

WIND GAP BOROUGH

PLANNING COMMISSION

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MEETING: Thursday, April 6, 2006

MEMBERS: Linda Paynter
Todd Beil
Andrew Perrine
Joan Valley
Rebeca Shoemaker

OFFICIALS: Ronold Karasek, Esq. Solicitor
Brian Pysher, Borough Engineer

Linda Paynter calls the meeting to order at 7:30 p.m. Ms. Paynter asks for an approval on the January 5, 2006 meeting minutes. Joan Valley makes a motion to approve the minutes. Rebeca Shoemaker seconds the motion. All in favor. Andrew Perrine is not present at this time.

James Santo Subdivision

James Santo and Scott Policelli, Santo's engineer, are present.

Ms. Paynter asks Brian Pysher to review the letter of comments from Robert Collura, Borough Engineer. Mr. Pysher reads the following comments:

1. Plans must be signed by the Owner(s) and notarized. (Wind Gap Borough SALDO 402.e.1.g; 402.E.1.f.
2. An approved DEP Planning Module or notice from DEP that such approval is not required and must be provided and noted on the plan. (403.E.2.a)
3. Certification from the Wing Gap Sewer Authority that capacity exists to accommodate the development shall be required. (507.A.2) – Certification was received but not noted OK on the comments.
4. Certification from the Pennsylvania American Water Company, stating that it can adequately provided service, shall be required. (508.A) – Noted OK
5. A note stating that connection to the public waterline shall be required must be provided on the plan. (508.C) – Noted OK
6. Driveway must be a minimum of 5 feet from a property line. (509.I.1) – Applicant has requested a waiver of this requirement.
7. Installation of sidewalks is required. (510.B.1) – Applicant has requested a waiver of this requirement.
8. Concrete monuments are required to be placed at all outbound property corners. (511.A) – Applicant has requested a waiver of this requirement.
9. Utility easements are required along rear and side lot lines. (513) – Noted OK
10. Street trees, spaced not less than 40 feet or more than 60 feet apart shall be required. (514.I). Variety and caliper (2" caliper at 6' height) must be shown. (514.I.3) – Applicant has requested a waiver of this requirement.

11. The area of Lot Number 3 is incorrect – Noted OK
12. Address for Lot Numbers 1 and 2 must be noted on the plan.
13. Review and comments by the Lehigh Valley Planning commission must be considered. – Noted OK
14. Stormwater roof drains and pipes shall discharge water into a stormwater runoff dispersion and infiltration control device and not directly into storm sewers or street gutters. – Applicant has requested a waiver of this requirement.

Ronold Karasek would like to add number 15 to the review letter comments for a unification and merger deed for Lot 3 where that will merge and become part of the remaining tract. Mr. Karasek would like to know if applicants are required to file an application for waivers according to SALDO section 802 Waivers referencing Appendix 11 or has the Borough been lenient. Todd Beil states that since SALDO has been changed the waivers have not been a question until now and asks what is the proper procedure for handling the waivers. Mr. Karasek requests that the commission will need to decide if SALDO Appendix 11 will be used for waivers. Mr. Policelli states that SALDO Appendix 11 has been filled out for each lot. Mr. Karasek states that the SALDO waivers should be reviewed at this time.

Regarding driveway requirement (#6): Mr. Karasek asks Mr. Pysher what is the distance being requested. Mr. Pysher states the distance will be 2 feet from the property line. Mr. Santo states the driveway not meeting the requirement is an existing requirement. The new driveways will be in compliance with the ordinance. If the waiver is not granted, Mr. Santo states that he can remove 2-3 feet of the driveway to be in compliance. His opinion is that it is not interfering with the other property's line. Mr. Policelli states the property line of the new lot cannot be moved because it will fall below the 80 foot width requirement. Mr. Beil asks Mr. Santo if all he is requesting from the planning commission are the waivers. Mr. Policelli states that the planning commission will have to decide to grant Mr. Santo relief from the SALDO requirements. Mr. Beil reiterates the waivers being requested. Mr. Santo states on the waiver request for concrete monuments (#8) that some monuments will be placed at the required areas, just not on all property corners. Mr. Pysher states that the concrete monuments that will be set on the property are located on the plan. Since Mr. Pysher is unclear as to how the subdivision will be classified, whether minor or major, the concrete monuments requirement is set as a requirement for major subdivision and that is why it is listed on the letter.

Mr. Karasek asks if the plan is a major subdivision. Mr. Pysher confirms that based on the definitions of the requirements for major and minor subdivisions, the plan was considered as a major subdivision. Mr. Santo states that Kerry Gassler was going to discuss with Council changing the requirements in the ordinance for major and minor subdivision. Mr. Pysher confirms that the council is going to discuss the requirements. Mr. Karasek suggests that the planning commission should go through each waiver and grant or not grant or make recommendations regarding each waiver.

Ms. Paynter asks if there are any comments regarding the driveway waiver (#6). Ms. Shoemaker motions to grant waiver. Ms. Valley seconds the motion. Vote 3-1. Mr. Perrine is not present at this time. Waiver is granted.

Ms. Paynter asks if there are any comments regarding the sidewalk waiver (#7). Ms. Valley makes a motion to grant the waiver. Ms. Shoemaker seconds the motion. Vote 3-1. Mr. Perrine is not present at this time. Waiver is granted.

Regarding concrete monument waiver (#8), Mr. Beil asks Mr. Pysher how many monuments are required. Mr. Pysher states six are needed and the waiver request is for three. Mr. Beil asks if this is something normal. Mr. Pysher states that with most minor subdivisions the requirement would only be two monuments. Since this plan is considered a major subdivision the requirement is six. However, in most municipalities, this plan would be considered a minor subdivision. Ms. Valley asks what the monuments are. Ms. Paynter states they are put in the ground as a property marker, only the top of the monument shows on the ground. Mr. Karasek states that the monuments are expensive. Mr. Pysher states they are approximately one hundred to one hundred fifty dollars each. Mr. Policelli clarifies that a marker of some kind will be at each property point. Mr. Beil makes a motion to grant the waiver. Ms. Shoemaker seconds the motion. All in favor. Mr. Perrine is not present at this time. Waiver is granted.

Regarding street trees waiver (#10), Mr. Santo agrees that he will be leaving some trees on the lot but some trees need to be removed. Mr. Santo states that he does not know if the trees that will remain on the lots are necessarily street trees. Mr. Pysker clarifies that street trees are flowering or decorative set between the street right-of-way and front setback lines. The trees already existing on the property may not directly match the ordinance of street trees. Mr. Santo would rather leave the existing trees instead of cutting them down and planting decorative trees. Mr. Perrine arrives at 8:00 p. m. Mr. Beil motions to grant the waiver for trees with the condition of leaving some trees. Ms. Shoemaker seconds the motion. All in favor. Mr. Perrine abstains from the vote. Waiver is granted.

Regarding stormwater waiver (#14), Ms. Paynter asks how the stormwater is to be directed. Mr. Policelli states that without knowing the permeability of the soil that a dry well will most likely be used. The area of development, the water does not run into the road or affect any approved land. There's a sizable drainage swale on Robert Schultz's property that runs to West Street. Mr. Pysker states that the only problem is a need for an infiltration device required by the ordinance. Mr. Beil states that there is already a problem with water drainage and asks where the drainage is now. Mr. Policelli states that now the water runs from Lot 1 through Lot 2 behind Mr. Santo's house to Mr. Schultz's property. The roof water could be infiltrated by some shallow method but the expense could be greater than it's worth. Mr. Perrine suggests the water be drained to the sewer. Mr. Pysker states that the town is trying to move away from that and put the water back in to the ground, adding rainwater to the sewer messes with the water capacity. Mr. Santo is withdrawing the request for a waiver and will reissue plans to the engineer.

Mr. Policelli states that addresses were received for Lot 1 and Lot 2. (#12)

Mr. Karasek states the following conditions:

- A. Plans must be signed by the Owner(s) and notarized. (Wind Gap Borough SALDO 402.e.1.g; 402.E.1.f)
- B. An approved DEP Planning Module or notice from DEP that such approval is not required and must be provided and noted on the plan. (403.E.2.a)
- C. Address for Lot Numbers 1 and 2 must be noted on the plan.
- D. Stormwater roof drains and pipes shall discharge water into a stormwater runoff dispersion and infiltration control device and not directly into storm sewers or street gutters.
- E. Unification and merger deed for Lot 3.
- F. SALDO waivers noted on plan.

Mr. Policelli requests to have the preliminary/final plan approved together falling under a minor subdivision. Mr. Karasek suggests a waiver. Since three lots are being considered it should be a major subdivision but the Borough Council will need to decide if the minor subdivision rules are too strict. Mr. Perrine motions to grant the waiver for the plan to be considered a minor subdivision. Ms. Shoemaker seconds the motion. Vote 3-2. Waiver is granted.

Mr. Karasek asks the planning board to consider amending the motion to be more precise for the location of trees or how many trees on the waiver of street tree requirement (#10). Mr. Policelli states that they can show the trees that will be left on the front property on the plan. Lot 3 could have one new one. Mr. Santo states each lot will have a minimum of one tree in the front area. Mr. Karasek states that would give some substance to the motion. Ms. Paynter recommends to amend the motion. Mr. Beil motions to amend the previous motion to include one tree per lot in the front yard. Ms. Shoemaker seconds the motion. All in favor.

Mr. Karasek requests Mr. Santo to sign the conditional approval form. Mr. Santo complies. Mr. Karasek states the planning commission may vote on the plan. Ms. Valley motions to approve plan with the conditional approval form as final. Ms. Shoemaker seconds the motion. All in favor.

Mr. Karasek states the Borough Council will review the plans and conditions and may vote on the plans.

Posh Properties Subdivision

Joseph Posh and Jeff Ott, Mr. Posh's engineer, are present.

Ms. Paynter asks Mr. Pysher to review the letter of comments from Robert Collura, Borough Engineer. Mr. Pysher reads the following comments:

1. It should be noted that the "Preliminary Lot 12 Layout Sketch" is accepted and reviewed as a Sketch Plan only. – Noted OK
2. Wetland boundaries must be identified by metes and bounds and reference to a property corner. (Wind Gap Borough SALDO 402.E.5.g) – Noted OK
3. Lot line distances along the northerly and easterly boundary of Lot Number 12 must be noted on the plan. (402.D.2) – Noted OK
4. The number of lots should be noted in Site Data. (402.D.5) – Noted OK
5. A Soil Erosion and Sedimentation Control Plan and Narrative shall be required. (402.e.3.A & 402.D.12)
6. Applicant/Owners statement must be signed and notarized. (402.E.1.g)
7. A Wetland Report shall be required. (402.E.3.d; 407)
8. Streams, waterways and ecological sensitive area shall not exist within 100 feet of a lot improvement area. (506.A.1.c) – Noted OK
9. Storm sewer and swale analysis calculations have not been received by this office. Maximum allowable velocity shall be 10 feet per second. (506.F.4.d). Maximum velocity in grass-lined swale (sod) shall be 6 feet per second. – Noted OK
10. Stormwater roof drains and pipes shall discharge water into a stormwater runoff dispersion and infiltration control device and not directly into storm sewers or street gutters (or adjacent properties). A plan note, so stating should be placed on the plan. (506.G.13) – Noted OK
11. The minimum required cartway width is 36 feet. Plan shows 34 feet. (509.G.1) – Applicant is requesting a waiver from this requirement.
12. Borough Council may require street lights. (509.L) If required, detail of standard and lamp must be provided. Street lights are proposed along the northerly side of First Street. – Applicant is requesting a waiver from the requirement of lights on both sides of the street to lights on only one side of the street.
13. Sidewalk installation shall be required. (510.B) Detail must be provided. Sidewalks are proposed along the northerly side of First Street. – Applicant is requesting a waiver from the requirement of providing sidewalks on both sides of the street to sidewalks on only one side of the street.
14. Permanent concrete monuments shall be required at all corners of the outbound perimeter of the property and along at least one side of the street at the beginning and end of all curves. At least one monument shall be placed for every two lots or every 200 feet, whichever is less. (511.A & B) Note: Monuments shall not be required where existing iron pins are found. – Noted OK
15. Utility easements, 20 feet in width, shall be required along side and rear lot line. (513.B) – Noted OK
16. A drainage easement shall be required along all watercourses, drainage ways, channels or streams, adequate in width to preserve the unimpeded flow from a 100 year design rainfall. (513.H) – Noted OK
17. Street trees shall be required and spaced not less than 40 feet or more then 60 feet along each street frontage. (514.I) Variety and caliper (2" caliper and 6' height) must be shown. (514.I.3) – Noted OK
18. Metes and bounds must be provided around the detention basin easement. – Noted OK
19. Dimensional detail of the detention basin must be shown such that can be staked or verified in the field. (506.B.1.e) – Noted OK
20. Proposed stop signs, speed limit signs and street name signs should be shown on the plan. – Noted OK
21. Certification must be provided from the Wind Gap Sewer Authority that capacity exists to accommodate the development. (507.A.2)
22. Certification from the Pennsylvania American Water Company that it can adequately provide water service shall be required. (508.A) Plan must note the proposed source of water supply. (508.C)

23. Lot Number 12 does not meet front yard setback requirements (Variance shall be required)
24. Restrictive Covenant Number 1 states that the owner of Lot Number 13 will be responsible for reimbursement. There is no Lot Number 13. – Noted OK
25. Signature blocks should note the year 2006 – Noted OK
26. It is recommended that child-proof bar screen be attached to all open outfall pipes. – Noted OK
27. Review and comments by the Lehigh Valley Planning Commission must be considered. – Noted OK

Mr. Ott states that comment #5 has been started and comment #7 is in the works, and the Borough Engineer should be receiving a report soon.

Regarding waiver for cartway width (#11), Mr. Ott states the extension of First Street to Broadway is a proposed cartway width of 34 feet. First Street in existence is 34 feet in width. The ordinance requires the cartway width to be 36 feet. A waiver is requested to match the existing street width of 34 feet. If the waiver is not granted and the width of the road is set to 36 feet, the existing property of Jeffrey and Deborah Karner will have to remove a metal shed and request an easement for grading the road. Also, changing road widths can be confusing to drivers. Mr. Pysher requests seeing plans to continue the curbing along the First Street extension.

Mr. Beil requests reviewing all the waivers first and then returning to them to make motions.

Regarding waiver for street lights (#12) on only one side of the street. Mr. Pysher states that the waiver for sidewalks (#13) goes hand in hand with the waiver for street lights (#12). The sidewalks will be located on one side of the street along with the street lights.

Mr. Ott states that a plan was submitted to the Wind Gap Sewer Authority and they have not had time to react on it (#21).

Mr. Ott states that a plan was submitted to the Pennsylvania American Water Company and they have not had time to react on it (#22).

Mr. Ott states he has spoken to the Zoning Officer requiring a variance for Lot 12 (#23) and a variance will have to go to the Zoning Hearing Board. Mr. Ott believes he will receive the variance for Lot 12 because the lay out of the plan constitutes a physical hardship.

Mr. Beil suggests that no waivers be granted until the information is received regarding the variance from the Zoning Hearing Board. Mr. Ott would like to move forward with the waivers. Mr. Ott does not foresee any problems with receiving the variance or any of the other third party certifications. He would like to come back to the planning meeting with the final plan review instead of another preliminary plan review. Mr. Beil states that usually nothing is voted on if a variance is outstanding.

Mr. Ott states that Mr. Posh has agreed to extend First Street but does not want the entire project to be delayed waiting for the Highway Occupancy Permit. PENNDOT's waiting time for the HOP is approximately 4-6 months. Mr. Pysher states the HOP will be conditioned upon receiving the Occupancy Permit. Mr. Ott states that the property can be developed without the HOP.

Mr. Karasek states that Mr. Posh extended the time to act on this plan until June 5, 2006, so there is time to react on the plans. Mr. Beil makes a motion to react on the plans at the next meeting on May 4, 2006. Mr. Perrine seconds the motion. All in favor.

Mr. Ott will request a variance for Lot 12 (#23) from the Zoning Hearing Board. Jodi Phillips advises Mr. Ott that the paperwork for the hearing is required by April 12, 2006 to be scheduled at the May 3, 2006 meeting.

Mr. Ott would like to know if he has to submit a full plan package for the next meeting. Mr. Karasek suggests that Mr. Ott contact the Borough Engineer for what information is needed.

Ms. Paynter asks for any additional comments.

Ms. Valley motions to adjourn the meeting. Mr. Beil seconds the motion. All in favor.

Meeting is adjourned at 8:52 p.m.

Jodi Phillips
Zoning Officer/SALDO Officer