

## WINDSOR TOWNSHIP PLANNING COMMISSION

March 20, 2014

1. The meeting of the Windsor Township Planning Commission was called to order at 6:01 P.M. by Chairman Pilachowski.

Present at the meeting were Jerry Pilachowski, Charles Wilson, Dean Heffner, J. LaRue Harvey, Paul Ilyes, Kipp Allison, Jennifer Gunnet, Teresa Miller, John Klinedinst, P.E. (C.S. Davidson), Andy Barshinger, P.E. (Site Design Concepts), Kate McDonald (Keystone), Jeff Walker, Kathy Walker, Vera Miller & Mike Gunnet.

2. The Pledge of Allegiance was recited.
3. Public Comment – There was no public comment.
4. The minutes of the January 16, 2014 meeting were approved with a motion from Mr. Heffner seconded by Mr. Wilson. Motion carried. Five votes yes.
5. International Assoc. of Machinists & Aerospace Workers Final Subdivision Plan #428.4 by Site Design Concepts, Inc. - Mr. Barshinger explained that the purpose of this plan was to subdivide the property into 5 lots. One lot would be used for a new residential dwelling and would front on Christensen Road. The other 4 lots, 1 of which currently holds the existing house and business would remain and front on East Prospect Road. Mr. Walker advised that at this time there is no development planned for the 3 lots along East Prospect Road. Mr. Allison provided copies of the plan to the planning commission for review and further explained the intent of the plan.

Chairman Pilachowski asked if driveway permits would need to be obtained from PennDOT for the properties along East Prospect Road. Mrs. Gunnet advised permits would need to be obtained at the time land development was proposed for those lots.

Chairman Pilachowski advised the first waiver to be discussed is of Section 502.2 of the Subdivision and Land Development Ordinance (SALDO) regarding the widening of existing roads. Chairman Pilachowski asked if a six (6) month note could be added to the plan to allow for road widening at a later date if necessary. Mr. Allison advised yes. There was a brief discussion regarding the need to widen Christensen Road. Mr. Wilson advised he did not believe there as a need for a note to be added to the plan.

The second waiver is of Section 502.7 for the construction of curbs. Chairman Pilachowski requested the standard six (6) month note requiring installation of curbs upon notification from the Township be added to the plan.

The third waiver is of Section 502.10 for the construction of sidewalks. Chairman Pilachowski requested the standard six (6) month note requiring installation of sidewalks upon notification from the Township be added to the plan.

On the motion of Mr. Harvey seconded by Mr. Heffner the waivers of Sections 502.2, 502.7 and 502.10 to provide road widening, curbs and sidewalks along the site's frontage on public roadways were denied and a request was made to add a note to the plan that would require the property owner, his heirs or assigns to perform road widening and/or

install sidewalks and/or curbs within six (6) months of written notification from the Township. Motion carried. Five votes yes.

Mr. Allison advised that the Planning Commission may also want to consider a waiver of Section 404.D of the SALDO which only allows for four (4) lots to front directly onto a Township or State road. There was a brief discussion regarding the need for this waiver. On the motion of Mr. Wilson seconded by Mr. Heffner a waiver was granted allowing the number of lots fronting on Township and State roads to exceed four (4). Motion carried. Five votes yes.

Mr. Allison reviewed his outstanding comments. Mr. Klinedinst reviewed his outstanding comments.

On the motion of Mr. Ilyes seconded by Mr. Harvey the plan was approved with the following comments:

1. The following waivers must be requested and granted by the Board of Supervisors prior to plan approval. Approval dates must be provided on the plan.
  - Section 502.2; widening of existing roads (Christensen & E. Prospect Roads)
  - Section 502.7; construction of curbs
  - Section 502.10; construction of sidewalks
2. A letter must be provided from York Water Company approving service to the proposed dwelling unit.
3. Planning Modules must be submitted and approved prior to plan approval. A miscellaneous EDU may be used.
4. The DEP "Request for Planning Waiver & Non-Building Declaration" must be approved prior to plan approval.
5. Security must be posted prior to plan approval.
6. A note must be added to the plan identifying the provisions found in Article V related to the existing nonconformities. (existing single family dwellings & their location, the clubhouse, and the location of parking lot). Revise note #32 on the plan to include the words "in accordance with Article V" at the end of the first sentence.
7. Grinder pump design/details must be submitted with the plan for review by the Engineer.
8. The patio detail needs to be identified on the plan.
9. A signed and notarized statement of ownership shall be provided.

10. The design Engineer or Surveyor's signature and seal shall be provided on the plans.
11. An itemized list of estimated costs for required improvements shall be provided per Section 304.
12. A Stormwater Management Plan and Report, meeting the requirements of the Stormwater Management Ordinance, shall be submitted.

Motion carried. Five votes yes.

6. Keystone Custom Homes – Laurel Vistas – Phase 2 & 3 – Kate McDonald representing Keystone Custom Homes advised they were working with the bank to take over the development of Phase 2 & 3 within the Laurel Vista Development. She advised that Keystone would like to open up a discussion to allow the removal of the 55 and older age restriction that is in place for the Laurel Vistas development as well as discuss options for the proposed recreational area needing to be suitable for family friendly activities.

Mr. Wilson commented that he thought that removing the age restriction would impact the traffic flow in and out of the development as well as put additional burden on the School District and the community with taxes. Mr. Wilson asked if a decision needed to be made at tonight's meeting. Mrs. Gunnet advised no. Chairman Pilachowski asked if the age restriction had been removed before Phase 1 was constructed. Mrs. Gunnet advised no, it was removed after the development had been started. Mr. Wilson questioned how many houses were building in Phase 1 without the age restriction. Mr. Allison advised he thought that approx. 3/4 of Phase 1 was built without the age restriction.

Ms. McDonald advised that if the age restriction was removed for Phase 2, than the proposed community center would be removed and a recreational area more family friendly would need to be constructed. Mr. Allison advised that an approved preliminary plan already exists showing the proposed community center. If there was a change to the layout it would have to meet regulations within the current ordinance.

Mr. Allison advised that depending on any proposed changes it could affect the development under the Cluster Overlay regulations. Mrs. Gunnet advised she would contact Attorney Rausch to see what changes could be made that would allow this development to remain a Cluster Overlay as it was originally approved as. Ms. McDonald advised that the only change Keystone is proposing is the removal of the age restriction and removal of the community center. Mrs. Gunnet advised that there were only 6 or 7 homes constructed under the 55 and over age restriction. Those property owners were asked to sign documentation to allow the remaining homes in Phase 1 to be constructed and sold to individuals that did not meet the age restriction.

Mr. Allison advised that nothing required the original developer to put in a community center; he was only required to provide open space. Mr. Allison advised that Keystone is not suggesting changing the amount of open space that was originally proposed but instead questioning how the open space would be used if the age restriction were lifted. Mr. Heffner commented that if the age group changed than the recreational area would have to change.

Mr. Allison advised there were two things that need to be considered. The first is whether there is any interest in removing the age restriction and if so what would they like to see done with the recreational area. Mrs. Gunnet advised that the removal of the age restriction would impact traffic. There was a brief discussion regarding possible traffic impact. Mr. Klinedinst advised that the York County Planning Commission when they reviewed this plan in 2005 they pointed out that there are different traffic characteristics of an age restricted development. He suggests revisiting the previous traffic study.

Ms. McDonald advised that Keystone feels that keeping the age restriction will make development more difficult. She advised she was not sure how Keystone would be able to move forward if the age restriction was not removed. Mrs. Gunnet restated that before a decision was made she would like to check with Attorney Rausch to make sure the proposed changes would not change the original cluster overlay regulations.

Vera Miller commented that as taxpaying resident of Windsor Township she would like to see the age restriction remain for this cluster overlay development as it was previously approved.

Mrs. Gunnet advised that the recreation fee originally paid was \$250.00 it is now \$1500.00. When the age restriction was removed from Phase 1 the difference was paid each time a building permit was issued. Mrs. Gunnet asked if the improvements to the open space would be for the use of Development or would it be available for Township use. Ms. McDonald advised that it would be dedicated for Township use. Mrs. Gunnet advised that if the area was dedicated to the Township than the cost of the equipment would then be deducted from the recreational fee that would be owed. She also asked if it was determined if there was room for a baseball or soccer field. Ms. McDonald advised she thought it was determined that there wasn't enough space. She advised that there was a discussion to use this location for the field that needed to be installed for the Kensington development. Mrs. Gunnet advised that she was aware of that discussion but Keystone was told they could not use this location for the field required by the Kensington development.

Mr. Allison advised the Perry Cisney did a market study prior to proposing the 55 and over development, he asked if Keystone has done one. Ms. McDonald advised she didn't think so. Mr. Harvey advised that he thought that this area because of the terrain was not suitable for a 55 and over community in the beginning.

Chairman Pilachowski made a motion to table this discussion until Mrs. Gunnet was able to contact Attorney Rausch and discuss the proposed changes. Motion seconded by Mr. Wilson. Motion Carried. Five votes yes.

Ms. McDonald asked what the commission would like to see from her at the next meeting. Mr. Klinedinst advised that the traffic study should be reviewed again. Mrs. Gunnet advised that the Highway Occupancy Permit (HOP) was issued for the entrance on Windsor Road based on a specific number of trips based on the development being a 55 and over community. She questioned what impact removing the age restriction would have on the HOP, would it mean that the driveway would change from a low volume driveway to a medium volume driveway. Mr. Klinedinst said he did not know, it was possible the original traffic engineer may have reviewed the entrance using a “worst case scenario” and there may be no impact at all. He further advised that if a new review showed there would be additional impact to traffic flow that it may be necessary for a new HOP to be issued.

7. Plans tabled:

- A. MIA BRAE INDUSTRIAL PARK – Preliminary/Final Land Development Plan #011231 by James R. Holley & Assoc., Inc., extension of Boxwood Road across Route 74 (Delta Road) (6/1/13) - On the motion of Chairman Pilachowski seconded by Mr. Wilson this plan along with 7B, 7C, 7D, 7E, 7F, 7G and 7H were tabled. Motion carried. Five votes yes.
- B. HOWARD/SNOOK PROPERTIES WEST – Preliminary Subdivision Plan #120817 by James R. Holley & Assoc., Inc., 292 lots along East Prospect Road, Stonewood Road and Freysville Road (12/1/12) – For action on this plan see 7A.
- C. HOWARD/SNOOK PROPERTIES EAST – Preliminary Subdivision Plan #120817 by James R. Holley & Assoc., Inc., 61 lots along Freysville Road (12/1/12) - For action on this plan see 7A.
- D. KENSINGTON – Preliminary Phase 2 & 3 Subdivision Plan #2005332-069 by RGS Assoc., 229 lots along Ness Road. (5/1/10) - For action on this plan see 7A.
- E. MEADOW CREEK TOWNHOMES – Preliminary Subdivision & Land Development Plan #378.14 by Site Design Concept, Inc., along Cape Horn Road, Ruppert Road and Kendale Road. (10/1/07) - For action on this plan see 7A.
- F. BROOKFIELD CROSSING – Preliminary Subdivision Plan #2003-16A by Johnston & Assoc., Inc., 71 lots along Smith Road. (2/1/07) - For action on this plan see 7A.
- G. COOL COUNTRY PROPERTIES – Preliminary Subdivision Plan #060619, by James R. Holley & Assoc., Inc., 32 lots along Snyder Corner Road. (8/1/06) - For action on this plan see 7A.
- H. CORA E. DELLER – Preliminary Subdivision Plan #060620, by James R. Holley & Assoc., Inc., 34 lots along Winterstown Road, Neff Road and Sinclair Road. (8/1/06) - For action on this plan see 7A.

8. Subdivision and Land Development Ordinance Amendment Discussion – Mr. Allison advised there was no update at this time.
10. Planning Commission Comments – Mr. Allison introduced Mr. Klindedinst to the Planning Commission as the newly appointed Township engineer.

Mr. Ilyes asked about the current construction being done on Route 24/Cape Horn Road. Mrs. Gunnet explained that it was part of the construction of the Panorama Hills Pump station.

Mr. Ilyes also asked if construction was being done at the tower on Kendale Road. He advised there were stakes being put up. Mr. Allison advised that the owner was working with Verizon to make a deal to locate some Verizon antennas on the existing tower.

Mr. Pilachowski asked if there was any proposed development being done at the RiteAid on Cape Horn Road. He advised he has noticed survey markers and right of way markers being placed near the property. Mr. Harvey questioned whether it was related to the Pasch property above RiteAid and the proposed development for that land. Mrs. Gunnet advised that Mr. Stahlman had contacted her in November about proceeding with the plan but has not heard from him since.

Mr. Harvey asked about the article in the newspaper about the Pickle Factory business being operated in the Township. Mr. Allison advised he was aware of the business and that it is considered a No Impact Home Based Business that is permitted by right.

Chairman Pilachowski asked about Twiggedy Berries, chocolate covered strawberries business also being operated in the Township. Mr. Allison advised they had originally identified their business to the Township as a No Impact Home Based Business. He further advised that the Township has received complaints from the police department about the conditions inside the house. The Township contacted the Department of Agriculture, who performed an inspection and provided the Township with information about the operation of the business. He advised that it has since been determined that they are no longer meeting the requirements of a no impact home based business and we are in the process of issuing a Notice of Violation.

11. The meeting of the Windsor Township Planning Commission adjourned at 7:06 P.M.

Respectfully submitted,

Kipp D. Allison  
Zoning Officer