



WIND GAP BOROUGH

PLANNING COMMISSION

29 MECHANIC STREET, WIND GAP, PA 18091

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MEETING: Thursday, July 6, 2006

MEMBERS: Linda Paynter
Joan Valley
Andrew Perrine
Todd Beil

OFFICIALS: Matt Goodwrench, Borough Solicitor
Brian Pysher, Borough Engineer

Linda Paynter calls the meeting to order at 7:30 p.m. Ms. Paynter asks everyone to stand for the pledge of allegiance. A roll call is taken, Rebeca Shoemaker is absent. Ms. Paynter asks for approval of the May 4, 2006 meeting minutes. Joan Valley makes a motion to approve the minutes. Andrew Perrine seconds the motion. All are in favor, Todd Beil abstains. Ms. Paynter states that no one is present for public comment.

Posh Properties Subdivision – Final Plan

Jeff Ott of Ott Consulting, Inc. and Joseph Posh are present.

Mr. Ott states the preliminary plan was approved by Borough council on May 16, 2006 and the requested waivers were granted. Mr. Ott states that he has reviewed the letter of comments from Robert Collura, Borough Engineer, dated July 5, 2006 and has no objections to the comments requested. Mr. Beil requests that the comments that are not marked OK by the Borough Engineer be discussed:

5. A Soil Erosion and Sedimentation Control Plan and Narrative shall be required. (402.e.3.A & 402.D.12)

Mr. Ott states that the infiltration testing is being conducted on Monday. Once the testing is complete they can design the infiltration beds and submit it to the conservation district.

6. Applicant/Owners statement must be signed and notarized (402.E.1.g)

Mr. Ott states this will be done on the completed mylars for recording.

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)

Mr. Ott states that the plan is currently being review by the outside agencies and they are awaiting correspondence.

28. Plan note five (5) states, “Stormwater roof drains and pipes shall discharge water into a stormwater runoff dispersion

and infiltration control device and not directly into storm sewers, street gutters or adjacent properties.” A Plan note stating, “Prior to issuance of a building permit for each lot, required testing, design and calculations shall be submitted for approval of infiltration control devices.”

Mr. Ott states the testing will be done now and the design will be sent to the Borough Engineer.

29. An Improvements Quantity and Cost Estimate must be provided for all required improvements.

Mr. Ott states that the cost estimate will be done and submitted to the Borough Engineer for approval. It will then go to the Borough Solicitor.

30. Prior to granting of final approval, the applicant shall deliver to the Borough financial security (acceptable and approved by the Borough Solicitor) in the amount of one hundred ten percent (110%) of the cost to complete all improvements, and shall also enter into a legally binding Improvement Development Agreement with the Borough of Wind Gap (and acceptable and approved by both the Borough Engineer and Borough Solicitor) guaranteeing the installation and maintenance of the improvements. Securities shall be required for Phase 2 as well as Phase 1.

Mr. Ott states that when they do the cost estimate they will include both phases, in case the phases are recorded separately. Brian Pysher states that bonding both Phase 1 and 2 will secure the Borough with money to make improvements if for some reason the phases are not completed. Mr. Ott states that it is security for the Borough that the work will get done.

31. As a prerequisite to the release of the financial security for completion of improvements or a condition to Final Plan Approval, the applicant shall provide financial security guaranteeing the maintenance of the improvements in the amount of fifteen percent (15%) of the actual cost of installation of said improvements for a term of eighteen (18) months from the date of acceptance of the improvements by the Borough Council to secure both the structural integrity and functioning of said improvements in accordance with the design and specifications as depicted on the Final Plan Approval.

Mr. Ott states that this is security guaranteeing the developer will come back and repair anything that settles or over time is, for some reason, deficient.

32. A Preconstruction Meeting shall be required prior to commencement of any work.

Mr. Ott states he will make a Plan Note for the meeting requirements.

Mr. Ott states that is all they have to discuss.

Mr. Pysher states that he would like to add to the letter of comments, that a description of the roadways being dedicated to the Borough be given. He would also like a description of the grading easement and the waivers that were granted and the date they were granted noted on the record plan. Mr. Ott states that they can do that.

Mr. Perrine asks the status of the Highway Occupancy Permit (HOP) from PENNDOT. Mr. Ott states that they are working on the final plans for PENNDOT. They are trying to set up a meeting next week with PENNDOT at the site while the surveyors are present to make sure they have enough survey boundary. That way if they need additional surveys it can be taken care of that day. According to the Pennsylvania DEP in Wilkes-Barre, it is going to take approximately one hundred fifty (150) days to obtain the NPDES permit. Mr. Ott figures they are about sixty (60) days away from receiving the conservation district's approval. Therefore, the total days away from obtaining the NPDES permit is approximately two hundred ten (210) days. Mr. Ott believes that the HOP from PENNDOT will be finished before the NPDES permit. Mr. Beil asks if Phase 1 and 2 will start together. Mr. Ott states that they will be recorded together. Mr. Beil asks Mr. Ott to show on the plans what Council changed waivers on. Mr. Ott states that Council granted the waiver of the sidewalks and streetlights for the north side and that the sidewalks and streetlights are put in on the south side of the development, which is better for the development because you can extend the sidewalks onto 512. There is not enough room on the Karner property side to extend the sidewalks. Mr. Beil asks Mr. Ott to describe the curb changes. Mr. Ott states that upon Council recommendation, that instead of putting curb returns between lots eight

(8) and nine (9), which require more additional road right-of-way, that is made more sense to just stump the curbs right at the property lines of the lots. If a lower lot ever gets developed, then the curb returns would be put back in and the curb would evolve. Mr. Beil states that this will allow the property owners to know that they do not own the lane between the lots. Mr. Perrine asks who will be responsible for cutting the curb and returning it. Mr. Ott states that a developer would be responsible for the curbs and not the Borough. A future road may be required depending on the number of lots another developer may request. Matt Goodwrench would like to review the original conditions from the May 4, 2006 meeting and also the conditions from Council.

The agreement for conditional plan approval is as follows:

1. Planning Module approval or exemption
2. Certification from Wind Gap Sewer Authority re ability to hook-up and available capacity
3. Certification from PA American Water Co. re ability to hook-up and available capacity
4. Northampton County Conservation District Review and/or Approval
5. Other Permits (i.e. NPDES)
6. Deed of Dedication for Streets acceptable to Borough Engineer (or Alternate Engineer) and Borough Solicitor
7. Improvements Agreement with security acceptable to Borough Engineer (or Alternate Engineer) and Borough Solicitor
8. Maintenance Agreement with security acceptable to Borough Engineer (or Alternate Engineer) and Borough Solicitor
9. Monuments, pins and/or markers to be set in the field and certified, in writing, by Applicant's Engineer
10. SALDO waivers (if any) to be noted on the plan
11. Other Conditions:
 - a. A favorable wetlands report i.e. no building or disruption in wetlands
 - b. In the event the PENNDOT HOP for First Street and Route 512 cannot be obtained, developer will allow additional area so that a cul-de-sac can be installed as originally designed; otherwise, the motion made by Borough Council at it's meeting of 4/18/2006 will apply.
12. Signature of Plan
13. Notarization of Plan
14. Developer agrees to install partial curb radii between lots eight (8) and nine (9) to place proposed buyers on notice of possible road.
15. Required easement agreement with Raymond Cortez a/k/a Raymond Cortazzo for stormwater drainage facilities and detention pond on the property of Mr. Cortez a/k/a Mr. Cortazzo.
16. Requires Deed of Dedication
17. Requires Improvement Agreement
18. Requires Maintenance Agreement
19. Requires monuments and pins
20. Requires description of roadways on plan
21. Requires description of grading easement
22. All waivers are to be noted on recorded plan

The agreement is signed by Mr. Posh.

Mr. Pysher states that the setbacks are not reflected on the plan if a cul-de-sac would have to be put in. Mr. Ott states that he will change the setbacks to reflect the requirements if a cul-de-sac is needed and put a note on the plan that if the HOP is obtained, then the setbacks will reflect the minimum required by the ordinance. Mr. Pysher tells the planning commission that the setbacks on the plan now do not reflect the requirement for a cul-de-sac but the HOP will most likely be obtained before the final plan approval. This would affect lots five (5) and six (6).

Mr. Perrine asks in regards to the lane between lots eight (8) and nine (9), if the property owners take care of the lane over years, if the lane becomes eminent domain. Mr. Goodwrench clarifies that if a resident maintains another resident's

property for a certain amount of time and the rightful owner of the property does not challenge the other resident from taking the property then that resident may have an equitable interest in the property; however, this lane will be recorded on a deed at the courthouse so that should not be an issue.

Ms. Paynter asks if there are any additional questions or comments. Mr. Beil motions recommendation to Council for conditional final plan approval. Ms. Valley seconds the motion. All are in favor.

Ms. Valley motions to adjourn. Mr. Perrine seconds the motion. All are in favor.

Meeting adjourns at 7:55 pm.

Jodi Phillips
Zoning Officer/SALDO Officer