

**LOWER WINDSOR TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES
APRIL 24, 2025**

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 Secretary Rachel Sollenberger at 6:30 p.m. Also present were Planning Commission members Marzena Wolnikowski, and Becky Pfeiffer. Hollis Bedell and Kelly Skiptunas were absent with prior notice. Also present were Zoning Officer, Monica Love, John Klinedinst, P.E. acting Township Engineer, Permits Assistant Andrea Hodge, Supervisor Barry Strayer, and seven (7) members of the public. All attendees stood for the Pledge of Allegiance.

PUBLIC COMMENT

None

MINUTES

Mrs. Sollenberger made a motion to approve the meeting minutes of March 27, 2025, Mrs. Wolnikowski seconded. Motion passed 3-0. Mrs. Sollenberger made a motion to approve the workshop minutes of April 16, 2025, Mrs. Wolnikowski seconded, and the motion passed 3-0.

NEW BUSINESS

Mrs. Sollenberger noted the change in the order of the agenda to move 99 Mapheliah Road variance request before the Happy Hollow Road variance request. No objections were made.

Ethan R. Buser Subdivision 628-25SLD - 981 Millers Spring Rd; Ryan Herbst of Site Design Concepts presented the plan. This is a 48-acre farm parcel at the corner of Millers Spring Rd and Canadochly Rd. A 2-acre lot is being created around the existing dwelling, including 3 outbuildings, but not the barn. There is an existing well and septic system on the lot, and they have requested a Non-Building waiver for the septic.

There are three (3) waivers of the Subdivision Ordinance;

§410-20 requires a sewage facilities feasibility study.

§410-24.D Requires the plans to be drawn on linen or mylar material at a scale of either 1"= 50 or 1"= 100'

§410-44.A Requires street trees.

Ms. Love noted that the outbuildings are all non-conforming, and if they are destroyed, they would have to be rebuilt in conformance with all current ordinances.

Mr. Klinedinst went through the remaining requirements. Still outstanding are the septic testing for a replacement area, all signatures are needed, seals and notarized statements must be completed prior to the Board of Supervisors' meeting.

Mrs. Sollenberger made a motion to recommend the Board approve the plan with the waivers requested, and the outstanding comments being addressed. Mrs. Wolnikowski seconded, the motion passed 3-0.

ZHB Case 2025-05, 99 Mapheliah Rd. Alan Daugherty presented for his father Steven Daugherty. This is a variance request to build a pole barn for storage, prior to building the principle dwelling on the lot. Mr. Daugherty was unsure, but estimated the dwelling will be built in a few years.

Mrs. Sollenberger made a motion the Zoning Hearing Board grant the requested variance. Mrs. Wolnikowski seconded. The motion passed 3-0.

ZHB Case 2025-04 25 Happy Hollow Ln. & 505 Boathouse Rd. Stacey MacNeal introduced the professionals, and the owner Joe Deerin, Eric Johnston, engineer, Mr. Boyer consulting for the gabion baskets, and builder Sam Haldeman. Ms. MacNeal noted the 3 variances – work within the floodplain, which is within the zoning Ordinance as well as the floodplain Ordinance, variance of the steep slope, and variance of the setbacks. She then went through the chronology of the project. The properties in the area began as seasonal camps, which are slowly being taken over by permanent residences. Several of these properties are owned by Happy Hollow Associates - Mr. Deerin. Happy Hollow Ln is a private dirt/stone road, and the lot is oddly shaped. The topography is challenging due to the steep slopes. The erosion of the stream and the embankment put any new structure at risk, which led to the installation of the gabion basket walls, however, they were installed without a permit. The engineer believed there was insufficient area between the two houses to lay the banks back and regrade.

The builder found that there was a lot of fill at the corner of the existing building and not structurally sound, the existing foundation had been 1.9' off the side property line and is now 5.1' from the side, but went closer to the front setback from 17.8' to 12.9' (it is also over the other side setback by a few feet). The overall square footage of the new building is less than the original cottage.

The existing structure had no parking, so they cut into the bank along Happy Hollow Lane, and widened the lane by placing gabion basket walls in the north side of the lane. This was a man-made slope, placed years ago, the wall ranges from 3' to 13' high.

Mrs. Wolnikowski asked if any neighbors had any concerns regarding the setbacks of the house. Kendria Meyers Betonti at 5 Happy Hollow Road has no issues with the house placement.

Mrs. Sollenberger made a motion to recommend the ZHB grant the variance of the setbacks with the condition that the house passes final inspection and receives Certificate of Compliance. Mrs. Wolnikowski seconded the motion, which passed 3-0.

Regarding the steep slope variance and the wall along Happy Hollow Lane, Mrs. Sollenberger asked how the walls are anchored, that is not included in the specifications or the drawings. They are at 11 degree back slope so no anchoring is required. This is slope stabilization, not a retaining wall. The baskets are galvanized wire with no coating, and the stones came from the local quarry. Each basket is connected to the adjacent basket with wire.

Mrs. Wolnikowski asked if this is man-made slope from cutting in Happy Hollow Ln. Mr. Haldeman stated his belief that this is the casting sand from the iron ore quarry that was here years ago.

Mrs. Sollenberger asked if UCC inspections were performed. No. That is a requirement of the permit they should have gotten.

Ms. Pfeiffer asked how long the walls would last. Mr. Haldeman said they are rated from 10 years in saltwater, to 75 years in a dry condition. He believes they will last 50 years.

Mrs. Wolnikowski asked who would be responsible for the repair or replacement of the walls, Mr. Deerin stated that he would. He agreed to an inspection and maintenance schedule to be drawn up and approved that would be recorded with the property, as well as a landscape plan to be created for the area. That would be created with staff.

Mr. Klinedinst asked who would certify to the structural adequacy of the walls. Mr. Johnston stated that he would. The area is still over 25% slope, and whether the area is natural or fill, the area is within the prohibitive slope of the Restricted Development Overlay District as well as the floodplain. The justification for the variance (in the application) was the steep bank made maintenance difficult. Ms. MacNeal stated that there was already a cut into the hillside, they straightened it out and put the baskets in place, but they did cut into the bank to straighten it out, and cleaned up some of the eroded area.

Mrs. Sollenberger made a motion to recommend the Zoning Hearing Board grant variance §470-18.E(1)[A] with the condition they receive a permit and inspections under the Uniform Construction Code requirements, and the wall be included in the Inspection and Maintenance schedule. Mrs. Wolnikowski seconded the motion, which passed 3-0.

On the Zoning Ordinance §470-18.E(3) and §235-25 of the Floodplain Ordinance Mrs. Sollenberger questioned David Miller's engineering report from October 2024, which did not review the method on which the walls were installed or the potential impact on the neighboring properties. Jim Boyer of David Miller and Associates said they only analyzed the gabion baskets as an appropriate measure for erosion of the embankment not stabilization of the channel. The permissible velocity and shear stress is greater than what is required. Will that confer any issues to the upper or lower properties. No.

Mr. Johnston noted that his office spoke to John Affriol, Township Engineer, to discuss the modeling necessary for the permits. Eleven (11) cross sections of the stream were surveyed including between the gabion walls. That HEC-RAS analysis calculates additional velocities, flow depths, and the rise or change in water surface elevation. He can report they will have a response next week to the May 9, 2024, review letter. There is a very minor rise in the water surface elevation just in the area between the walls.

Mrs. Sollenberger asked if the Floodplain Administrator has reviewed and approved the design and construction. Ms. Love responded no. The review, because of its technical nature, was sent to C. S. Davidson. The Floodplain Administrator review is limited to the Ordinance, and the requirement for the placement of fill in the floodplain is a 0.0 rise in the 100-year flood.

Mr. Johnston noted that the area where the rise is localized between the two basket walls, and the flow of the 100-year storm rises 1.3 inches as calculated. Most of the 11 cross sections from the river to Long Level Road have a 0 rise.

Mr. Klinedinst noted that typically, in order to address the rise in the water's elevation they would need equivalent excavation on the opposite side of the channel, or in some other way change the channel.

Mrs. Wolnikowski asked if that's what we want, to disturb additional area of the floodplain. The cottage on 505 Boathouse Road creates that pinch point.

Mrs. Wolnikowski asked if they intend to extend the wall even farther as shown on one of the older plans. Mr. Haldeman said, originally, they were hoping to be able to install the gabion walls farther down the stream. The plans dated 2.26.25 detail the wall on the south side of the stream. Mr. Haldeman stated on the south side it would be a single basket high, on the north side it would be 2 baskets high. There is a lot of debris in the floodplain. Ms. Myers Betonti stated that she would like the wall to continue across her property to the concrete pipe flair, so that no further erosion occurs.

Ms. MacNeal noted that further extension of the walls are not part of the request before the Township at this time.

The PA DEP inspection report was discussed. Mr. Johnston stated that the PA DEP permit would be applied for in June. The initial plans were submitted in 2024. Is a USACOE 404 permit needed. No, this is considered a small project by PA DEP and would be permitted as such. Their review is purely

on what is submitted. Township floodplain Ordinances are very detailed, and passing the Township engineer, it will pass PA DEP. Mrs. Wolnikowski asked Eric Johnston if in his opinion, the work already done, as well as what is proposed, would negatively affect any neighboring property owners? No and the HEC-RAS (hydraulics and hydrology) study will show that.

Mr. Klinedinst asked if any other methods of stabilization had been reviewed. Mr. Haldeman replied that concrete structures are extremely invasive, they need to jack hammer 2' down into the bedrock to install. To regrade the slope and stabilize with plantings, the slope to the stream would have gone right to the back door of the house, there was insufficient area.

Per Mr. Klinedinst, there are two issues; the increase in the flood elevation, and the water hitting the end of the wall causing erosion and scour at the neighbor's property must be addressed in the HEC-RAS.

The applicant noted there is a plan to stabilize that area, but until they get the violation addressed they stopped.

Mrs. Wolnikowski asked if Mr. Johnston is able to redesign the walls to address the rise? Mr. Haldeman answered that the foundation of 505 Boathouse house on one side and a rock outcropping on the opposite (north) side is what creates that pinch point where the rise in flow is seen.

Mr. Johnston asked what diminimus rise might be permitted. Ms. Love noted that the ordinance requires a 0' rise, or FEMA involvement is needed. She then asked if there are issues with the stream, whether as a result of the changes or naturally occurring over time that still need to be addressed. Mr. Johnston noted that he did not see anything.

Mrs. Wolnikowski made a motion the Zoning Hearing Board grant the variance for the disturbance and the fill within the floodplain, with the condition that the location is modified to reduce the rise to the minimum amount possible, they extend the gabion wall to the west to protect the neighboring property owner, that a permit is received and approved by PA DEP, the H&H study is approved, that the floodplain administrator review and approve the design, and that the inspection and maintenance schedule is created and recorded, that FEMA is consulted if there is an increase in the flood elevation, and that all CS Davidson comments and concerns are met. Ms. Pfeiffer seconded, and the motion passed 3-0.

OLD BUSINESS

There being no additional business,

The meeting adjourned without formal motion at 7:58 p.m.

Respectfully submitted,
Monica Love
Zoning Officer