

WINDSOR TOWNSHIP PLANNING COMMISSION
December 15, 2011

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, Charlie Wilson arrived at 6:05 P.M., J. LaRue Harvey, Paul Ilyes arrived at 6:03 P.M., Kipp Allison, Jennifer Gunnet, Connie Gladfelter, Deanna Coble, J. Michael Hess (ARRO Engineering), Terri Ruby (York County Planning Commission), Tom Farcht (Johnson, Mirmiran & Thompson Engineering), Daniel Mallach (Thomas Comitta Associates, Inc.), Gene Briggs (ARRO Engineering), Yvonne Stine and Jeff Stine

2. The Pledge of Allegiance was recited.
3. Chairman Pilachowski asked if there were any comments from the public. There were none.
4. Mr. Harvey motioned to approve the minutes as written for the November 17, 2011 meeting, with a second by Chairman Pilachowski. Motion carried. Two votes yes. Mr. Heffner abstained due to not attending the November 17, 2011 meeting.
5. There were no plans submitted in December.
6. Plans tabled in November:
 - A. KENSINGTON – Preliminary Phase 2 & 3 Subdivision Plan #2005332-069 by RGS Assoc., 229 lots along Ness Rd. Chairman Pilachowski motioned to table this plan, with a second by Mr. Harvey. Motion carried. Three votes yes.
 - B. BRIAN E. & JODI E. HINTON – Final Subdivision Plan #L5313 by Gordon L. Brown & Assoc., Inc., 12 lots along Zion Church Rd. Mr. Allison stated that this subdivision plan has been tabled for a while. Brian and Jodi Hinton are requesting termination of the plan.

Chairman Pilachowski motioned to terminate this plan, with a second by Mr. Heffner. Motion carried. Three votes yes.
 - C. WOODROW JR. & CAROLYN E. WILSON – Final Subdivision Plan #060111 by James R. Holley & Assoc., Inc. 3 lots along Bethlehem Church Rd. Chairman Pilachowski motioned to table this plan, with a second by Mr. Heffner. 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. Tom Farcht from Mirmiran & Thompson Engineering went over the outstanding comments that were completed.

Mr. Hess and Mr. Allison went over their outstanding comments. Mr. Allison stated that a letter was sent to the property owners dated July 27, 2011 about the sewer capacity reservation. Mr. Allison stated that the Township needs to know which way the property owners are going to go to reserve the capacity. Mr. Farcht stated that they did amend the Chapter 94 report. Mrs. Gunnet stated that does not give you capacity because the capacity

has not been secured with a letter of credit. Mr. Allison stated that there are two options to actually reserve the capacity. One is to pay a quarterly bill of 60 percent of the sewer rate or the \$1800.00 per unit up front in order to reserve the capacity. Mr. Stine stated he does not have it. Mr. Allison stated that he would see that they receive a copy of the letter that was sent out dated July 27, 2011. Mrs. Gunnet said that the \$1800.00 just guarantees that you have the capacity. Mr. Stine asked if there are any other fees. Mrs. Gunnet said that there will be a connection fee when the sewer is connected. Mr. Stine wants to know if the Board of Supervisors will table the plan if it is not paid and then when he pays the fee will the plan be approved. Mr. Allison said yes.

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

1. Waiver to not connect to public water was granted. 11/17/11
2. The engineer, surveyor and owner certification blocks must be completed prior to final plan approval.
3. Add the location of alluvial soils of floodplains must be indicated on the plan. If neither exists on the site, a note should be added to indicate this condition, as well as the applicable floodplain map used in making this determination.
4. A letter of Erosion and Sedimentation Control Plan approval from the York County Conservation District must be provided prior to final plan approval.
5. Finished floor elevations, contours, spot grades etc. should be provided to demonstrate that lot grading requirements are met. In addition, the indicated grading suggests that Lot 2 is to receive a rear walkout basement with a ceiling height of approximately 12 feet. Please clarify.
6. A stormwater management report is required.
7. General Stormwater Management Plan Note 3 on plan sheet 2 references Hellam Township. Please revise.
8. General Stormwater Management Plan Note 8 on plan sheet 2 indicates that pipe backfill shall be compacted in 6 inch lifts, but it is unclear which pipes are to receive this compacted backfill. Please clarify.
9. 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.
 - Section 407.1 extension of public water supply
 - Section 502.
 - 7 construction of curbs
 - Section 502.10 construction of sidewalks
10. Intentions of the property owner regarding sewer capacity reservations must be determined. Capacity must be reserved in either one of the appropriate options prior to approval.
11. Stormwater controls must be provided for the proposed driveways.
12. Please provide Gross/Net acreages for the original tract before and after the subdivision.
13. General Note #17 must be revised to include the other waiver requests and add the denial for the sidewalks and curbs.

14. Please remove general Notes #18, 27, & 30.

Motion carried. Five votes yes.

- E. MEADOW CREEK – Preliminary Subdivision & Land Development Plan #378.14 by Site Design Concept Inc., along Cape Horn Rd., Ruppert Rd. & Kendale Rd. Chairman Pilacowski motioned to table this plan along with F, G, H, I, and J, with a second by Mr. Heffner. Motion carried. Five votes yes.
 - F. BROOKFIELD CROSSING – Preliminary Subdivision Plan #2003-16A by Johnston & Assoc. Inc. for 71 lots along Smith Road. For action on this plan see 6 E.
 - 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 6 E.
 - 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 6 E.
 - 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 6 E.
 - 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 6 E.
7. Johnson & Associates Inc. – John Davis, 800 Lombard Rd. Stone Stabilization Addition Stormwater. Mr. Hess stated that this was a day care and they had added a gravel parking area. He added that he and Mr. Allison went over the stormwater calculations. Mr. Hess added that he does not have a problem with approving the waiver to not submit a land development plan.

Chairman Pilachowski said it does not look like the water will go to the area. Mr. Hess said that it would have to be graded for it to be installed properly.

Mrs. Gunnet asked how long would they have to do the improvements if the waiver is granted and what if it is never done. Mr. Hess stated that there can not be just a waiver for the land development plan and then they never do the work. Chairman Pilachowski asked if they would be getting a CO. Mr. Allison said we do not want to get into that because then it would need UCC inspections.

Chairman Pilachowski asked what happens if they do not do the improvements. Mr. Allison states that they are would still be in violation of the Subdivision Ordinance and that does not end until the improvements are done or they do a land development plan. Mr. Hess said the way to go is to waive the land development plan with a condition that the stormwater management improvements are installed and accepted.

Mr. Harvey motioned to grant the waiver to not do a land development plan, with a second by Mr. Wilson with the condition that the stormwater improvements are completed and accepted. Motion carried. Four votes yes. Mr. Ilyes vote no.

8. Dan Mallach, AICP of Thomas Comitta Associates continued with the outline of the topics proposed for discussion that had been distributed for the November meeting.

The following items were discussed regarding the Zoning Ordinance:

Section 231 – Natural Resources Overlay District

- Applies to all zoning districts. Will clarify.
- Subsection 231.1 – Question asked if this subsection is in addition to net acreage calculations. Answer was that it is not, it compliments it. Will double check to make sure works.
- Subsection 231.4 – Is this costly? Subdivider has to do field survey anyway to determine slopes.
- Subsection 231.4.1.A – Add words “as moderately steep slope” after 15 to less than 25 percent and add words “as severely steep slopes” after 25 percent and greater.
- Subsection 231.4.1.B – Add words “of the survey” after initial interpretations.
- Subsection 231.4.1.C – Change “Act” to “MPC”. Also revise definition
- Subsection 231.4.2.B.a – Change 15 percent to 10 percent
- Subsection 231.4.2.B.b – Change 15 percent to 10 percent
- Subsection 231.4.3.B – Use of word “excessive” is vague. Remove first sentence. Also add words “and driveways” after existing roads
- Subsection 231.4.3.C – Use of word “minimized” is vague. Change to “in the judgment of the Township Engineer”
- Remove Subsections 231.4.3.E & F and add to section on driveways
- Subsection 231.5 – Clarified that riparian buffer width is a total of 150 ft.
- Subsection 231.5.2.B – Table discussed. Intent of “Petroleum storage facilities” questioned. Will double check.
- Subsection 231.5.2.C.e – Remove
- Subsection 231.5.2.C.f – Should be relabeled 231.5.2.D
- Noted that work required in Subsection 231.6 seems pretty intense. Advised that this is what the York County Conservation District requires.
- Subsection 231.6.1.D.b.i, ii, iii, iv and v should be removed.
- Subsection 231.7.1.A references woodlands. A definition for woodlands should be created.
- Subsection 231.7.3.A – Word “appropriate” is vague. Will add more descriptive wording.
- Subsection 231.7.4 – Discussion on caliper vs. dbh (diameter at breast height). Decided that “caliper” should be replaced with “dbh”. Will add a definition for “dbh”. Also create a table to depict wording and a listing of native trees to be used as replacement trees.
- Subsection 231.4.D – Change “does not propose to” to “cannot feasibly. Also add more details on how fee is calculated.
- Add Subsection 231.8 – Percent of topsoil to remain on site.

Section 313 – Screening, Buffering and Landscape Requirements

- Applicable regardless of adjoining zoning
- Subsection 313.1.D – Remove words “ground covers”. End first sentence after word “shrubs”.
- Subsection 313.3.A – Change 10 ft. to 30 ft.
- Subsection 313.3.B – Change 25 ft. to 30 ft.
- Subsection 313.3.C – Change 30 ft. to 10 ft. – Add that applies to the perimeter of developments with five (5) or more lots.

Section ### - Screening and Landscaping Requirements (SALDO)

- Subsection 1.E – Replace “native” with approved. Include list of approved plant materials.
- Subsection 2.A should be removed in its entirety.
- Subsection 2.B – Remove last sentence.
- Subsection 2.C – Question on intent – Will double check
- Subsection 3.A – Replace “in reasonably close proximity” with “within 15 ft.”
- Subsection 3.B – Simplify section to prescribe minimum sizes instead of size ranges which would replace “three to three and one half” with a minimum of two and one half, replace “eleven to thirteen” with minimum of nine and replace “eight to ten” with minimum of six. Also insert table to depict words.
- Subsection 3.C – Add minimum height of 24 inches.
- Subsection 4.C.b – Add “easements” after “underground utilities”. Change “within five feet of hydrants” to “within fifteen feet of hydrants”
- Subsection 4.D.h – Change 25% to 20%
- Subsection 5.A – Replace “at least ten feet” with “at least eight feet”
- Subsection 5.A, B, & C – Create a table.
- Subsection 5.D – Add to table listing approved trees
- Subsection 6.B – Add that should be out of clear sight triangle
- Subsection 7.B – Add “except if related to stormwater management purpose”
- Subsection 7.C – Add that standard-sized island is 10x20 and that larger island is 10x40.
- Subsection 7.D – Change ten spaces to 15 spaces
- Subsection 7.G – Add that should be replaced within 2 years

Section 314 – Outdoor Signs

- Subsection 314.3.1 – Change “30 square feet” to “32 square feet”.
- Subsection 314.3.2 – Change “one hour” to “fifteen seconds”
- Subsection 314.3.7 – Change “premises” to “property”

Section 409 – Bed and Breakfasts

- Subsection 409.2 – Remove all but the last sentence.
- Subsection 409.6 – Add that sign cannot be illuminated.
- Add that the residence must be owner occupied.
- Add definition requirements that limited to 1-5 boarders with the maximum stay of up to 2 weeks.

Section 410 – Billboards

- Subsection 410.5 – Add words “building, object, site, district” after “designated historic structure”.
- Subsection 410.7 – Noted that a big change is proposed in the allowable size. Will check case law on size.
- Add regulations for LED billboards and illumination

Section 321 – Excavation Stabilization and Safety Standards

- Subsections 321.1 & 321.2 are relatively the same. Eliminate 321.2 and tweak 321.1 to include provisions from 321.2

Section 322 – Forestry/Timber Harvesting Operations

- Subsection 322.2 – Requires a permit. Will provide sample of permit and fees.
- Subsection 322.3 – Provide examples of “may hire a qualified consultant to review”.
- Subsection 322.4.3 – Finish paragraph with “qualified professional”
- Subsection 322.12 & 322.13 – Add in accordance with “post harvest management strategy”
- Subsection 322.5.6 – Remove “or clear cutting”. Remove “Riparian Buffer or Wetland”.

Section 323 – Dwelling Units in Combination with Commercial

- Remove Subsections 323.1 and 323.2.
- Subsection 323.4 – Add word “dwelling” after “be provided per”.
- Subsection 323.5 – Change “1.5 spaces” to “2 spaces”.

Section 112 – Definitions

This will be reviewed at either the January or February 2012 meeting. Mr. Allison and Mrs. Gunnet are to provide Mr. Hess with their comments.

Gene Briggs of ARRO distributed copies of Article 1, Article 5, Article 6, Article 7 and Article 8. He noted that the highlighted text within these Articles was added/changed to bring the Zoning Ordinance into compliance with the MPC.

Questions were asked about Section 610 – Procedure to Obtain Preliminary Opinion. This section requires a legal notice in the newspaper every time a preliminary opinion is given by the Zoning Officer, which will be very costly. This will be checked into farther.

It was noted that Article 7 deals with the procedure to be used for the filing of a Conditional Use. It needs to be determined whether the Board of Supervisors desires that Conditional Uses be included in the new ordinance. Mr. Hess will discuss this with the Board of Supervisors at their January 16 meeting.

9. Planning Commissioners comments. Mr. Wilson questioned the buffers in residential zones. He said we currently have it should be more 10 feet, but when you have differences in acreage. He added buffering is not needed between when two developments with one quarter acre lots and backing into another development with one quarter acre lots. He added that if the acreage is in R2 backing up against R1, there would be some area that could be fine tuned with a buffer.

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Mr. Hess said that if there is buffering along the parent tract that should cover it. However, if there are two parent tracts adjacent to one another and developed similarly, maybe it would not need a buffer at all.

10. The meeting of the Windsor Township Planning Commission adjourned at 10:02 P.M.

Respectfully submitted,

Jennifer L. Gunnet
Secretary