

**MEETING MINUTES OF THE
BOROUGH PLANNING COMMISSION
BOROUGH OF WIND GAP
NORTHAMPTON COUNTY, PA
AUGUST 6, 2020**

I/II. Opening/Pledge

The meeting was called to order and opened at 7:00 p.m. by Borough Planning Commissioner Chair Linda Paynter and the Pledge of Allegiance was recited.

III. Roll Call

Commissioners Linda Paynter, David Manzo, George Hinton and Michael McNamara were present. Also present were the Borough and Planning Commission Solicitor, Ronold J. Karasek, Esquire and the Borough EIT, Brian Pysner. This meeting was held where all Commissioners and the Borough Professionals attended remotely via ZOOM video and audio. While Borough Planning Administrative Assistant D. Harbison and Commissioner Chair Paynter were both physically present at the Borough Municipal Building, they also participated via ZOOM.

IV. Approval of Minutes

The Planning Commission Meeting Minutes of June 18, 2020 were approved on motion made by D. Manzo, duly seconded by M. McNamara and unanimously carried on a vote 4-0.

V. Public Comment-None.

VI. Plans to be Discussed

- A. Applicant: Jeffrey D., Joseph D. & John D. Detzi
Plan: Minor Subdivision-Preliminary and Final
Location: 570 N. Lehigh Broadway-6.7548 acres
(lying in both Wind Gap and Plainfield Township)
Zoning: R-8 (Medium Density Residential) Zoning District

The plan is to subdivide the acreage north of Detzi's Tavern whereby 0.2003 acres is to be added to the restaurant and the balance sold to NAPER Development Co. which owns property that adjoins the parcel to be subdivided.

The Applicant's Planning Professional, Arthur A. Swallow, PLS, appeared via ZOOM and discussed the plan and the Borough EIT (Mr. Pysner) also discussed his Review Correspondence dated August 5, 2020¹.

¹ During this presentation, this writer lost his ZOOM connection for approximately ten (10) minutes

Wind Gap Borough Planning Commission
Meeting Minutes of August 6, 2020
Page Two (2)

Since there were still outstanding items to be addressed and the Borough did not receive a Lehigh Valley Planning Commission Review, the matter was tabled on motion made by G. Hinton, seconded by M. McNamara and passed on a 4-0 vote.

- B. Applicant: BioSpectra/RX Holdings
Plan: Industrial/Commercial Building on 1.5 acres
Location: 519 N. Broadway (formerly Cramer's Bldg. Supply & Hardware Store)
Zoning: IC (Industrial and Heavy Commercial) Zoning District

Earlier in the day, the Borough Planning Administrative Assistant received a telephone call from the Applicant asking that the matter be tabled for this evening. It is assumed that the request was made as a result of the eight (8) page Review Letter that was prepared by the Borough Engineer. Accordingly and on motion of G. Hinton, seconded by M. McNamara and passed on a 4-0 vote action on the plan was tabled.

- C. Applicant: J. G. Petrucci Company
Plan: JERC Partners, II, L.L.C.
Location: Male Road and Route 33 with the Project situate in both Wind Gap Borough and Plainfield Township
Project: 333,125 sq. ft. Warehouse with Tractor Trailer and Auto Parking
Zoning District: I – SC (Industrial & Shopping Center)

Present on behalf of the Applicant was Joseph A. Zator, II, Esquire of Joseph Zator Law Offices; Dominick C. Baker of J.G. Petrucci Co., Inc.; Joseph F. Correia, Executive Vice-President of Petrucci Co., Inc., Matthew Chartrand, PE of Bohler Engineering and John R. Wichner, PE, PTOE, Applicant's Traffic Engineer, Justin Huratiak, the Applicant's Builder and the Wind Gap Fire Chief

(Parenthetically the JERC Minor Subdivision Plan and the Land Development were both granted conditional preliminary and final plan approval by Borough Council on January 21, 2020. The present application is for an additional SALDO request.)

SALDO Section 509, K, 2 requires that access for a land development plan must be provided through two (2) or more access drives; and, such access drives shall be separated by a distance of at least one-hundred fifty (150') feet.

On July 31, 2020, the Applicant (via e-mail from Applicant's Design Engineer, Justin Klee, EIT) presented six (6) options -with sketches- addressing the emergency access issue².

² While Mr. Chartrand was discussing these options, this writer again lost his ZOOM connection such that he terminated his video connection and continued to participate in the meeting (via audio only) without interruption.

Wind Gap Borough Planning Commission
Meeting Minutes of August 6, 2020
Page Three (3)

G. Hinton discussed the recent fire (at 500 Male Road) as an example of the significant (and dangerous) congestion created when access to a building is from one intersection point only. The congestion was created whereby multiple fire companies were using one (1) entrance creating gridlock. The Wind Gap Fire Chief confirmed this fact and the congestion created by having only one (1) entrance.

Since the Applicant is aware that the emergency access to Route 512 (through the old Silver Line property) is preferred by the Borough, the Applicant's Traffic Engineer, J. Wichner, explained that PennDOT will not issue HOPs to individuals or entities who do not own the property fronting and accessing a state highway. Accordingly, PennDOT will not issue a permit to the Applicant as the Applicant does not own the property adjoining Route 512.

The question was raised by Commissioner Hinton as to whether or not the Applicant could "make nice" with Silver Line so as to persuade Silver Line to apply for an HOP as an owner³. Mr. Wichner stated that while there is an existing driveway on the Silver Line property accessing Route 512, the driveway was always a non-permitted driveway; and when the area was renovated, PennDOT made clear that no HOP would be issued.

Commissioner D. Manzo stated that the Applicant "should have planned for this a long time ago".

Engineer Chartrand stated that there may be another option where the emergency access entrance can enter further back onto the JERC property; and in response to concerns that an access easement will create issues as time goes by, Mr. Chartrand stated that, if the emergency access on the Giroux property would be considered, a permanent easement that would run-with-the-land be entered into with Giroux just as such an easement would have been required if the Silver Line property was being used for an emergency access.

At this point, the Commissioners were of the opinion that a site visit of the area would be helpful and on motion of Commissioner Manzo, and seconded by Commissioner Hinton and on a vote of 4-0, the matter was tabled and a site visit scheduled for Tuesday, August 18, 2020 at 3:30 p.m.

- D. Applicant: Dream Lehigh Valley, LLC.
Plan: Land Development Plan
Location: East West Street and Longcore Road – 23.48 acres Wind Gap Borough

³ Mr. Wichner stated that the present owner of the Silver Line property is a Bernice Enterprises (sic).

Wind Gap Borough Planning Commission
Meeting Minutes of August 6, 2020
Page Four (4)

Project: Residential Community with multi-family and townhouses
Zoning District: I-ME (Extractive) Zoning District with R-8 Uses

Borough EIT, D. Pysher, addresses the correspondence dated June 22, 2020 prepared by Applicant's Attorney, Charles J. Vogt. In addition, the Applicant's Builder, J. Huratiak (of Huratiak Homes), responds to Mr. Pysher's comments and further explains the revisions to the plan

In order to more clearly explain the revisions, Mr. Pysher reviewed a color-coded map that was submitted the Applicant depicting the various changes including the elimination of the walking trails from West Street, the elimination of sidewalks accessing some of the townhomes in order to create better handicap access via asphalt, reducing the height of the fence around the quarry from six (6') feet to four (4') feet (at the entrance only) to create a more attractive and aesthetic appeal and also reflecting the access easement agreement between the Applicant and the Borough for the portion of the stone drive of the access to the Wind Gap Park that lies along and upon the western boundary of the Applicant's property.

The Borough EIT was of the opinion that these planned revisions were not of such a substantial nature as to require plan re-review by the Planning Commissions so forth.

On motion of G. Hinton, seconded by M. McNamara and on a vote of 4-0, motion was made to approve the revisions to the land development plan on condition of review of the asphalt areas that are to be designated in place of the sidewalk areas.

VII. Old Business:

Commissioner G. Hinton stated that he had a discussion with Fire Chief, J. Goffredo (of a neighboring municipality) regarding the emergency entrance to the Green Knight Industrial Park II Project. Mr. Hinton stated that the gate to that emergency entrance is already in place; and, the lane only some fill needs to be added to make the emergency access solid and passable. Further, Borough EIT, B. Pysher, stated that he had reached out to P. Albanese (and others) as representatives of the Green Knight Economic Development Corporation regarding this issue. This issue was raised as a result of the fire on Male Road where the Green Knight and JERC Projects are located.

Returning for a moment to the JERC matter, Solicitor Karasek asked whether access from the Giroux property-going further back on the JERC parcel-would be feasible for an emergency access as this would now no longer create two (2) access points merging into a single point on the property. In response, Commissioner G. Hinton stated that the Giroux property may not be large enough to allow an access further back into the JERC property.


Wind Gap Borough Planning Commission
Meeting Minutes of August 6, 2020
Page Five (5)

- VIII. New Business: None
- IX. Referral from ZHB: None
- X. Adjournment – 8:35 p.m. On a motion made by Commissioner D. Manzo, duly seconded by M. McNamara and carried with unanimous vote of 4-0.

Respectfully submitted,

KARASEK LAW OFFICES, LLC

By: _____


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