

WINDSOR TOWNSHIP PLANNING COMMISSION

June 21, 2012

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, Paul Ilyes, Dean Heffner, J. LaRue Harvey, Kipp Allison, Jennifer Gunnet, Deanna Coble, J. Michael Hess (ARRO Engineering), Atty. Stacy MacNeal, Keith Howard, Albert Howard, Greg Howard and Mike Nazmack.

2. The Pledge of Allegiance was recited.
3. Chairman Pilachowski asked if there were any comments from the public.

Atty. Stacy MacNeal advised that she represents Albert Howard and his family who are present this evening. Mr. Howard owns several parcels totaling approximately 154 acres along Country By Way, Rt.124 and Freysville Rd. The current zoning of their properties is R-1. It has come to their attention that the Township is proposing to rezone it to R-R. The rezoning of this property would substantially reduce the permitted density. Atty. MacNeal distributed a copy of the tax map showing the location of the properties owned by Mr. Howard. Approximately five (5) or six (6) years ago, Mr. Howard was working with a developer to develop his property using the cluster overlay concept. However, the deal fell through. She noted that Mr. Howard feels that his property is ideal for residential development because it is across the street from Locust Grove Elementary School and has access to both public water and sewer. It is also within the Township's growth boundary.

Mr. Howard has been actively discussing the sale of his property to Mike Nazmack, who is a developer and is also present tonight. They are requesting that the property remain zoned R-1.

Mike Nazmack advised that he would like to create an age restricted community on the property. He added that his proposed age restricted community would be enforced by the homes they would be building as they would have one (1) or two (2) bedrooms. He is also proposing a clubhouse with walking trail. Age restricted communities typically have a low crime rate that would not overburden the police department, there are no children to affect the school district and their trips are usually during daytime hours. The proposed homes would be priced between \$150,000 and \$170,000 which is the price range that a lot of people are interested in.

A question was asked by Mr. Wilson whether or not Mr. Nazmack had spoken with the Township. Mr. Nazmack advised that he had spoken to both Mr. Allison and Mrs. Gunnet. Mr. Wilson asked what the current use of the land is. He was advised that it is currently leased to a farmer.

Atty. MacNeal again advised that Mr. Howard would see a substantial reduction in value of his property should the rezoning be approved. It was noted that an age restricted community on Windsor Rd. was having difficulties selling homes and approached the Township to request that the age restriction on the development be rescinded.

Mike Hess gave the background of what has occurred to date. He noted that the Comprehensive Plan was started in 2008 and adopted in 2010. The Comprehensive Plan proposed a Residential Open Space zone which is similar to the proposed Rural Residential zone. The Rural Residential zone has very low residential development. He added that the properties proposed to be rezoned to Rural Residential are very close to those proposed on the land use map contained within the Comprehensive Plan.

Mr. Nazmack asked why the Township was trying to limit development. Jerry Pilachowski advised that residents get up in arms about development. The Township has the responsibility to not grow too quickly which impacts the schools and other provided services. It was felt by Mr. Nazmack that the vast majority of the traffic from the development would go into York, not Red Lion.

There was a discussion where Mr. Nazmack advised that he is currently working with Jim Barnes of Holley & Assoc. to draft plans. Mr. Hess asked him when he thought the plans would be submitted to the Township. Mr. Nazmack thought they would be submitted in July. It was noted that if the plans were submitted then, they would be grandfathered under the current ordinance. Atty. MacNeal noted that if the development falls under the current ordinance and all of the lots become non-conformities, there could be financing issues.

Mr. Allison stated that the Township does not have a guarantee that the properties would be developed as an age restricted community. There are a lot of parcels proposed to be rezoned to R-R that could make this same argument. The Township has been working on this for several years and it should not just be thrown away. Paul Ilyes stated that he agrees.

Atty. MacNeal asked if it would be an option for an age restricted community to be a Special Exception in the R-R zone. Mrs. Gunnet noted that this is the opposite of what the R-R zone is trying to accomplish.

Mr. Harvey advised that he thinks this is an ideal location for a community similar to Longstown Village. Mr. Nazmack noted that there is no place to build this type of community. Mr. Allison advised that is not true and that the R-2 zone would accommodate this type of community.

Atty. MacNeal asked when the new Zoning Ordinance is proposed for adoption. Mr. Hess advised that the final draft should go to the York County Planning Commission in July with possible adoption by the Board of Supervisors in August.

Mr. Nazmack asked if the Township would accept his plans. Mr. Hess advised that as long as they meet the Subdivision and Land Development Ordinance and Zoning Ordinance, the Township has to accept them.

There was a discussion on the status of the Panorama Hills Pump Station upgrade. Mr. Nazmack was advised that the design work is complete and that the Solicitor is contacting individual property owners regarding right-of-ways. A question was asked if PennDEP will approve a planning module. Mrs. Gunnet advised that the pump station is at capacity so they will not. There is a possibility that they may once the construction is under way. Mrs. Gunnet advised

that these properties do not have sewer capacity reserved for them. Therefore, a planning module cannot be approved. She explained the new procedure to reserve sewer capacity.

Atty. MacNeal thanked the Planning Commission for listening to their concerns and taking them into consideration.

4. Mr. Heffner motioned to approve the minutes as written for the April 19, 2012 meeting, with a second by Mr. Harvey. Motion carried. Five votes yes.
5. There were no plans submitted for May.
6. Plans tabled in April:
 - 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 along with 6 B, C, D, E, F, and G, with a second by Mr. Wilson. Motion carried. Five votes yes.
 - B. 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 see 6 A.
 - C. BROOKFIELD CROSSING – Preliminary Subdivision Plan #2003-16A by Johnston & Assoc. Inc. for 71 lots along Smith Road. For action on this plan see 6 A.
 - D. 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 A.
 - E. 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 A.
 - F. 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 A.
 - G. 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 A.
7. Zoning and Subdivision Ordinance - Mr. Allison advised that we will start with any questions or comments that the Planning Commission members have on the draft. Then he and Mrs. Gunnet have a list of areas for the Planning Commission to decide which direction they wish to go.

Paul Ilyes had the following comments:

- Appendix D, Pages 1 & 2 - The same picture for Roadside Buffer is listed on both pages. The picture on Page D-1 will be removed.

- Appendix D, Page 3 - The picture with the caption reading "Play Area" should read "Plaza".
- Page 8 - Definition of "Base Flood" and "Base Flood Elevation" - It was thought that there should be a reference to FEMA maps. Mr. Hess stated that there are quite a few definitions regarding flooding, etc. He will check to see if it is referenced in any of the other ones. If it is not, he will make a reference.
- Page 7 - Definition of "Habitable Floor Area" - He asked the difference between basement and cellar. Basement is defined but cellar is not. Cellar will be removed.
- Page 6 - Definition of "Adult-Related Facility" #15 - Mr. Illyes asked what this was for. Mr. Hess advised that it is intended as a catch all.

Mr. Wilson advised that he feels the ordinance is stupendous. He focused on the definitions as they are very important and other municipalities could borrow from them. He also thanked the staff and consultant for involving the Planning Commission in the review process.

Mr. Heffner commented that there was a recent Zoning Hearing Board case involving a solar farm. He felt that the Zoning Hearing Board made the correct decision but that the ordinance should be more liberal on permitting as this is going to become more prevalent in the future. Mr. Allison advised that the existing and new Zoning Ordinance treat solar energy as an accessory use. In the case before the Zoning Hearing Board, the solar farm was on the same property as a mobile home park. Therefore, there would have had two (2) principal uses on the property. He added that the solar farm was solely a net metering system and none of the electric produced would be used by the buildings on the property. Another aspect is that by not saying too much, it tends to be more flexible. It was noted that solar farms are now permitted in the Industrial Zone.

Mr. Allison asked for the Planning Commission's input on the following:

- Pg. 9 - Definition of "Boarder" - There had been a previous discussion on this definition. He is recommending that a maximum number be associated with boarders, such as one (1) or two (2). It was noted that compensation is the difference between a boarder and a family member. It was the consensus to limit boarders to a maximum of two (2).
- Pg. 18 – Definition of “Impervious Surface” – The word “deck” needs to be added to make it in conformance with the Stormwater Management Ordinance.
- Pg. 32 – Definition of “Accessory Structure” – The last sentence of the paragraph regarding skateboard ramps is to be removed.
- Pg. 40 – Section 201.4.1 – The heading in the second column of the table and the last sentence in the paragraph above the table are confusing. It was decided to repeat the wording from the text into the column heading.
- Pg. 44 – Section 202.2.10.D.b – There was a discussion regarding the reduction of the required parking spaces from five (5) to three (3). The Planning Commission was in agreement with reducing it to three (3) spaces. It was also noted that the words “at least” should be replaced with “minimum of”.
- Pg. 46 – Section 202.4.3.B – There is an asterisk under the table located in this section that requires any front load attached garage to be setback an additional five (5) feet from the primary façade of the principal dwelling. The proposed offset was discussed. It was felt that this should not apply to single family dwellings. Front load attached garages for townhouses are to be offset by a minimum of two (2) feet and a maximum of four (4)

- feet. It was the consensus that front load attached garages with the exception of single family dwellings be offset by a minimum of two (2) feet and a maximum of four (4) feet in all zones.
- Pg. 55 – Section 205.2 – This section indicates that the Open Space Development Option #1 is permitted in the R-1 zone. If you go to the R-1 zone, it is not listed. Mr. Allison advised that several scenarios were run and the density between a conventional development and Option #1 were virtually the same. Mr. Hess added that the difference is that with Option #1 the homes are clustered together with less roads. It was the consensus to leave it in and add wording to the R-1 regulations permitting it.
 - Pg. 53 - Section 204.4 - The column in the table labeled "Minimum Lot Width at Building Setback Line & (Frontage)". Mr. Allison asked for an explanation of what the parentheses indicates. Mr. Hess advised that this is for lots that are around a cul-de-sac or a curve. Examples were illustrated. It was decided that for clarification purposes the parentheses are to be removed from around the word "Frontage" as well as all of the parentheses listed in the column. Also, the number that is not in the parentheses is to be removed. It was noted that this affects all zones. They are all to be consistent.
 - Pg. 50 - Section 203.5 - The word "Frontage" is to be added to the column regarding minimum lot width.
 - Pg. 56 - #8 - Perimeter Buffer - There was a discussion as to whether or not this should be removed. It was the consensus to remove.
 - Pg. 57 - Section 205.3.4.B - Mr. Allison advised that we are reducing the density in the Agricultural, R-R and R-1 zones. He asked if the Commission would want to increase the density for Open Space Development Option #2 in the R-2 zone from 5 to 7 units per net acre. It was noted that this may be a possible incentive for a developer to use this open space option. Mr. Allison added that this is the maximum number permitted. It doesn't mean that it is to be achieved. This is to be changed from 5 to 7 units per net acre.

Mrs. Gunnet reviewed additional items for the Planning Commission's comments:

- Pgs. 10 & 119 - Both pages reference 25% of the stormwater facilities being permitted in the open space. There was a discussion regarding this. It was decided to add language that detention/retention basins are to be excluded from being in the open space.
- Pg. 29 - Definition of "Shopping Center" - It was noted that one large box store would not be considered a shopping center under the definition. It was decided to remove "3 or more" and replace it with "1 or more".
- Pg. 63 - There are a couple of uses listed as Special Exceptions that do not have criteria for them. There are more in the other zoning districts. A list is to be provided to Mr. Hess.
- Pg. 74 - Section 230.7.5 - The words "historic structure, as defined herein" are used but there is not a definition. Mr. Hess will check with the Penna. Museum & Historical Commission for a definition.
- Pg. 95 - Section 303.2.1 - A stoop is listed as a permitted encroachment into a required setback. There was a discussion as to the difference between a stoop and a porch. The word stoop is to be removed.

- Pg. 95 - Section 303.2.1 - Uncovered porches and patios are proposed to be permitted to encroach on the front setback. It was noted that this is different than the current ordinance. Mr. Hess will reword this section in accordance with the current ordinance.
- Pg. 97 - Section 309 - It was noted that there are setbacks for driveways from fire hydrants, intersecting street right-of-ways and from property lines but not a distance they should be apart. The SALDO requires them to be 20 ft. apart. This will be added.
- Pg. 202 - Section 455.7 - This section references the issuance of a temporary hardship permit when a temporary accessory dwelling is approved by the Zoning Hearing Board. The name will be changed to temporary accessory dwelling permit.

The Planning Commission members were asked if they had any additional comments. Mr. Harvey asked the Board's thoughts on the Howard property. Mr. Pilachowski advised that he would like some time to think about it. He added that he agrees that every property that will be rezoned to R-R could request the same thing. Mr. Allison advised that even if the property stays zoned R-1, the required lot size may not work for Mr. Nazmack. Mr. Hess noted that if the Board is considering removing the Howard property from the R-R zone, then the whole block should be removed. Mr. Ilyes asked if language could be added to permit age restricted communities in the R-R zone. It was noted that this is the opposite of why the R-R zone is being created. It was the consensus of the Board to table this issue until the July meeting.

Mrs. Gunnet stated that Mr. Hess was also given a list of typographic and formatting changes. She asked the Planning Commission if they wished to have revised copies of the draft that reflect the changes discussed this evening. They advised that they did not.

It was asked if the Township was planning to notify the property owners where the zoning is proposed to be changed. Mrs. Gunnet advised that because this is a full revision of the Zoning Ordinance, the Municipalities Planning Code does not require that to happen. However, the Township was planning to notify them in an effort to be transparent.

8. Planning Commission Comments - There were no comments
9. The meeting of the Windsor Township Planning Commission adjourned at 9:12 P.M.

Respectfully submitted,

Jennifer L. Gunnet
Secretary