the end of the meeting.
- C. 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 recommends this plan be tabled along with D & E. Chairman

Pilachowski motioned to table this plan along with D & E, with a second by Mr. Wilson. Motion carried. Five votes yes.

- D. JEFFREY A. STINE – Final Subdivision Plan #07-1103-001 by Johnson, Mirmiran & Thompson Engineering, 2 lots along Freysville Rd. For action on this plan, please see WILLIAM H. & MARJORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
- E. 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, please see WILLIAM H. & MARJORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
- F. ROCKLEDGE – Preliminary Subdivision Plan #2003-29 by Johnston & Assoc. Inc., for 24 lots along Boxwood Rd. Eric Johnston from Johnston & Assoc., Inc. along with Phil Garland from GCI went over the plan. He advised that Mr. Bashore and Mr. Raffensperger were present at the November 19, 2009 meeting. He states this plan has 24 residential lots. He said we have made the revisions and Lot 25, the stormwater pond, will be combined with Lot 1 and an easement placed in the stormwater management area maintenance will be taken over by the Homeowners Assoc.

There was a lengthy discussion about the width of the road, the width of the bike trail and curbs along Boxwood Rd. Mr. Johnston advised that the agreement at the November 19, 2009 meeting was to widen the road to 14 feet with no curbs and an asphalt pad for a bike path. He said it will be a challenge to widen Boxwood Rd. and they would like to make the bike path 4 foot wide and not the 6 foot that was agreed upon. He states that a large retaining wall will have to installed at some of the banks.

Mr. Reichard advised that the consultant for the rail trail was looking for a minimum 6 foot wide trail area with a buffer between the trail and the vertical curb with 18 inches to 2 feet of open space with a white line to let you know there was a drop off. Mr. Reichard asked if there was a sketch plan of the area with the changes. Mr. Johnston said they took pictures to show that it can not be done. Mrs. Gunnet asked what are you proposing. Mr. Johnston stated that 4 foot widening with no curb and no sidewalk.

Mr. Johnston said we are requesting a waiver to not install curbs.

Mr. Wilson asked if the waiver was not granted how far back would you have to sculpt the land and how far back would you have to go to be level with the road. Mr. Johnston stated that they would have to go at least 4 feet, maybe 5 feet, and then bulk do excavating. Mr. Wilson asked what kind of an angle would there be. Mr. Johnston stated that the ordinance requires a 2 to 1 which means go out 2 feet and drop 1 foot. He advised that they would have to put retaining walls along there. Mr. Johnston asked what is the minimum width for the trail. Mr. Reichard advised that 10 feet is what the consultant wanted because of running

vehicles on the trail for maintenance, but in this case a 6 feet minimum because it is along the road. Mr. Reichard stated the only option that he sees is to reducing the widening from 4 feet to 2 ½ feet. He stated they have a 10 foot lane today widen that to 12 ½ feet, install curbs and a 6 foot trail. Mr. Ilyes said that a 2 ½ to 6 inch curb is not enough. He stated that it makes it too close to the road. Mr. Ilyes said that it should be 2 ½ inch curb with a 2 foot grass strip and 6 foot path. Mr. Johnston said they would like a waiver for the 12 ½ foot widening, 2 foot grass strip and 6 foot bituminous path.

Chairman Pilachowski motioned to deny the waiver to eliminate curbing, with a second by Mr. Wilson. Motion carried. Five votes yes.

Mr. Johnston said we are also requesting a waiver to not install sidewalks on Boxwood Rd. Chairman Pilachowski motioned to deny the waiver for not installing sidewalks but a 6 foot asphalt bike path, the road widened 2 ½ feet, a 2 foot grass strip and a curb must be added, with a second by Mr. Wilson. Motion carried. Five votes yes.

Mrs. Gunnet advised that they will also need a waiver for the widening of the road, because they are not widening it to the standard. Chairman Pilachowski motioned to grant this waiver for widening the road 2 ½ feet and not the required 4 feet, with a second by Mr. Wilson. Two votes yes. Chairman Pilachowski and Mr. Wilson. Three votes no. Mr. Ilyes, Mr. Heffner and Mr. Harvey.

Mr. Harvey stated that he would like to see 14 feet for the road. Mr. Wilson said then you would be cutting into the bank. Mr. Johnston stated that it should be adequate to have 12 ½ foot width.

Mrs. Gunnet advised that since Chairman Pilachowski and Mr. Wilson motioned and seconded the waiver do you want to motion to rescind the motion for the sidewalks because without the reduced widening of Boxwood Rd., the dimensions will not work.

Chairman Pilachowski motioned to rescind the waiver for installing sidewalks, with a second by Mr. Wilson. Motion carried. Five votes yes.

Chairman Pilachowski motioned to deny the waiver for sidewalks, a 2 foot grass strip and a 6 foot bituminous path must be added, with a second by Mr. Ilyes. Five votes yes. Motion carried.

Mr. Harvey motioned to deny the waiver for road widening of 12 ½ feet and must be widened to 14 feet, with a second by Mr. Heffner. Motion carried. Five votes yes.

Mr. Reichard asked if Lot 25 was combined with lot 1. Mr. Johnston stated that it would be done before the plan is presented to the Board of Supervisors. Mrs. Gunnet stated they are asking for conditional approval for this plan. She asked the Planning Commission if they

would like to see what the affects these changes will have on this plan before the plan is conditionally approved.

Mrs. Gunnet stated that at the November 19th meeting there was a discussion on the main street being a collector street or a minor street. She advised that she and Mr. Allison met with Attorney Charles Rausch about this. Attorney Rausch said it is a minor street and not collector street and would be 28 foot wide.

Mr. Ilyes motioned to table this plan, with a second by Mr. Wilson. Motion carried. Five votes yes.

- G. BROOKFIELD CROSSING – Preliminary Subdivision Plan #2003-16A by Johnston & Assoc. Inc. for 71 lots along Smith Road. Eric Johnston from Johnston & Assoc., Inc. along with Phil Garland went over the plan. Mr. Johnston states that the main street is a minor street. Mr. Johnston said that Lot 50 is a pump station lot that is shown in Phase II of the project. He advised that they are asking for a waiver to not design the pump station at this time. He states that the pump station is not a necessity in Phase I but is in Phase II. He advised that Phase I can be gravity flow for the section of the project through adjoining properties.

Mrs. Gunnet read the letter from Attorney Charles Rausch. Mrs. Gunnet stated that Attorney Rausch is recommending the plan should only show Phase I. If they want to show the rest of the development, then the pumps station needs to be designed. Mr. Johnston said they are asking for a waiver to not design the pump station at this time. Mr. Ilyes asked if they were trying to get gravity flow. Mr. Johnston said they are trying to get gravity flow through an adjoining property.

Mr. Garland stated that the permits from DEP are only good for 2 years. Mr. Johnston said the zoning could be changed with no warning. Mr. Allison asked why not do just Phase I. Mr. Garland said the zoning could be changed at any time. Mr. Johnston stated that protective notes could be added to the plan. Mr. Allison asked how would this benefit the Township by granting this waiver to not design a pump station. Mr. Garland stated what if Phase II does not go through for 5 years, then the permits need to be renewed.

Mr. Wilson stated it is a legal issue will he be at the Board of Supervisors meeting. What can we do by voting on this waiver? Mrs. Gunnet advised that the Board of Supervisors wants the input from the Planning Commissioners on waivers before they vote on a plan.

Mr. Harvey motioned to deny the waiver to not design a pump station, with a second by Mr. Wilson. Motion carried. Five votes yes.

Chairman Pilachowski motioned to table this plan, with a second by Mr. Ilyes. Motion carried. Five votes yes.

- H. COOL COUNTRY PROPERTIES - Preliminary Subdivision Plan #060619, by James R. Holley & Assoc., Inc., 32 lots along Snyder Corner Road. Jason Reichard recommends this plan be tabled for outstanding comments, along with I, J and K. Chairman Pilochowski motioned to table this plan along with I, J and K, with a second by Mr. Ilyes. Motion carried. Five votes yes.
- I. 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 please see COOL COUNTRY PROPERTIES – Preliminary Subdivision Plan #060620. The plan was acted upon at that time.
- J. 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 please see COOL COUNTRY PROPERTIES – Preliminary Subdivision Plan #060620. The plan was acted upon at that time.
- K. SHADOW RIDGE, PHASE 2 - Finals Subdivision Plan #060615, by James R. Holley & Assoc., Inc., 35 lots, along Burkholder and Bahn's Mill Road. For action on this plan please see COOL COUNTRY PROPERTIES – Preliminary Subdivision Plan #060620. The plan was acted upon at that time.

Chairman Pilachowski motioned to table plan 8 B WOODROW JR. & CAROLYN E. WILSON – Final Subdivision Plan #060111 by James R. Holley & Assoc., Inc. 4 lots along Bethlehem Church Rd., with a second by Mr. Ilyes. Motion carried. Five votes yes.

- 9. Ordinance Amendment of 302.1 (Recreation Vehicles, Boats, Campers, Trailers and Trucks). Mr. Allison went over the amendment to Section 302.1. He states that the amendment says there is a 72 hour time frame for parking a recreational vehicle, a set back of 10 foot behind the street right-of-way and a 6 feet set back from any adjoining property lines. There was a lengthy discussion on where Recreation Vehicles can be parked.

Mr. Iyes motioned to recommend the 10 foot from the street right-of-way set back be changed to outside of the right-of-way, with a second by Mr. Harvey. Motion carried. Five votes yes.

- 10. Possible ordinance change net density/net acreage. Mr. Wilson states that whatever we call net acreage as long as it is our determination and not the next attorney representing a builder. He said that we are in jeopardy with the loose interpretation because every plan that comes in uses the two terms net acre and gross acre.

There was a lengthy discussion on what should be incorporated into the density calculations. Mr. Allison states that we need to make this simple. Mr. Reichard advised that it is standard that net acreage is area less any public right-of-way. Mr. Allison said we need to change the tables in the different sections and change the definitions. Mrs. Gunnet said we have to start somewhere. Do you want all roads, public or private excluded? Mr. Allison advised that he has

excluded all public or private roads and public utility easements. Mrs. Gunnet said also the right-of-way to the public road should be excluded. Mrs. Gunnet asked if we are changing the definition of net acreage or density. There was another lengthy discussion regarding density. Mr. Wilson stated we need to get rid of the definitions for net and gross density. Mr. Wilson said we need to add net density supersedes net acreage where it appears. Mr. Ilyes suggested we create a definition for developable acreage, which excludes public and private streets, road, right-of-ways and utility easements and use that in the R-2 chart.

Chairman Pilachowski motioned to approve the change that a developable acre is defined as excluding public and private streets, roads, right-of-ways, utility easements and net density and gross density will be removed, with a second by Mr. Wilson. Motion carried. Five votes yes.

11. Chairman Pilachowski asked if there were any comments from the Planning Commissioners. There were none.
10. The meeting of the Windsor Township Planning Commission adjourned at 9:36 P.M.

Respectfully submitted,

Jennifer Gunnet
Secretary