

WINDSOR TOWNSHIP PLANNING COMMISSION
July 18, 2013

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, Dean Heffner, J. LaRue Harvey, Paul Ilyes, Jennifer Gunnet, Kipp Allison, Teresa Miller, J. Michael Hess, P.E. (ARRO Engineering), Grant Anderson, P.E. (Shaw Surveying, Inc.), W. Bradley McKinsey, Jenna Woerner, Ryan Woerner, Glenn C. Rexroth & Blaine Markel, P.E. (James R. Holley & Assoc., Inc.)

2. The Pledge of Allegiance was recited.
3. Public Comment – There were no public comments.
4. The minutes of the June 20, 2013 meeting were approved with a motion from Mr. Harvey seconded by Mr. Heffner. Motion carried. Five votes yes.
5. Plans submitted in July:

- A. Ryan G. & Jenna B. Woerner Final Subdivision Plan #13089 by Shaw Surveying, Inc., 2 lots along Bethlehem Church Rd. & Delta Road – Mr. Anderson explained that the purpose of this plan is to subdivide 27.952 acres into two lots, one lot measuring 2 acres and the remaining lot measuring 25.952 acres with a house to be constructed on this lot.

Mr. Anderson advised the plan had been submitted and reviewed at the in-house staff meeting. He advised that most of the comments presented to him by the staff have been reviewed and addressed. He asked if there were any questions. Mr. Hess reviewed his outstanding comments.

Mr. Wilson questioned the notation on the plan identifying an “approved driveway”. Mr. Anderson advised that the request for a driveway permit had already been submitted to the Township and a Building Permit had already been issued. Mr. Hess advised the proposed driveway did meet all of the necessary stormwater requirements it just happened that the permitting for the driveway was done prior to plan approval. Mr. Anderson advised he could change the wording “approved driveway”. Mr. Allison recommended the change.

Mr. Allison requested that the wording of “any other use” in the site data as it relates to the setbacks should be reworded to identify “Agricultural Use”.

Mr. Hess advised two waivers were received with the plan. He advised the first waiver is to provide connection to public water if it is within 1000’ and the second waiver is to provide roadway widening along the properties frontage on Bethlehem Church Road. Mr. Anderson advised he had done some research and measured the distance to extend water down Delta Road and then along Bethlehem Church Road to the site of the new construction and determined the distance to be 800’. Mr. Anderson advised he also measured the distance to run

the water from the existing house and determined the distance to be 600' to 650'. Mr. Wilson motioned to grant the waiver to not require a connection to public water. Mr. Allison advised the Township did not have a problem with granting the waiver. Mrs. Gunnet felt that based on the size of the lot there should not be any problem for the property owner to locate water onsite. Mr. Harvey seconded the motion. Motion carried. Five votes yes.

Mr. Allison asked if Mr. Anderson had measured the distance for sewer. Mr. Anderson advised he had measured up Delta Road and determined the distance was over 1000'. Mr. Allison questioned the distance from the sewer from where it ends at Burkholder Road. Mrs. Gunnet stated that if the structure was placed 150' from the road that the property would not be required to connect to public sewer. Mr. Allison felt a waiver should still be addressed for connection to public sewer because it appears that the property could be within 1000' of public sewer where the public sewer ends near Burkholder Road. On the motion of Mr. Wilson seconded by Mr. Ilyes a waiver was granted not requiring connection to public sewer. Motion carried. Five votes yes.

Mr. Allison advised the Township has been looking at doing some road improvements on Bethlehem Church Road. Mr. Allison advised that the Township did not necessarily want to see the road widened but wanted to see the road reclaimed from Route 74 to Springvale Road. Mr. Allison advised that Mr. Trout suggested at the staff meeting that an agreement be worked out to address the cost of widening or reclamation of the road. Mr. Wilson questioned why there was any need for the property owner to do anything to the road since the plan is only to create one home not a multiple lot subdivision. Mr. Anderson advised that there will only be three driveways on this stretch of Bethlehem Church Road. Mr. McKinsey asked if the other property owners on Bethlehem Church Road would also have to contribute to any road improvements. Mr. Allison advised that the Subdivision and Land Development Ordinance states that anytime a subdivision or land development plan is done if it was deemed necessary for road improvements to be done to bring a road up to Township standards the Township has a right to request them. Mr. Allison further advised that only the individual(s) who have submitted the subdivision plan are obligated to pay for any necessary improvements. On the motion of Mr. Wilson seconded by Mr. Harvey the waiver was granted. Motion carried. Three votes yes, two votes against (Mr. Pilachowski & Mr. Heffner).

Mr. Hess advised that the plan proposes a retaining wall that exceeds the maximum height permitted by the Township. He further advised that two retaining walls would have to be constructed with a distance between them. He asked if there was an objection to his recommendation. Mr. Woerner advised that they planned on reducing the height of the wall to 6' and making the grading work with the 6' height. Mr. Hess requested the plan be updated to show this change.

Mr. Allison advised all the comments on his letter were still outstanding. Mr. Allison advised that in regards to his comment regarding street trees that Section 317.5.B of the Zoning Ordinance allows for some clustering of the trees that need to be installed. The trees can be placed anywhere on the lot as long as they are between the right-of-way and the setback line. In addition, a tree is required for each house whether it is existing or proposed, but the tree can be placed anywhere on the lot.

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

1. Professional signatures and seals should be provided prior to final plan approval.
2. The Stormwater maintenance agreement should be executed prior to final plan approval.
3. The following waivers of the Subdivision and Land Development Ordinance must be requested and granted by the BOS prior to plan approval. Approval dates must be provided on the plan.
 - Section 407.1; requirement to extend/connect to public water w/n 1,000 ft. of existing water service
 - Section 406.1; requirement to extend/connect to public sewer w/n 1,000 ft. of existing sanitary sewer service
 - Section 502.2; widening of existing roads
4. Planning Modules must be submitted and approved prior to plan approval.
5. Widening/Improvements are being requested for the frontage along Bethlehem Church Road. The Windsor Township Public Works Director suggested posting funds in the amount of the cost to widen so the monies can be used to reclaim the road.
6. Section 317.5.A of the Zoning Ordinance requires a “Shade” tree for every dwelling on the plan. Shade trees do not have a required location. Shade trees must have a minimum of a 2.5” inch caliper; see Appendix B for a list of Approved Trees.
7. Section 317.5.B of the Zoning Ordinance requires “Street” trees. Street trees are required at a frequency of 1 tree per eighty-five (85’) feet of right-of-way frontage. Trees must be planted between the street right-of-way and the setback. Street trees must have a minimum of a 2.5” inch caliper; see Appendix B for a list of Approved Trees. *(Based on the cumulative frontages I calculated a total of 27 trees needed to comply)
8. A lamp post must be provided for each proposed dwelling unit.
9. A secondary replacement on-lot septic system location must be provided for lot #1. In addition, a 100’ separation distance must be provided for well location.
10. The following standard notes are required on the proposed plan:
 - Recreation fees will be assessed by Windsor Township per the Ordinance upon issuance of individual Building Permits.
 - All lots shall be graded to provide a 20 ft. area from the dwelling unit into the front and back yards that maintain a maximum slope

of 10%. All side yards shall be graded to provide a 5 ft. area from the dwelling unit with a maximum slope of 10%. The minimum slope in all yards shall be 3% positive from the dwelling for the same footage, per Section 404.F of the Subdivision and Land Development Ordinance.

- All driveways for single family dwellings shall conform to Section 309 of the Windsor Township Zoning Ordinance. A maximum 10% slope is permitted within 25 feet of the street right-of-way.
- All roof leaders are to be directed towards a seepage pit.

6. Plans tabled in July:

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) – Mr. Markel explained where the property was located and that it was 59 acres that lies within Red Lion Borough and Windsor Township and is in an Industrial Zone. Mr. Markel advised that there is currently an existing shopping center on this property and that at this time Mr. Rexroth is looking to install public improvements (sidewalks & parking) as well as extend North Boxwood Road to better utilize the site. Mr. Markel also advised that Mr. Rexroth intends to do stormwater improvements to Boxwood Road South. He advised that Mr. Rexroth would also be doing stormwater improvements to Delta Road as well as installing a right hand turn lane on Delta Road and expanding the entrance into the industrial park. Mr. Markel advised that plan approval was not being requested but wanted to know if the Planning Commission had been able to review the plan and make any recommendations.

Mr. Markel advised there is only one means of access into the property and he would like the Planning Commission to review a waiver request to extend the Boxwood Road cul-de-sac into Windsor Township. Mr. Markel explained the layout of the proposed cul-de-sac. He advised he had met with Red Lion Borough Planning Commission and they granted a waiver to extend Boxwood Road to the Borough/Township line. Mr. Pilachowski asked if there was currently a cul-de-sac at this location. Mr. Markel advised there wasn't. Mr. Markel explained the layout/dimensions of the proposed cul-de-sac. He advised that the only other option at this time for additional access to this property would be to extend Pershing Avenue from where it currently ends in Windsor Township through Red Lion Borough to this site. Mr. Rexroth advised that approval would need to be obtained from individual property owners to be able to extend Pershing Avenue. In addition, Mr. Markel advised that it would not be suitable to run industrial traffic through a residential street like Pershing Avenue. Mr. Pilachowski asked if there was any way of creating a second access from the site out to Route 74 on the opposite side of the businesses/buildings already along Route 74. Mr. Pilachowski also asked if access from Route 624 (Craley Road) was pursued. Mr. Markel advised that access along Route 624 was discussed but there were issues with DEP relating to an old abandoned dump and crossing a creek. Mr. Markel advised they had started the permitting process to cross the

creek but had determined that the existing terrain did not make it feasible to further pursue access to Route 624.

Mr. Allison advised the proposed cul-de-sac would exceed what the Windsor Township Ordinance allows. Mr. Allison advised that he didn't know whether the Township wanted to allow and maintain a 1,300' cul-de-sac that would provide no benefits to the township residents and have heavy truck traffic constantly wearing on the road. Mr. Rexroth advised that he thought Red Lion Borough might be willing to maintain the road. Mrs. Gunnet advised she was not aware that Red Lion Borough was willing to take over maintenance for the cul-de-sac but felt they would be willing to work out some kind of arrangements to maintain the road. Mr. Hess advised that if neither one of the Municipalities wanted to take over maintenance of the road, the road could remain private which would then make it an access drive and the length would no longer be a concern, however this option would limit the property owner from being able to subdivide lots within the industrial park. He stated that the property would have to remain as a single lot and the property owner would only be able to lease pads to prospective businesses. Mr. Hess also advised that he thought even if the road remained private it would still need an additional access point.

Mr. Rexroth advised that the Keystone Opportunity Zone (KOZ) runs out next year. Mr. Pilachowski asked how the KOZ worked. Mr. Rexroth briefly explained it.

Mrs. Gunnet commented that there were many issues that needed to be discussed and that the Planning Commission did not need to make a decision this evening.

Mr. Pilachowski asked if access from Camp Street was ever considered. Mr. Markel advised there was a large hill on that side of the property. Mr. Hess asked if access from the West side was considered for emergency purposes. Mr. Rexroth advised that at the meeting with the Red Lion Borough Planning Commission he had been advised that there had been talk about the property owner taking down some of the buildings that were no longer being used in that area. He advised he currently has a right-of-way agreement with Yorktowne which allows him to access the backside of their buildings from his property. Mr. Rexroth advised that until the buildings were removed he didn't think there was any way to get an access through the property.

Mr. Allison proposed the option for Mr. Rexroth to extend the cul-de-sac to the municipal boundary make the remainder of the road private and then create flag lots off of the private access road. There was a lengthy discussion about how to develop flag lots from the cul-de-sac, installing cross access easements between the lots for emergency access and connection to public utilities. Mr. Markel advised this could be an option they would consider.

Mr. Markel asked if the Planning Commission would consider a recommendation to make the street a private industrial street and reduce the cul-de-sac back to the

municipal line or just past the municipal line. Mr. Pilachowski advised he would be more comfortable with this option. There was a brief discussion about providing an emergency access.

Mrs. Gunnet asked Mr. Markel if they were interested in Mr. Allison's suggestion of creating the oversized cul-de-sac with the flag lots and if he would be able to review the option before coming to the next meeting. Mr. Markel thought they could. Mr. Hess asked if there would be an issue with the installation of the pump station at this site if this option was used. Mr. Allison asked if the pump station had to be on its own lot. Mr. Hess advised he thought the requirement was in the Construction specifications. Mr. Pilachowski suggested each business could install a pump in order to pump their sewage up to the main line for disposal. There was a brief discussion about the installation of a pump station. Mr. Markel advised that the pump station was not being included in Phase I of the development. He advised they are only concerned with the road at this time.

The plan was tabled for continued discussion at a future Planning Commission meeting.

- 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. On the motion of Chairman Pilachowski seconded by Mr. Heffner this plan along with 6C, 6D, 6E, 6F, 6G and 6H were tabled.
- C. HOWARD/SNOOK PROPERTIES EAST – Preliminary Subdivision Plan #120817 by James R. Holley & Assoc., Inc., 61 lots along Freysville Road. For action on this plan see 6B.
- 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 6B.
- 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 6B.
- 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 6B.
- 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 6B.
- 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 6B.

7. Subdivision and Land Development Ordinance – Article 6 – Manufactured/Mobile Home Parks – Mr. Hess advised he drafted the revision showing a minimum lot width of 50 ft. with an area of 5,000 sq. ft. He asked what the Planning Commission thought of these figures. Mrs. Gunnet advised that these figures would only be for new parks or expansions to existing parks. Mr. Allison asked if there was a purpose for the lot size. Mr. Hess advised that if the mobile home park is a private park where homes are all situated on one large lot than lot size would not be an issue, if the park was not private and each mobile home had its own individual lot than lot size would need to be considered. It was determined that a mobile home park with individual lots would no longer be considered a mobile home park but would instead be considered a single family development. Mr. Hess agreed to remove the 5,000 sq. ft. area requirement.

Mr. Hess advised that he left the building line setbacks at 50 ft. from any park property boundary adjoining any street, 25 ft. from any property line and 25 ft. from any rear property line. He asked if the Planning Commission was ok with these figures. There were no objections.

Mr. Hess asked if a 30 ft. setback was acceptable for the separation distance of a mobile home from any other mobile home or from any other buildings. Mr. Allison advised he is working with an owner of a Township mobile home park who owns mobile home parks in various municipalities to get figures for what other municipalities require. Mr. Allison also advised that he thought the distance of 20 ft. would be acceptable. Mr. Pilachowski thought 30 ft. would be better because it would allow for a larger porch. Mr. Pilachowski suggested the distance could be left at 30 ft., but possibly allow a porch to encroach 10 ft. into the setback. Mr. Hess suggested 25 ft. and allow 5 ft. encroachment. Mr. Allison advised he would visit the existing mobile home parks and provide some measurements of existing porches.

Mr. Hess asked the Planning Commission if they wanted to have the standards for public streets applied to the streets within mobile home parks. The Planning Commission agreed the standards should be the same.

Mr. Hess asked the Planning Commission members how they wanted to handle sidewalks within mobile home parks. He advised he did not include curbs in this draft but could add them if the Planning Commission was interested in adding curb requirements. There was a brief discussion about sidewalks and curbs. It was decided that sidewalks would be required for new mobile home parks, they would be required to have a 4 ft. grass strip and a 4 ft. sidewalk without a curb.

Mr. Hess advised the final topic for discussion was in regards to required open space in a mobile home park. Mr. Hess advised the current requirement is 20% and asked if the Planning Commission wanted to change it. The Planning Commission agreed 20% was acceptable. There was a brief discussion about open space and the need for it in a mobile home park.

8. Planning Commission Comments – Mr. Wilson asked if the agenda could be reworded to better explain to the Planning Commission members what items were actually going to be

discussed at the next meeting. Mr. Allison advised a category would be added that would be noted as "Plans for Discussion". This would represent plans that there would be an active discussion on. The category of "Plans Tabled" would remain but would only show those plans that no discussion would take place on. Mr. Wilson expressed his gratitude for including copies of newly submitted plans with the agenda; he felt it gave him an opportunity to better review the plans and visit the development site prior to discussions.

Mr. Ilyes asked if the Planning Commission was able to make recommendations on cases that were being presented before the Zoning Hearing Board. Mr. Allison advised the Planning Commission could collectively make a recommendation in writing that could be presented to the Zoning Hearing Board during the case discussion. Mr. Ilyes questioned whether allowing the use of a Commercial business in an R2 zone would mean that any commercial business could move in if the existing one moved out. Mrs. Gunnet advised that the property would remain R2 and yes if the current business left another business could come in but the next business would have to be the same as the business that received the initial Special Exception otherwise the property owner would have to request another Special Exception to change the use. Mr. Allison advised that the property owner has already approached him with this same question. Mr. Allison stated that the property owner could present his case to the Zoning Hearing Board in a manner that could allow a business to operate from his location that is either the same or Mr. Allison stated that by requesting a Special Exception for this property the owner is declaring that there will be two principle uses on the property which is not permitted in a Residential Zone and feels this will be a topic of discussion before the Zoning Hearing Board. Mr. Ilyes advised he would like to recommend that a second principal use not be allowed for the upcoming case. It was the consensus of the Planning Commission that they would not make a recommendation.

9. The meeting of the Windsor Township Planning Commission adjourned at 8:20 P.M.

Respectfully submitted,

Kipp D. Allison
Zoning Officer