

WINDSOR TOWNSHIP PLANNING COMMISSION
April 15, 2010

1. The meeting of the Windsor Township Planning Commission was called to order at 6:00 P.M. by Chairman Pilachowski.

Present at the meeting were Jerry Pilachowski, Paul Ilyes, Charlie Wilson, Dean Heffner, Jennifer Gunnet, Kipp Allison, Connie Gladfelter, Mike Hess (ARRO Eng.), Dennis Potts (Gordon L. Brown & Assoc., Inc.), Kirk Shenberger, Lloyd Stough, Jeremy Frey, Bill Davis (Site Design Concepts), Dustin Altohoff (Site Design Concepts), and Leon Patterson.

2. The Pledge of Allegiance was recited.
3. Chairman Pilachowski asked if there were any comments from the public. Kirk Shenberger stated that he has questions on the ordinance for the parking of recreational vehicles, trailers, campers and boats on your own property. He states that he was at the Board of Supervisors meeting and there was a lengthy discussion. He was advised that he should bring some of his concerns to the Planning Commissioners meeting. He stated that there was talk at the Board of Supervisors meeting about some changes coming to this ordinance that has been in effect since 2001. He said the part of the ordinance that they want to change is that only one vehicle can be stored on your property and the second vehicle can be there up to 72 hours. He advised that he understands that the Board of Supervisors would like to take out the 72 hours, which means that only one vehicle can be on your property at any given time. He said that the only meeting discussing this ordinance was at the Planning Commissioners meeting and that the Planning Commission recommended that the vehicle had to be 10 feet from the setback. He also said that he was told that in order to get this ordinance amended that half of the Township would have to sign a petition saying they are in favor of the changes. He added that he would like to know how many signatures would be needed to change the ordinance. Mr. Shenberger asked about a grandfather clause. Mrs. Gunnet said she could not give him a number but that a significant number of residents would have to sign the petition.

Mr. Shenberger asked how many people it took to put this into effect. Mrs. Gunnet advised that she did not think there were any people that requested that this language be put into the ordinance, it was language that was drafted by the consultants that the Township was using to do the Zoning Ordinance and if no one had any opposition, it went through.

Mr. Shenberger stated that he did not know this ordinance existed until he was sent a letter. He also said there are probably a lot of people in the Township that do not know about this ordinance or do not always read the paper. He asked how the residents with these vehicles will be notified about these changes to the ordinance. Mr. Allison said that a public meeting will be held for the review of the amendment to the Zoning Ordinance. Mr. Allison asked if there were any other options that the Planning Commission can take to the Board of Supervisors. Mr. Shenberger said that if you have the proper inspection and insurance on those vehicles and ample space in your driveway and not your yard there should not be a problem. Mrs. Gunnet stated that grandfathering has come up in the past and the attorney has been consulted. She stated that when the vehicle leaves the property then the grandfather clause is cancelled so there is no grandfathering with this type of situation.

Mr. Shenberger advised that on a weekend where they use their motor home and trailer if he comes home late he would have to unload and move the trailer from the property or he would be illegal if the 72 hours to store the vehicle is removed. Chairman Pilachowski stated that he understands that storing more than one recreational vehicle in the driveway should be changed. Mr. Shenberger asked if the 72 hour clause is being removed. Mrs. Gunnet said it is being removed. Mrs. Gunnet advised that the amendment has to be presented to the York County Planning Commission for recommendation and then a public hearing will be announced and then it will be discussed. Mr. Shenberger asked how the residents will be notified. Mrs. Gunnet stated that we are required to put notification in the newspaper as a legal ad and Mr. Allison stated that it could be on the Township Website.

4. Mr. Wilson motioned to approve the minutes for the February 18, 2010 meeting, with a second by Mr. Ilyes. Motion carried. Four votes yes.
5. Plans submitted in March:
 - A. DAVID A. & ANN M. DIETZ – Final Subdivision Plan #L-5340 by Gordon L. Brown & Assoc., Inc. along E. Prospect Rd. and Freysville Rd. Dennis Potts from Gordon L. Brown & Assoc., Inc. went over the plan. He advised this is a 120 acre farm and they subdividing one lot containing the existing house. He said they are also asking for three waivers.

Mr. Potts stated the first waiver is to not connect to the public sewer. It was noted that no homes are being proposed. Mr. Wilson motioned to grant the waiver to not connect to public sewer, with a second by Mr. Ilyes. Motion carried. Four votes yes.

Mr. Potts said the second waiver is to not show contour at 10 foot intervals on the plans. The plan shows them at 20 foot intervals. Mr. Ilyes motioned to grant the waiver to not show 10 foot contour intervals, with a second by Mr. Wilson. Motion carried. Four votes yes.

Mr. Potts said the third waiver is for not connecting to public water. Again there are no new homes proposed. Mr. Wilson motioned to grant the waiver to not connect to public water, with a second by Mr. Heffner. Motion carried. Four votes yes.

Mr. Allison stated that a note must be added to the plan that if any future plans are submitted they must be presented to the Township.

Mr. Allison went over the outstanding comments.

Mr. Ilyes motioned to approve this plan, with a second by Mr. Wilson with the following comments:

1. The following waivers of the Subdivision and Land Development Ordinance must be requested and granted by the Board of Supervisors prior to plan approval. Approval dates must be provided on the plan.

2. Section 406.1 the extension of public sanitary sewer. Waiver to not extend public sewer was granted.
3. Section 407.1 extension of public water. Waiver to not connect to public water was granted.
4. Section 302.3.k for contours at 10 foot intervals. Waiver to not show contours at 10 foot intervals was granted.
5. 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.
6. Section 304.i of the Subdivision and Land Development Ordinance requires Planning Modules be processed for the proposed new land development.
7. Revise the signature block for the Township Engineer to say "Recommended".

Motion carried. Four votes yes.

6. Plans submitted in April:

A. MODERN TRANCYCLERY BUILDING – Final Land Development Plan #LDP-01 by AECOM, along Mt Pisgah Rd. Chairman Pilachowski motioned to table this plan, with a second by Mr. Ilyes. Motion carried. Four votes yes.

7. WTS Properties, LLC Residential Subdivision, North Camp St. and First St. – Waiver requests. Mrs. Gunnet stated that Site Design Concepts has not arrived so we will continue and return to this plan when they arrive.

8. Plans tabled in February:

A. JACK R. & JULIA HALE – Final Subdivision Plan #00.0 by K. Eugene Shank, Inc., along Kendale Rd. Chairman Pilachowski motioned to table this plan along with B, C, D and E, with a second by Mr. Heffner. Motion carried. Four votes yes.

B. TEMPLETON – Preliminary/Final Land Development Plan #2007.0034.01 by LSC Design, along E. Prospect Rd. For action on this plan please see JACK R. & JULIA HALE – Final Subdivision Plan #00.0. This plan was acted upon at that time.

C. CVS/PHARMACY – Final Land Development Plan #MD082093 by Bohler Engineering, along Lombard Rd. For action on this plan please see JACK R. & JULIA HALE – Final Subdivision Plan #00.0. This plan was acted upon at that time.

D. J.C. BAR DEVELOPMENT LLC – Final/Preliminary Plan #MD082093 by Bohler Engineering, Lot Consolidation Plan. For action on this plan please see JACK R. & JULIA HALE – Final Subdivision Plan #00.0. This plan was acted upon at that time.

- E. BRIAN E. & JODI E. HINTON – Final Subdivision Plan #L5313 by Gordon L. Brown & Assoc., Inc., 12 lots along Zion Church Rd. For action on this plan please see JACK R. & JULIA HALE – Final Subdivision Plan #00.0. This plan was acted upon at that time.
- F. WOODROW JR. & CAROLYN E. WILSON – Final Subdivision Plan #060111 by James R. Holley & Assoc., Inc. 3 lots along Bethlehem Church Rd. Lloyd Stough was present to go over the plan. Mr. Allison advised that this plan has been modified.

Mr. Hess and Mr. Allison went over the numerous outstanding comments.

Mr. Hess stated that there is an existing roadway width of 19 foot and an additional 1 ½ foot addition on each side and the ordinance calls for 28 feet. Mr. Allison stated that there was a discussion with the Public Works Director and he was not sure what was discussed. Mr. Hess stated he would talk to Mr. Trout, the Public Works Director.

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

- G. 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. Chairman Pilachowski motioned to table this plan along with H, I, J, K, L, M, N and O, with a second by Mr. Heffner. Motion carried. Four votes yes.
- H. 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.
- I. 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.
- J. ROCKLEDGE – Preliminary Subdivision Plan #2003-29 by Johnston & Assoc. Inc., for 24 lots along Boxwood 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.
- K. BROOKFIELD CROSSING – Preliminary Subdivision Plan #2003-16A by Johnston & Assoc. Inc. for 71 lots along Smith Road. 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.
- L. COOL COUNTRY PROPERTIES - Preliminary Subdivision Plan #060619, by James R. Holley & Assoc., Inc., 32 lots along Snyder Corner Road. 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.

- M. 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 WILLIAM H. & MARJORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
- N. 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 WILLIAM H. & MARJORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
- O. 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, please see WILLIAM H. & MARJORIE A. DIETZ – Panorama Hills Interceptor, LLC – Final Subdivision Plan #082962601-A. This plan was acted upon at that time.
9. The Public Hearing for the Comprehensive Plan update is scheduled for May 3, 2010 at the Board of Supervisors meeting at 6:00 P.M.
10. Discussion on Net/Gross Acreage Amendment. Mr. Allison said we need to revise the definition for developable acre. He stated that we need to look at what is the developable area. He advised that we need to add other words that would stipulate that we are talking about existing and proposed easements. He advised that if there is a 120 foot Met Ed right-a-way should it be included in developable acres or exclude it before they work out the density. Mrs. Gunnet asked what of the roads. The amendment was to remove them but the wording did not work. He asked if wetlands should be incorporated into the definition. Mr. Ilyes advised that if the land is not buildable then it has to be removed.

Mr. Wilson states that we need consistency with the R1 and R2 and that we need to catch the errors before the developer does. Mr. Wilson said "so long" should be replaced with as long as. Mrs. Gunnet stated what of the flood plains. Mr. Allison said wetlands and flood plains are not incorporated in the definition. Mr. Wilson said R1 Zone with a minimum 10,000 square foot lot. With an easement on the property, the lots are larger but they will still have 10,000 square foot that is buildable. Mrs. Gunnet asked if the area outside the detention ponds would be included in 10,000 square feet. Mr. Wilson said no it can not be counted in the 10,000 square feet. Mr. Allison stated that the buildable area is not always going to be 10,000 square feet. Mrs. Gunnet reminded everyone this definition only applies in the R2 Zone. Mr. Allison stated that it brings down the R2 density because you could count the easements and streets into the total density and now it removes them. He said his concern is the wetlands and the flood plains. He also said that the R2 Zone is where it needs to be removed because that is where we have the higher density. He stated that we could be restricting the number of lots to be subdivided off of a R2 Zone piece of property more than an R1 Zone. Mr. Allison asked Mr. Hess what his views are. Mr. Hess stated that he has not seen any municipality include flood plains and wetlands at

100 percent. He stated easements and right-of-ways are excluded. Mr. Allison stated maybe we want to go with taking out wetlands and flood plains 100 percent or maybe just a percentage toward the developable acres.

Mr. Allison read the revised proposal for the definition Developable Acre – “The land of a development upon which permitted density is calculated. Such area expressly excludes existing/proposed, public/private right-of-ways/easements, and public/private streets.” Mrs. Gunnet advised that it makes it clear that existing and proposed right-of-ways, flood plains, easements, streets and detention areas be excluded and that was the intent. Mr. Ilyes said he said he understands the percentages for the flood plains areas but the wetlands should not be included.

Mr. Ilyes motioned to include in the definition of developable acre the words “existing/proposed”, that 80 percent of the flood plains are unusable and 100 percent of the wetlands are unusable, with a second by Mr. Wilson. Motion carried. Three votes yes. Mr. Heffner voted no.

7. WTS Properties, LLC Residential Subdivision, North Camp St. and First St. – Waiver requests. Dustin Altohoff and Bill Davis from Site Design Concepts went over the plan. They said it is a 6 acre lot in both Windsor Township and Windsor Borough with 15 residential lots. There is a mobile home park to the north and below are single family homes. Mr. Altohoff said that there is a water main that runs through the property and he stated that they have talked to the Red Lion Water Company about moving it to the street and then connecting it back in.

He states they are asking for four waivers.

Mr. Altohoff states the first waiver is 502.3(a) which requires that no street shall have a grade exceeding 4 percent within 50 feet of the street centerline of any intersection street. He advised that they want to increase the slope to 6 percent which will not increase the risk of a vehicles sliding into the intersection. Mr. Hess explained the difference between the 4 percent and the 6 percent. He stated that they went over different scenarios and discussed different options and what is here does not meet the ordinance but it is the best option. He also said the waivers do meet Penn DOT requirements. Mr. Wilson asked if the 4 percent limitation was because of the site or icy conditions. Mr. Hess states it is more a convenience issue for acceleration and maybe icy conditions. Mr. Altohoff said you would not be sliding out into North Camp Street as the 6 percent would be into the site. Mr. Hess stated that North Camp Street has a 2 percent slope, so it would be going from 2 percent down to 6 percent down.

Mr. Altohoff advised that it is in conjunction with the next waiver of site distance for the vertical curve. He said it is the second large curve and the ordinance requires 259 feet for site distance and they are proposing 200 feet. Mr. Hess said they have a “k” value of 28.57 feet. Per the American Association of Safe Highway Transportation Officials for 25 miles per hour speed, a “k” value of 26 feet is required. He said they are off a little better then the American Association of Safe Highway Transportation Officials requirements. He also said there is a section in the ordinance that is as low as 15 feet. He advised per American Association of Safe

Highway Transportation Officials regulations it is ok. Mr. Hess stated he does not feel it is an unsafe condition. Mr. Altohoff said this is a local street so there will not be a large volume of traffic. Mr. Wilson asked about effects of headlights on Lot 15. Mr. Altohoff advised that it should not be a problem.

Mr. Altohoff said the other two waivers are for the width of the grass strip between the sidewalk and the curb of 3 feet and not 5 feet for the first part of the road on one side. Mrs. Gunnet said the reason for the 5 feet is because of snow removal. It gives more space for the snow when being plowed onto the grass and not the sidewalk. Mr. Altohoff states there are no sidewalks on N. Camp St.

He advised the second waiver is for curb radius which the ordinance required to be 30 feet and we are asking for 25 feet. Mr. Hess asked if they ran a fire truck through there to see what kind of difference it makes from 25 feet to 30 feet. Mr. Altohoff stated that he ran a template but he did not bring them. He advised he will see that Mr. Hess gets them. Mr. Hess asked if there is a difference between how the truck turns with the 25 feet and the 30 feet. Mr. Altohoff said there is not a big change.

Mr. Ilyes motioned to grant the waiver to the change of a 6 percent slope, with a second by Mr. Wilson. Motion carried. Three votes yes. Mr. Heffner abstained.

Mr. Wilson motioned to grant the waiver for vertical curbs of 167 feet, with a second by Mr. Ilyes. Motion carried. Three votes yes. Mr. Heffner abstained.

Mr. Wilson motioned to deny the waiver for a 3 foot grass strip, with a second by Mr. Ilyes. Motion carried. Three votes yes. Mr. Heffner abstained.

Mr. Hess said he would like to see if the fire trucks can make the 25 feet. Mr. Ilyes motioned to table this waiver until the engineer can go over the information, with a second by Mr. Wilson. Motion carried. Three votes yes. Mr. Heffner abstained.

11. Planning Commissioners comments. Mr. Ilyes asked if Stonewood Rd. is going to be blacktopped. Mrs. Gunnet stated that Stonewood Rd. is a state road. Chairman Pilachowski said there is a formula that Penn DOT uses that calculates how bad a road is and then they can pick the roads they would like to fix.
12. The meeting of the Windsor Township Planning Commission adjourned at 7:36 P.M.

Respectfully submitted,

Jennifer Gunnet
Secretary