

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
610-863-7288**

**ZONING HEARING BOARD**

**IN ATTENDANCE:** Members: Anthony Curcio, Mark Sharp, Deborah Roseberry  
Professionals: John Molnar, Solicitor  
John E. Blick, Zoning Officer  
Millie Del Negro, Secretary

The Zoning Hearing Board meeting of November 5, 2003, was called to order at 7:30 p.m.

**Posh Properties  
Case No. 8-2003**

Anthony Curcio opens the meeting at 7:30 and states this case is a continuation from the previous case dated back in April 2003, Case No.: 2-2003.

All witnesses are sworn in.

John E. Blick, presents the Zoning Hearing Board exhibit one: Legal notice for the hearing, application, the property was posted in October, a copy of the application, a letter from the applicants attorney, eight copies of Northampton county tax records, one site plan, a list of residents within 200 feet and the Wind Gap

Mr. Molnar states the application was dated November 13, 2002. This matter was scheduled for December 4, 2002. At the request of the applicant, the proceedings were delayed pending a zoning change petition filed by the applicant, with borough council. That request has recently been granted. The property was rezoned to Commercial. A use variance was originally necessary, and is no longer necessary because of the zoning change. The matter was scheduled for another hearing in April 2002, attorney Zito sent a letter to Mr. Molnar with attachments containing the transcript of the first hearing in December 4 2002 and made copies for everyone. The applicant's attorney corresponded with Mr. Molnar regarding the April 2003 hearing that was scheduled stating that the client is withdrawing the zoning application and would not appear this evening. This is marked as Zoning Officers exhibit three. We are here tonight on the 2002 application.

Attorney Jim Preston is here on behalf of Posh Properties. Joseph Posh Sr. is here tonight along with Jeffrey Ott the engineer from Pennoni Associates. Mr. Preston states the list of requests as follows:  
1. For the required 20' buffer abutting a residential district.

2. For structures (retaining wall and driveway) located within 20' buffer.
3. For the required off street parking for the proposed Dunkin Donuts.
4. For the minimum 30' width driveway "at the curb line".
5. For the required 14' x 75' loading space for the proposed Dunkin Donuts.
6. For the maximum 35' width of driveways at the street lot line.

Mr. Ott reviews the plan, and is an expert witness. Plans marked as A-1 thru A-3 are described.

**Items 1 and 2**, the 20' buffer along the Dunkin Donuts bypass lane, we are installing pavement and a retaining wall within that 20' buffer due to vertical geometry.

**Items 3**, has only 70 spaces with a deficiency of 6 spaces.

**Items 4 and 6**, the driveway needs to be wider than 35' to meet Penn Dots standards.

**Item 5**, the loading space for Dunkin Donuts has a potential problem and there will be an encroachment during CVS 's business hours. The deliveries for Dunkin Donuts are one per week.

Mr. Sharp questioned how the square footage for CVS is determined. Mr. Ott said CVS has a program. Dunkin Donuts has a certain range of square footage. This is the square footage CVS has due to the geometry of the property. Mr. Curcio questioned if this is the smallest CVS has. Mr. Blick asked how high the wall would be. Mr. Ott states 6.5 foot concrete and will be 90 feet long. Planning Commission is waiting for the ZHB decision before they can make an approval.

Mr. Curcio asked about the right hand turn. Mr. Ott states it will have a stop sign control and a concrete island with a curb. Mr. Joseph Posh said this is a small CVS compared to others. We are using every bit of space on the property we possible can. No one has any questions.

Mr. Sharp asked about the hours of operation for Dunkin Donuts. Mr. Preston stated 4:30 am to 10 pm and there would be one loading and unloading per week. Mr. Sharp would like to make a condition with approval. Mr. Preston states CVS would not be a 24 hour business. Mr. Posh states it will be open from 9 am to 9 pm. Mr. Preston asked if Dunkin donuts could get their deliveries outside of CVS 's working hours. Mr. Posh said yes, before 9 am or after CVS closes.

Mr. Sharp makes a motion to grant the variances with the conditions that the loading for Dunkin Donuts does not take place during the hours of CVS.

1. Dunkin Donuts will not accept any deliveries during the hours CVS is open.
2. Approvals from SALDO.
3. Approvals from Penn Dot.
4. Approvals from PA American Water Co. and Sewer Authority.

Deborah Roseberry seconded the motion. All in favor.

Mr. Curcio makes a motion to adjourn the meeting. Mr. Sharp seconded the motion. All in-favor.

Meeting was adjourned at 8:20 p.m.

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Millie Del Negro  
Zoning Secretary

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