

WINDSOR TOWNSHIP PLANNING COMMISSION

October 16, 2014

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, Charles Wilson (arrived at 6:35), Dean Heffner, J. LaRue Harvey, Paul Ilyes, Kipp Allison, Teresa Miller, John Klinedinst, P.E. (C.S. Davidson), Joshua George, P.E. (Site Design Concepts), Bill Briegel (Keystone Custom Homes), Jeff Shank, Christopher Kraft, Karl Linde & Marlin L. Bupp

2. The Pledge of Allegiance was recited.
3. Public Comment – There was no public comment.
4. The minutes of the September 18, 2014 meeting were approved with a motion from Mr. Heffner seconded by Mr. Ilyes. Motion carried. Four votes yes.
5. Karl R. & Lori L. Linde Final Subdivision Plan

Mr. Shank explained the purpose of the plan was to subdivide the property into two (2) lots. He advised one lot would be used as a residential lot and the other would remain an Industrial use. Mr. Shank advised that five (5) waivers were being requested. They are as follows:

- Waiver of Section 406.1 requiring connection to public sewer.
- Waiver of Section 407.1 requiring the connection to public water
- Waiver of Section 502.2 requiring the widening of existing roads
- Waiver of Section 502.7 requiring the construction of curbs
- Waiver of Section 502.10 requiring the construction of sidewalks.

Mr. Shank reviewed the changes that had been made to the plan since the October in-house staff meeting.

Mr. Ilyes asked what the 50' right-of-way showing on the plan was. Mr. Shank advised it was access for the rear lot.

Mr. Klinedinst reviewed his comments and advised that a waiver request for Section 502.5.a was not needed his comment regarding this section was only a recommendation.

Mr. Allison reviewed his comments. Mr. Allison asked if a non-building waiver has been submitted to Pennsylvania Department of Environmental Protection. Mr. Shank advised yes. Mr. Shank advised he would revise the non-building waiver note on the plan accordingly. Mr. Shank advised he would submit the paperwork for the non-building waiver prior to the plan going to the Board of Supervisors for approval.

Waivers of Section 406.1 requiring connection to public sewer and Section 407.1 requiring connection to public water were requested. There was a brief discussion about how far the existing water lines ran. Mrs. Gunnet advised that she didn't think water extended this far. On the motion of Mr. Ilyes seconded by Mr. Heffner the above waivers were granted. Motion carried. Four votes yes.

A waiver of Section 502.2 requiring the widening of existing roads was requested. On the motion of Mr. Heffner seconded by Mr. Harvey the motion was granted. Motion carried. Four votes yes.

Waivers of Section 502.7 for the construction of curbs and of Section 502.10 for the construction of sidewalks were requested. On the motion of Mr. Harvey seconded by Mr. Ilyes the waivers were denied and it was requested that a note be added to the plan stating that curbs/walks must be installed within 6 months of notification by the Township. Motion carried. Four votes yes.

On the motion of Mr. Heffner seconded by Mr. Harvey the plan was recommended for approval 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.
 - 406.1; requirement to extend/connect to public sewer w/in 1,000 ft. of existing sanitary sewer service.
 - 407.1; requirement to extend/connect to public water w/in 1,000 ft. of existing water service.
 - 502.2; widening of existing roads
 - 502.7; construction of curbs
 - 502.10; construction of sidewalks
2. Typically waiver requests are denied. The Township will defer the installation of walks upon notification. A note must be added to the plan stating that upon notification from the Township the property owner must install walks within six (6) months.
3. The DEP “Request for Planning Waiver & Non-Building Declaration” must be approved prior to plan approval.
4. Please revise Note #8 to read: “The existing residential use on the proposed Lot #1 is a pre-existing non-conforming use in the Industrial Zone. The provisions of Article V of the Windsor Township Zoning Ordinance must be complied with for the continuation of or any modifications to the existing use”.
5. Please revise Note #9 as follows: “A 10’ foot wide Stormwater/Utility Easement shall be provided along all side and rear property lines.
6. Standard Note #1 should be revised; the reference to Section 502.10 is not pertinent.
7. Please add “(Pre-existing Non-Conforming Use)” to the “Existing Use” identified for Lot #1.

8. Freysville Road (SR2001) is classified as a collector road and has an existing right-of-way width of 40'. Based on Section 502.5.a, we recommend that a 60' dedicated right-of way be given to the Township.
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. A PA DEP Planning Module Exemption for Lot 2 must be submitted.
12. A 10' utility easement on all side and rear lot lines shall be noted on the plan and specifically referencing the proposed sanitary sewer main currently proposed for construction in year 2020 of the Act 537 plan, per Section 412.
13. The shared driveway referenced in Note 4 shall outline the intent of the easement along with who is to own and maintain the shared driveway, and be executed prior to plan recording.

Motion carried. Four votes yes.

6. Laurel Vistas – Phase 2 Sketch Discussion – Cluster Overlay Modification

Mr. George advised that after some additional review Keystone Custom Homes is proposing 13 lots for Phase 2 of the Laurel Vistas development that would be done as a modification to the originally approved cluster overlay. Mr. George speaking from a letter dated October 14, 2014 advised he was requesting recommendations from the Planning Commission related to several design requests/concerns prior to submitting a Revised Phase 2 Subdivision Plan.

Mr. Allison advised he had done some research since the last meeting and determined that Section 308.1 of the Windsor Township Zoning Ordinance had been amended in 2001 limiting the number of houses permitted on a cul-de-sac to 10. He further advised the amendment preceded the submission of the approved Phase 1 Final Plan which was submitted in 2006 by approx. 5 years. He further advised that when the final subdivision plan for Phase 1 was approved, the Township approved and bonded the cul-de-sac as it was presented in Phase 1, so at this point the length of the cul-de-sac has already been approved.

Mr. George is requesting consideration regarding offsetting the cul-de-sac proposed for Gardenia Drive. Mr. George advised he did not think that the cul-de-sac being offset would affect snow removal. He further advised that he did not see anything in the ordinance that prohibited the cul-de-sac from being offset. He further advised that the diameter of the cul-de-sac had been increased to 50' in order to meet the requirements of the ordinance. He also advised they would need to obtain a waiver to allow a smaller right-of-way around the perimeter of the cul-de-sac in order to make the cul-de-sac fit within the space available and to allow the required road frontage for each lot. He further advised that the proposed right-of-way would be sufficient enough to include the

sidewalk. Mr. Allison asked if the right-of-way provided for the “devil strip” and sidewalk. Mr. George advised that it would not push the sidewalk any closer to the road. The right-of-way would be behind the sidewalks. Mrs. Gunnet questioned how large the snow removal area was. Mr. George advised it was 20’ wide. Mr. Allison commented that the area could be made larger if needed. Mr. George felt that would not be a problem if it needed to be increased another 5 or 10 feet or could be moved depending on the recommendation from the Public Works Director.

Mr. George advised that the existing stub for Jasmine Drive would be removed and curbs and sidewalk installed so that it matched the existing layout. In addition, this would

allow proposed Lots 3 & 4 to front directly on Azalea Drive. Mr. George advised Keystone Custom Homes is proposing the existing stubbed area of Azalea Drive be left as it is and completely enclose it with concrete curb and wrap sidewalk around the perimeter. He further advised that the driveway for Lot 150 would come off the end of the stub and the driveway for Lot 149 would angle off to the right. Mr. Klinedinst advised he was not comfortable with the layout of this area and felt further discussion would need to be had with the Public Works department. Mr. Klinedinst advised he had concerns with the public driving down the road and not realizing the road turned and end up drive straight through. Mr. Ilyes agreed. Mr. Klinedinst suggested the driveway for Lot 150 not go straight in from the stub but instead angle so that oncoming traffic doesn’t perceive it as the actual road going straight through. Chairman Pilachowski agreed. Chairman Pilachowski asked if the existing John H. Norris Drive would stay or if Azalea Drive would just extend out to Windsor Road if they decided to put a curve at this location. Mr. Allison advised if they chose to change the name of John H. Norris Drive over to Azalea it would probably just consist of a letter being sent to the Post Office. Mr. George advised he wasn’t aware if there were any agreements in place that required this road be named John H. Norris Drive. He advised if there is an agreement removing the road could be a problem. Chairman Pilachowski asked if the grass strip along John H. Norris Drive could be cut back if a curve was placed in the roadway at this location. Mr. Klinedinst advised yes.

Mr. George advised that Keystone Custom Homes is asking that the Board approve the removal of the 55 and over age restriction for Phase 2, just as they did for the previous phase. Mrs. Gunnet questioned Mr. Klinedinst about the need to have the current property owners sign off on the removal of the age restriction. She asked if that needed to be done since this was a new Phase of the development. Mr. Klinedinst recommended this be reviewed with the Township Solicitor. He also advised he has some concerns that there are changes being made that may affect homeowners that purchased homes in this development with the expectation that the community was proposed and approved as a 55 and over community. In addition, the Homeowner’s Association needs to be made aware of what is proposed and the amount of open space they will be responsible for maintaining. Mr. Briegel advised that he spoke with Sarina Bucks, who is with Pennsylvania Property Management who manages the property on behalf of the bank. He advised that she felt that the changes would not substantially change cost for maintenance. Mr. Briegel advised the Homeowner’s Association would have to be made aware of the changes and a revised Homeowner’s Association agreement would have to be presented and approved.

Mr. George explained that existing open space from Phase 1 amounts to approximately 5.2 acres. He advised that they are proposing two ways to proceed with open space for the remainder of the project. The first was to provide 25% of the area for the whole project which would be about 15 acres. He questioned whether it would be better to provide that area and make the Homeowner's Association responsible for it or if it would be better to minimize the open space to what was required for Phase 1 and request a modification to the cluster overlay approval and have less open space and then possibly provide a tot lot for the community which was presented as the second option. He asked the Planning Commission for their suggestions. Mr. Klinedinst advised that the Ordinance specifically states that for a cluster overlay the open space should be 25% of the entire tract, however it would have to be determined if the tract is determined by just the land currently being developed or the entire development which in this case would be about 15 acres. Mr. Klinedinst advised that in order to modify the cluster overlay requirement for open space a Variance would have to be requested. Mr. George advised there was a section of the ordinance that gives some flexibility on the required open space. Mr. Klinedinst advised that it is Section 204.1 of the Cluster overlay zone that Mr. George is referring to. He advised this section allows for the Board to modify the cluster overlay regulations in this particular section of the ordinance to enable the design of a better development. Mr. Ilyes asked what the total open space was on the original Phase 2 & Phase 3 plans. Mr. George advised it was 11.5 acres for Phase 2 and 16 acres for Phase 3. Mr. Ilyes advised he preferred the proposed open space shown as Site Plan B on the presented Sketch Plan. Mr. Wilson questioned the steep slopes and questioned whether those areas would be better maintained if they were added to individual homeowner's properties where they could plant shrubs along them instead of leaving them as part of the open space for the Homeowner's Association to maintain. Mr. George advised that typically the Homeowner's Association would contract a landscaping company to come in to handle the maintenance of the open space and these types of areas. Mr. George agreed that planting shrubs in these sloped areas would be a good idea. Mr. Klinedinst advised that improvements within the open space would need to be done; he felt that trails would be a good use for the open space including the sloped areas.

Mrs. Gunnet advised that lot 179 had been sold and that area would need to be removed from the plan and possibly require a recalculation of the open space. Mr. Klinedinst advised that if the land was part of the original approved subdivision plan than it would still be used for the calculation of the required open space to complete this development.

Mr. Allison agrees there is some flexibility regarding the cluster overlay and adjusting the design standards. He advised he reviewed what was proposed in both scenarios and thought maybe they could consider modifying the slopes and revert the area back to natural vegetation or meadow lands where it only needs to be maintained several times a year to help reduce the overall cost of maintenance. In addition, he thought that if this was done correctly it could help with stormwater issues. Mr. George advised that the main thing Keystone Custom Homes is trying to avoid is the need to move a lot of dirt around. He advised they don't have a problem doing plantings but if they have to move dirt around it no longer becomes cost efficient for them to complete the project. Mr. Allison also agreed that putting a trail in would also be a good idea. Mr. Allison also discussed the possibility of amending the proposed location to the open space and

designating areas and how they would be maintained. Mr. Ilyes questioned the opening between lots 136 and 140. Mr. George advised this was going to be used as an access point to the open space. Mr. Klindedinst suggested that the open space have multiple access points. Mr. Ilyes suggested that the open area between lots 136 and 140 be closed up and the access point be moved to a location between lots 141 and 142.

Mr. Allison advised that the number of lots on the cul-de-sac still needs to be addressed.

Mr. Harvey asked if there was sewer capacity held for the 80 lots that are no longer going to be constructed. Mrs. Gunnet advised yes. Mr. Allison advised there were originally 170 dwellings units proposed in the first plan. He had advised that Phase 1 has 69 building able lots and Phase 2 has 13 bringing the total to 82 so there is a total loss of 88 building units.

Mr. George advised that the ordinance allows for 10 lots on a cul-de-sac and the proposed plan has 15 lots. Mr. Ilyes asked if lots 143 & 144 were buildable lots. Mr. Allison advised yes, these two lots would fall under the original cluster overlay approval. Mr. George advised the intent was to make all lots meet the current requirements for area and width there are a couple of lots that do not meet the requirements and would require a modification approval. Mr. Allison advised that typically the number of lots permitted on a cul-de-sac is limited due to maintenance, but in this circumstance and after review at the staff meeting it doesn't appear there would be a problem maintaining the Gardenia Drive cul-de-sac. Mr. Ilyes asked if lots 143 & 144 could just be combined. Mr. George advised the lots could be combined but to make the project economically viable they need to keep them as separate lots.

Mr. Harvey advised he likes the proposed plan. Mr. Heffner commented that something needs to be done to complete the project. Mr. Ilyes advised he likes the proposed Site B Sketch plan but recommends some lot adjustments be done to square of lots 86, 87, 142 and 148. Mr. Ilyes also recommends combining lots 143 & 144. Mr. George advised that that would be one recommendation that they would not be willing to do.

Mrs. Gunnet asked the Planning Commission if they were all in agreement with the modifications. They responded yes.

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 he was hoping to have the review done by November so that it could then be given to the Planning Commission and Board of Supervisors for review.
 - 9. Planning Commission Comments – There were no comments.
 - 10. The meeting of the Windsor Township Planning Commission adjourned at 7:27 P.M.

Respectfully submitted,

Kipp D. Allison
Zoning Officer