

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
610.863.7299**

ZONING HEARING BOARD

IN ATTENDANCE: Members: Mark Sharp, Deborah Roseberry and Sam Nittle
Professionals: John Molnar, Solicitor
John E. Blick, Zoning Officer
Mildred Del Negro, Zoning Secretary

The Zoning Hearing Board meeting of March 3, 2004, was called to order at 7:30 p.m.

**Jason Hartshorne
Case No. 1-2004**

Re-organization:

Deborah Roseberry motions to elect Mark sharp as chairperson. Mark Sharp seconded the motion. Mark sharp motions to elect Mr. John Molnar as the Zoning Hearing Board solicitor for 2004, Deborah Roseberry seconded the motion.

All witnesses are sworn in.

John E. Blick submits exhibit number one and consists of the Legal Notice, the application, site plan, three pages of Northampton county information and a list of property owners, located within 200 feet. The property has been posted.

Mr. Theodore Lewis is here to represent the applicant. Mr. Lewis questions the applicant Jason Hartshorne, 25 West Third Street, Wind Gap, PA 18091. There is a shed and a single family dwelling on the property now.

The proposed lot will be 46' 6" for the purpose to observe a ten (10) foot set back, and 73' 6" for

the other lot. That portion of the lot the applicant would like to construct a two family dwelling and the applicant would be within the Zoning ordinance for the side, front and rear yard requirements.

1-Mr. Hartshorne has only 73' 6" and this is one of the variance's the applicant is asking for. The lot width requirements for that lot would be 100 feet and is 9182.5 SF.

2-The dimensional variance that the applicant is asking for is on the existing home lot. He has only 46' 6" and the lot requirement is 80' feet. The lot area requirement is 8,000 SF and the map plan area is 5812.5 SF.

There is reference to Page 4-8 of the Zoning Ordinance Section 2.b regarding Nonconforming Lot, Residential lot.

Questions:

Deborah Roseberry asked about the off street parking. Mr. Hartshorne said he would use the back after he removes the shed. Mr. Blick asked how he would access the parking area. Jason Hartshorne would use the alley. Mr. Ralph Stampone asked if there is a paper alley how is going to be handled by the subdivision? Mr. Hartshorne is not aware of any paper alley. Mr. George Hinton asked if you can't park in the alley, where are you going to park the cars. Mr. Hartshorne was planning on putting the cars in the back. Mr. Benjamin Hartshorne, Jason's father wanted to know if there was a mention on the deed of any paper alley? Mr. Hartshorne said no. Mr. Kim Davis wanted to know who would maintain the alley? Jason said he would turn up Washington Street. Mrs. Kay Stampone asked if there would be any water run-off? Jason said Mr. Jim Dotta might be able to answer that. Mr. Lewis said that if and when this gets approved and goes to planning, that would be taken care of at that time. And the applicant would meet the requirements. Mr. Lewis submitted some pictures of the neighboring dwellings. Mr. William Beal asked what time of the day the pictures were taken? Jason said on a Sunday afternoon. Jim Dotta a General Contractor from JATA Construction is here to represent the applicant and the water run off will develop when you have a slope, this lot is flat. We still have to go in front of planning.

Comments:

Mr. Hinton mentioned that the traffic is horrendous and the snowplow is very difficult to go down that way and so is the truck traffic. Mr. Davis lives abutting Jason's property and has a shed along the alley and is has a garage and does not use his car during the snow season, and

wanted to know if Jason is going to maintain the alley and that Jason is asking to make a conforming lot into two non-conforming lots. Mr. Dotta uses his alley to get to his office on South Broadway and the alley gets plowed somehow. Mr. Molnar said that exhibit's A1-A16 as well as Mr. Blick's are all part of this record. Mr. Molnar said a written decision will be submitted within 45 days, and anyone who takes issue of that decision can file an appeal with the court of common pleas within 30 days of the mailing of that decision.

Rebeca Vassiliades/Shoemaker
Case No. 2-2004

All witnesses are sworn in.

John E. Blick submits exhibit number one and consists of the Legal Notice, the application, site plan, three pages of Northampton county information and a list of property owners, located within 200 feet. The property has been posted.

Mr. Paul J. Harak Attorney is here to represent Terry Shoemaker. The applicant is Rebeca, Terry's wife. This property is two lots that totals 4.5 acres. This property is at 424 Washington Street, Wind Gap, PA 18091. The variance from the requirement that a home occupation be conducted in the principal structure in order to operate a specialty precision small parts machine shop in an accessory structure. This occupation will not have any large parts coming in and out. Terry Shoemaker was a machinist programmer in Allentown. Terry brought in some samples of what he will be milling. The machines that will be used are a mill and a lath. The mill machine will be 5 to 6 ft x 8.5' high and the laith will be about 6 x 4' wide. The proposal is to operate the business in one of the existing buildings on his property. Terry will not conduct business outside or store any materials outside. There will not be a sign. The operation will not create any noise, any vibration or odor. This business will not create any light and the machines are run on electric. Ups or Federal express delivers a couple of times a week. There will not be any customer traffic. The proposed hours of operation will be 7 or 8 am to 7 or 8pm.

Questions:

Deborah asked about the disposal of Aculuve. Terry said is can be wiped off with a paper towel. Deborah asked about the ventilation in the building. Terry said he has no plan in putting any

exhaust fan in. William Beal asked if there will be anything bigger than a ups truck. The applicant said no.

Comments:

Paul Levits has a business in Wind Gap and thinks Terry should be granted a variance and Mr. Harak asked him if he started that he ran his business very similar to Mr. Shoemaker's out of his house, he said yes, and it was not in the Borough of Wind Gap. Mr. Beal has no problem with the home occupation. Mr. Harak said that the impact on the general area, you wouldn't be able to know that he is running the business.

The board moved to deliberate.

Mark Sharp makes a motion to deny Case 1-2004, Jason Hartshorne. Deborah Roseberry seconded the motion. All in favor.

Mark Sharp makes a motion that the variance is granted for Case 2-2004 Mr. & Mrs. Shoemaker with the following conditions:

1. Business is only to be conducted between 7 AM and 8 PM.
2. All deliveries are to be made within that time frame only.
3. Mr. Shoemaker will be the only worker in the business.
4. Mr. Shoemaker continues to live at the subject premises the variance and home relief is only granted on that condition.
5. Property owner Mr. Shoemaker is to have building to be properly ventilated according to applicable Federal, State standards.
6. Property owner Mr. Shoemaker to comply with all the Federal, State and Local standards.
7. Based on the testimony, no noise to emanate beyond the building.

All in favor. The motion is granted.

Mr. Sharp motions to adjourn. Mr. Molnar seconded the motion.

Meeting was adjourned at 9:40 PM.

Mildred Del Negro
Zoning Secretary

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