

## WIND GAP SPECIAL PUBLIC MEETING

29 MECHANIC STREET

WIND GAP, PA 18091

MEETING: September 30, 2003, 7:30 pm

OFFICIALS: Mr. Leonard Zito Esq.

Ronald Madison

COUNCIL MEMBERS: Winton Male

Peter Stinson

William Pyscher

Sandra Lockard

Kerry Gassler

Mitch Mogolski

Lewis Paulhamus

Also in attendance were Mayor Kenneth George and Tom Palmer Planner, from Urban Research & Development Corporation.

Winton Male called the meeting to order at the Wind Gap Fire Hall, 111 North Broadway, Wind Gap, PA 18091 and turned the meeting over to Mr. Leonard Zito. This evening at this Public meeting we are here for the proposed amendments, the rezoning and the comprehensive plan for the Borough of Wind Gap. Copies of the proposed ordinance have been on file and they have been advertised and have been reviewed by the following agencies: Northampton County, Plainfield Township, Pen Argyl School district, Bushkill Township, Lehigh Valley Planning Commission, Ross Township and the Supervisors in Monroe County's Commissioners office. All of these governmental entities according to the municipalities planning code are required to get notice of what a municipality is planning to do to any of the neighboring municipalities that are involved. This evening is for all those who received notice or have an interest in these proceedings to voice their opinion and be heard.

### Posh Properties

We also have another matter, which has been advertised for this evening and that is a landowner petition to amend, supplement, change or modify the Wind Gap Borough Zoning Ordinance as it pertains to Section 807. This change is a landowner petition by Posh Properties Incorporated and it involves land in the South end of the Borough of Wind Gap, where Posh intends to develop a CVS and a Dunkin Donuts. Mr. Jim Preston attorney is here representing Posh Properties. This was in the best interest of the Borough for cost and expedience to have that heard at the same time.

Minor amendments will not require re-advertisement, but major modifications will require re-submission to the Planning Commission, re-advertisement for a public meeting. Winton Male turns the meeting over to Posh Properties. Mr. Preston has the project here and Mr. Jeffrey Ott, from Pennoni is here to review the existing plan. The proposal is to upgrade the existing intersection at Broadway and Male Road, the plans are submitted to Penn Dot and they will be submitting their finding. They are here for re-zoning for commercial uses.

### Public Comment

Councilman Pysher asked if there would be a traffic light that faces the commercial dwelling. Mr. Ott said yes. Mr. Alex Cortezzo, 809 South Broadway had questions about the turn lanes. Mr. Ott answered that the right had turn would be in and right hand turn would be out. Mr. Richard Keenhold, Eight Street had questions about CVS and districts all by itself, having another access road to come in and out of town and how many people will this project put out of business? Mr. Stinson explains the districts and re-zoning for Posh Properties and that would become the Commercial Zone. Mr. Zito said the uses would be consistent with the description of permitted uses with both the town center and the commercial center. Mr. Male states this it is hard to say what the amount of people this project will put out of business. Mr. Bartolacci asked if this is going to be a typical boxed development or blend in the Town Center style? Mr. Preston states this is a CVS structural development and that would be up to CVS. Mr. Zito states we do not have an architectural requirement. Karen Skorochood, 38 Water Street, has questions concerning pedestrians. Mr. Ott answered, there is currently a sidewalk on the East side of Broadway and once we widen Broadway we will put a new sidewalk and the pedestrian circulation will continue. Dr. Peter Racciato asked if this will be a 24 hour CVS and who will decide if it will be? Mr. Posh indicated it will not, and CVS is to decide if it can be a 24 hour CVS. Mr. Roger Bet had concerns about the traffic and the traffic pattern and the left hand lane and having an outlet in the back of CVS. Mr. Ott said that the road going out the back of CVS is not currently on the plan. Mr. Keenhold asked what the drug store and the donut shop fall under in the new plan. Mr. Palmer answered; they would fall under Retail Store.

Mr. Cortezzo asked "how far would Broadway be widened, just to the property line? Mr. Preston answered yes. Councilman Mogilski asked about the safety at that intersection. Mr. Ott said that Pen Dot would refer to this as floor striping for emergency equipment can get thru and it is not intended for a travel lane. Councilman Pysher questioned the percentage of the R-12 area to be changed. Mr. Preston said approximately 25%.

Councilman questioned the number of lanes and if Pen Dot looked into all of this. Mr. Ott answered yes. Councilman Paulhamus asked if the left turn would it be marked for emergency only. Mr. Ott said this is not a Pen Dot standard; there will be floor striping. Mr. Keenhold questioned the street that will be widened. Mr. Ott states the emergency lane will be along the property frontage.

Mr. Zito closed the public comment at 8:10 PM.

Motion by William Pysher to consolidate the properties of the applicant under the Community Commercial C district designation, thereby, extending the existing C district across all of petitioner's properties. Sandra Lockard seconded the motion

There is a brief discussion on the zoning change that is to be voted on tonight.

Voice vote taken-6-1. William Pysher, Winton Male, Sandra Lockard, Kerry Gassler, Lewis Paulhamus and Mitch Mogilski voted yes. Peter Stinson voted no.

Proposed amendments to the Comprehensive Plan and Zoning Ordinance.

Mr. Zito asked if anyone would like to speak with the planner. Several citizens spoke with planner. *There was a short recess.*

There was a concern about the definitions, about notice to residents of the changes and about parking commercial vehicles. Tom Palmer states that Borough Council and the Land Use Committee and the Borough Engineer met for over a year and therefore, there has been plenty of time to review this and make subsequent changes. The planning code requires that the Comprehensive Plan be generally consistent with the Zoning Ordinance. The planner reviews some of the major changes with the Zoning map and the Comprehensive plan.

Public Comment

Jeff Yob asked TC near Center Street and the impact on the apartment complex and if they want to sell the property later on. Mr. Palmer answered no; they can sell it as an apartment building. Mr. Yob questions the use of variety of housing in the Borough. Councilman Stinson answered we recommended a review of requirements. Lehigh Valley has reviewed the letter for the July 14, 2003 proposed changes.

Planning Member Andrew Perrine states Research Laboratory should be more defined with stipulations, limited on what kind of research or deleted. The Planning Commission recommended some changes; one was the laboratory in Wind Gap with conditions. And Mr. Palmer states we have to allow a laboratory in the Borough under the current Ordinance. Mr. Stinson asked if we could move the Research Lab into a special exception use? Mr. Palmer said, we could delete it from the H-I district, or leave it in the I-C district.

Mr. David McGuire, representative from the Lehigh Valley Sierra club. Mr. McGuire speaks of the BM district and the streams, fishing, walking and hiking. There are 1500 members that are interested in preserving the quality of life in our region. Mr. McGuire reads from a letter. Also funding will be available.

Mr. Gregory Keppel, 303 East Third Street the proposed change along Third Street to SPC from R-12 and what is the proposed use for that change will be? Mr. Male states, that should be a small parking and a trail to go in there. There is no truth in the rumor that Pen Dot will be parking their trucks there. However, we did discuss that they will be allowed to use that when they are working in the area. It is not permanent. Mr. Keppel said that is very close to home and does not want that to be a station for salt trucks. Councilman Paulhamus states that is not mainly for salt trucks it is for construction and highway bumpers. Councilman Mogilski said Pen Dot is working in the area now and we are using this at this time for a meeting place. Councilman Gassler said this is not on a yearlong basis, it is temporary.

Jeannie Moyer, Eight Street stated there was no notice to residents within 200 feet of a project coming into town, Plainfield notified these residents. Mr. Zito answered; Plainfield Township has a notice relations for the SALDO requirements. However, our Zoning Ordinance requires notice of any Zoning Hearing, Mr. Zito is not sure about our SALDO requirements for notice. Residents within 200 feet of any major change would like to be notified.

Dr. Peter Racciato asked Mr. Palmer if C district changed to TC district would the restriction be the same as architectural guidance or to new construction. Mr. Palmer said if the business is over 2500 SF in size, would be submitted an architectural view. If you are Grand fathered in. Also, Dr. Racciato asked about the parking. Mr. Palmer said you depending on the use; you would have to go to the Zoning Officer.

Urszula Ziolkowski 516 North Broadway asked how close is the lot in the back of her property. Mr. Madison, Hanover engineer said there has not been a design for the proposed road, only a condemnation, so we have no exact alignment.

Mr. DeCesare reads a letter regarding Rt. 512 and Lehigh and the percentage of residential and non-residential. Joanne Curcio also produced a percentage on residential and non-residential on Lehigh Avenue and it is different from Mr. DeCesare's list.

Thomas Henshue, 230 North Lehigh Avenue has a survey and Lehigh never connects to Broadway. Mr. Henshue applauds Borough Council to see the amount of work that is put into this, he had no idea how much work that has been done on this project.

Mr. Paul Levits has many questions regarding the following:

**Home based business**, Mr. Palmer states there were changes made to the Pennsylvania Municipality planning code mandating that municipalities allow this as permitted uses.

**Fences**, Mr. Palmer states a fence is not allowed right now, and there have been requests for it in the past, and most municipalities allow fences in the front yard as long as they are not barriers, we do not want barriers in the front yard. These are design standards. Mr. Levits wants to know why it has to be an open fence. Mr. Male states that has been answered already.

**Forestry**, what is the procedure for this section? Mr. Stinson said we looked at what it would take if you wanted to clear your own land. We can at least have a forester to inspect what trees you want to have cleared, that would be a minimum requirement and that would be beneficial for many environmental purposes. Mr. Levits asks about the costs. Mr. Madison states that last year when Pennsylvania revised the municipal planning code, they required all municipalities to allow forestry as a use in itself in all business. Most of municipalities had no requirements. If someone owns property in the Blue Mountain, somebody can clear cut the entire mountainside and there are no municipal regulations against it. Mr. Madison states we have Northampton County conservation district, Borough Engineering, the property owners engineer and a forester to inspect the clearing of land. This has to do with a landowner wanting to clear-cut his property. This requires a plan and this is standard.

**Wildlife Sanctuary**, barn animal or any manure storage area, and many gardeners use a lot of their yard and bring in manure will this apply to them? Mr. Stinson said this is specific to the use.

**Phones or vending machines**, what is the definition of a dwelling? Would a dwelling be a commercial building downstairs with apartments on top? Mr. Stinson said it would be.

**Institutional uses and parking**, one off street parking space for each 1.2 employees, how are you going to round that out? Mr. Madison said that the current Zoning ordinance covers this and parking spaces are always rounded up to the next, even with the smallest fraction.

**Signs**, what is a reprehensive that is considered a sign? And, what about a vehicle? If you label a vehicle is that considered a sign?

**Adult day care center**, how are we going to supervise the overnight stays and the restrictions of 60 hours? Mr. Stinson said we are not going to bound this by how many hours, we are saying this is a place where this is not a permanent facility. Mr. Stinson said it is typical. This is not a hard restriction; usually what happens is there is a minimum and maximum or a typical.

**No impact home base business**, what is an example? Mr. Palmer said this is a verbatim this is legally required by the planning code, basically it is no impact, me working at home on a stained glass lamp and I deliver at the end of the week. There is no traffic, based on the planning code provision. Mr. Madison said you could still have a home business that is no impact.

**Town Center Zoning District**, what are essential services? Mr. Madison said in the existing ordinance there is a definition of essential services.

**Outdoor storage and fencing**, please define what a commercial item is? Mr. Stinson said an item that is for sale. Mr. Madison said that the new use in town center would have to abide by this.

*Councilman Mogilski left to go to work at 10:10*

**Highway interchange district**, is the HI district going to be the same as the Plainfield zoning for both municipalities in terms as everything when it is done? Mr. Palmer said we do not know what the Plainfield Zoning is going to be. Mr. Palmer hopes it will be similar.

**Manufacturing**, regarding the material list how come other materials is not listed? And why are we restricting this list. Also what is light metal processing? Mr. Stinson said that if you read on the list, it would clarify. Mr. Palmer said light metal processing is in line 39 define it by example. Mr. Levits would like to put all of them in and there are thousands.

**Wet Land issue**, on page 21 in order to get a building lot it has to be a continuous 20000 square foot lot of good land you cant take five thousand from this part of your property and five thousand from the next part of your property is this correct?

**Changes in signs and nonconforming signs**, Mr. Stinson said you can change the message but cannot change the sign area. Mr. Levits asked why are real estate signs not required to get a permit and someone who wants to sell Christmas trees have to get a permit for a sign.

**Vehicles functioning as signs**, please explain this section. Mr. Palmer said you do not want a vehicle parked with a sign on it. It is not intended to be anything but a sign.

**Prohibited signs**, moving objects and balloons--what is an example of this section? Mr. Stinson said if it is there for a period for more than a day are primarily intended for advertising purposes.

**Off premise signs**, there is a sign that say Wind Gap Plaza, is the Wind Gap plaza sign a sign by itself and that each sign for each tenant separate? Mr. Stinson said it is the structure. Mr. Levits asked about the distance between signs? Mr. Palmer said there is a Zoning Hearing Board to interpret the zoning ordinance. There are going to be questions that come up that the Zoning Officer can not answer and then it goes to the Zoning Hearing Board for things that are not cleared to name a few. It is impossible to have an ordinance to cover every situation in the Borough. Mr. Palmer worked with the Zoning Officer Mr. Blick who is very well respected throughout Monroe County and we came up with things that are in other ordinances.

Council, Planner and Engineer answered each question.

Councilman Gassler reads a letter from Mr. Robert Matlock regarding parking, noise and odors. Councilwoman Lockard states that the Planning Commission recommended that TC extend up to Alpha Avenue and put limits on the Research Laboratory. Councilman Male stated that minor changes could be made. Councilman Stinson talks about the research lab that is a permitted by right use in a HI and IC district, would there be a problem with making both of those a special exception use in both zones? Mr. Palmer answered he does not see a problem. If we do that we need to establish criteria, you cannot just establish special exception, for Zoning Hearing Board reviewing, the Planning Commission suggested in putting a 500-foot set back, you would need 1000 feet to locate a research lab. The minimum of H-I is 20,000 SF approximately.

Councilman Pysher asked if we could exclude the dangers and chemicals that the research lab uses? Mr. Palmer said yes we could add that in. We might want to add that as special exception. Councilman Pysher asked if the boundary of TC would be a major change. Mr. Palmer considers it a major change. Mr. Zito said it is not a substantial change. Mr. Zito said for a substantial change, that requires re-advertisement and public notice. Mr. Zito states the municipality planning code requires the ordinance text itself or a complete summary of every provision is required. Mr. Zito chose the latter. Only the substantial changes will need to be re advertised.

Peter Stinson motions to end the meeting. Winton Male seconded the motion.

Roll call taken. Winton Male, William Pysher, Peter Stinson, Sandra Lockard and Kerry Gassler voted yes. Lou Paulhamus voted no.

Meeting adjourned at 10:51 p m

---

Millie Del Negro  
Recording Secretary

E:\SharedOffice Documents\Millie D 03\special meeting 9.30.03.doc