

**LOWER WINDSOR TOWNSHIP  
PLANNING COMMISSION  
MEETING MINUTES  
November 24, 2021**

The Lower Windsor Township Planning Commission held its regular meeting in person at the Municipal Building located at 2425 Craley Road, Wrightsville, PA 17368. The meeting was called to order by Chair Julia Parrish at 6:30 p.m. All attendees recited the pledge of Allegiance. Present for the meeting were Planning Commission members, Hollis Bedell, and Kelly Skiptunas, Zoning Officer, Monica Love. Member, Lewis Brown participated via telephone. Marzena Wolnikowski was absent.

**PUBLIC COMMENT**

None

**MINUTES**

Hollis Bedell made a motion to approve the revised September 23, 2021, minutes. Kelly Skiptunas seconded, motion carried, 4 – 0.

**OLD BUSINESS**

None

**NEW BUSINESS**

Zoning Hearing Case Z2021-05. Steve Hovis of Stock & Leader, representing the applicant Eastern York School District, presented the variance request. Also, Marc Kurowski, P. E. and Todd Hoover, Building and Grounds Superintendent were in attendance. The Use of the school has been approved by the Zoning Hearing Board earlier as the Special Exception was granted. The variance to disturb the steep slopes was a two – two vote, which is considered to be “no action”. Further review of the variance criteria was provided for this requested steep slope disturbance.

Marc Kurowski P.E. reviewed the plans provided. The proposed consolidation of all lots negates the need for the parking relief. Only the bus traffic will use the Cool Creek entrance shown, parents and faculty will use the campus connection and existing entrances. The development of the lot is proposed in the ‘bottom’ eastern portion of the lot, closer to Cool Creek Road and away from Almonee Road, to avoid as much of the ‘naturally’ occurring steep slopes as possible. Mr. Kurowski noted that stormwater management requirements of the Township, PA DEP and York County Conservation District will be met during the Land Development plan review. Crabtree Rohrbaugh, the architects designed the school three stories high, to keep it a small footprint to avoid as much of the slopes as possible. Mr. Kurowski showed plans of the property with the grades as they existed when the District purchased it. The slopes were shown with 15-25% slopes in yellow and slopes greater than 25% delineated in red - then compared the 2006 topography to the a survey done present day. As it exists there is a practice sports field on the site as well as a topsoil stockpile, which is a typical byproduct of construction. That stockpile would be used in future school construction projects. It is stated in the application that the areas of ‘natural slopes’ greater than 25% that will be disturbed as a part of this project is 3,259 s.f. – 4% of the total steep slopes on the site – far less than 1% of the total site area.

Mr. Hovis noted the Zoning Ordinance states the purpose of the Restricted Development Overlay District is to promote conservation of land in the Township possessing natural features identified as essential to the environmental health, economy, and rural character of the community. Which provide certain benefits, such as soil erosion, improve soil quality, enhanced water quality by means of filtering out harmful substances from runoff, enriched habitat and biodiversity. Preserving these steep slopes does nothing to enhance the purpose of the ordinance and removing them will not create any adverse effects.

Mr. Hovis reviewed the requirements of the Standards for Variance:

1. There are unique physical circumstances or conditions: of course, the exceptional topography, steep slopes, is what this case is about.
2. Because of such physical circumstances or conditions, is there no possibility that the property can be used under the strict conformity with the provisions of the ZO: Everything has been pushed to the east, and the configuration of the development is driven by the Department of Education which sets the criteria for the building of schools – there is no other way to config the site.
3. Has the unnecessary hardship been created by the applicant: No, we are dealing with the natural steep slopes, it wasn't created by the applicant.
4. Will it alter the essential character of the district? The impact on the 3,000 square feet will not. There is already a school campus – there is a church across the road. The ZHB has already reached the conclusion by granting the Special Exception that the development will not alter the character of the neighborhood.
5. Is this the minimum variance possible – everything has been done, we've reworked the site to try to satisfy the comments of the Planning Commission and the Zoning Hearing Board, removed the Almoney Rd access, and reduced the impact to the property.

Land Development process will be required to ensure that all the stormwater is managed on site, and any stormwater issues should be addressed.

Kelly Skiptunas asked a legal question. In the decision of July 15, Solicitor Markey said that a two - two tie by PA law constitutes a denial.

The applicant filed a land use appeal based on that very sentence, because they disagree, they believe that in the Commonwealth of Pennsylvania that a two – two vote is no action, and the Decision is a misstatement.

Lewis Brown asked if any other possible sites had been reviewed. Mr. Hovis assured the members that the development committee thoroughly reviewed all possibilities.

Christine Sowers of Cool Creek Road addressed Mr. Hovis to say that he's referring to the 3,000 square feet, but shouldn't they look at the entire site. There have been many issues of the stormwater and erosion over the years. Mrs. Sowers stated that the entire school district site is not well maintained, and they are not a good neighbor.

Steve Hovis reiterated that the stormwater and erosion control will be an issue at the Land Development Plan stage, and any issues with that will be enforced by the Township.

Kelly Skiptunas asked if the school district will work with the developer regarding a plan for safe passage across Cool Creek Road and stated that the Township wants the safest possible solution.

Mr. Hovis stated that this will be a PennDOT driven analysis but children crossing Cool Creek will be problematic, but that he would contact the district to alert them this is an issue.

Chuck Barnes, resident, asked if a decision has been rendered on the appeal? Mr. Hovis answered that it is at the Court of Common Pleas, which at minimum would take six months, but it had not been heard.

Julia Parrish made a motion to recommend approval of the Variance request Section 312.E.1. The motion died for lack of second.

Kelly Skiptunas made a motion to recommend the Variance request be denied. Hollis Bedell seconded. Two members voted aye; two members voted nay. The motion failed. The case will move to the Zoning Hearing Board with no recommendation.

Ms. Parrish adjourned the meeting at 7:22 p.m.

Respectfully submitted,  
Monica Love  
Zoning Officer