

**LOWER WINDSOR TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES
December 23, 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 Vice-Chair Hollis Bedell at 6:30 p.m. Present for the meeting were Planning Commission members, Marzena Wolnikowski, and Zoning Officer, Monica Love. Chair Julia Parrish attended via telephone. Member, Lewis Brown and Kelly Skiptunas were absent. All attendees recited the pledge of Allegiance.

PUBLIC COMMENT

None

MINUTES

Hollis Bedell made a motion to approve the revised November 24, 2021, minutes. Marzena Wolnikowski seconded, motion carried, 3 – 0.

OLD BUSINESS

None

NEW BUSINESS

Zoning Hearing Case Z2021-06. Elaine Kauffman and Dr. Leonard C. Bentivegna have requested a variance of Section 505.A of the Lower Windsor Zoning Ordinance. Katelyn Rohrbaugh of Barley Snyder, represented the applicant Elaine Kauffman and Dr. Bentivegna. A notice of violation was issued to Mrs. Kauffman for the placement of the flagpole. It is sixty-one feet high, but only forty-six feet from the adjoining property line. Flagpoles are specifically exempted from the height regulation set forth in the ordinance, as long as the height of the projection is not greater than the shortest distance measured along the horizontal plain from adjoining property lines. According to Ms. Rohrbaugh, due to underground utilities, retaining walls, and stormwater easements, there are no other areas available for the placement of the flagpole. The flagpole thickness and base were upgraded to make the structure sturdier. Allowing the flagpole to remain will not alter the neighborhood. Dr. Bentivegna and Mrs. Kauffman are from armed forces families and wish to fly a service flag below the American flag. The flagpole was installed in early November 2021.

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Ms. Wolnikowski asked about other ordinances that might apply in that area. There are no viewshed protection ordinances in the Township.

Elaine Kauffman was listed as the owner and applicant in the original application. A new deed was provided at the time of the meeting, which includes Dr. Bentivegna.

Per a question from Julia Parrish, if the flagpole was 46 feet high would a variance be needed. No variance would be needed.

Mike Kern, a neighboring property owner, asked why the flagpole was as high as it is? Dr. Bentivegna stated the height of the flagpole was based on the installer suggestion, in order to fly two flags, the American flag, as well as different Armed Services flags that they change.

Mr. Kern noted that he is a veteran, and is proud to see the flag, but the height makes it look like a commercial flag in the residential area. He also opined that the property owner should have requested

the variance before installing the flagpole. When the sun rises, the flag casts a shadow into his house, and disturbs his dogs.

Ms. Rohrbaugh noted that no variance is required for the height of the flagpole, just the location.

Julia Parrish asked if the HOA for Lauxmont approves or allows for the flagpole. Ms. Love noted that there was supposed to be an HOA for the development, but it was never formed.

Ms. Rohrbaugh noted that she did not believe the intent of the Ordinance is to prevent any view obstruction. The height restriction is clearly based on adjoining property issues, and all of the adjoining property owners have provided written support of the flagpole (Exhibit E in the information provided at the meeting).

If the flagpole was moved to the front of the house (along Derby Ct), the flagpole would be twenty feet higher than it is, due to the changes in the ground elevation.

Hollis Bedell made a motion that the ZHB grant the variance as requested. Seconded by Marzena Wolnikowski. Vote was 2-1 with Ms. Parrish dissenting.

Plan 617-21SLD Dunn – Wolnikowski Final Subdivision Plan. Michael & Sandy Dunn of 1250 Klines Run Road and Jacek & Marzena Wolnikowski of 1260 Klines Run Road have submitted a plan to remove a portion of each lot and add to the other's lot. The parcels will remain the same size when the land swap is complete.

Ms. Wolnikowski recused herself from discussion and voting, which removed the quorum. There was no official vote.

Several waivers were requested: Section 408 Plan Scale; Sec. 403.o Contours; Sec. 403.p Contour Datum; Sec. 403.jj and 408.2 Soil types, parcel history and development rights.

Dr. Bedell noted that there should be a Planning Waiver & Non-Building Declaration request for both properties.

Dr. Bedell made a recommendation that the waivers be granted, and the plan be approved with the outstanding comments, which were minor in nature. Julia Parrish agreed. As there was no quorum, it was an unofficial recommendation.

Dr. Bedell adjourned the meeting at 7:09 p.m.

Respectfully submitted,
Monica Love
Zoning Officer