



BOROUGH OF WIND GAP

ZONING DEPARTMENT

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ZONING HEARING BOARD

IN ATTENDANCE:

Members: Mark Sharp, Sam Nittle, Kelly Ronalds

Professionals: Mark Minotti, Solicitor

Deborah Roseberry, Zoning Officer

Mildred Del Negro, Zoning Secretary / SALDO Officer

Ronald and Audrey DeCesare

Case No. 5-2005

Mark Minotti at 7:30 P.M called the Zoning Hearing Board meeting of September 7, 2005 to order.

All witnesses are sworn in.

Ronold Karasek Wind Gap Borough Solicitor is here to represent the Borough and questions the Zoning Officer. The property has been properly posted and advertised.

Deborah Rosebery submits exhibit number one, the Legal Notice along with an Appeal Application, Enforcement Notice and a site plan for Mr. Ronald DeCesare who resides at 1646 Alpine Drive, Pen Argyl, PA 18072.

Mr. Karasek states this property is located at 607 South Broadway, in the Commercial district and this use a "car sales lot" is permitted. The issue this evening is that a permit has to be filed for the

structure on the property. Sections 104 placing a structure without a permit and Sections 313.B.4 and 313.C.5 requiring the submittal of a site plan per section 409 along with a permit application. None was filed. Mr. Minotti asked Mr. DeCesare if the premise of what Mr. Karasek is saying and this is a legal determination whether a permit needs to be filed. Mr. DeCesare stated he does not agree with some of the things that are said. The biggest part of this is that a building was there already. There are no objections from any of the neighbors. In March of 2002 the original permit was obtained. In order to sell cars, you need to have an office on site and Mr. DeCesare rented a portable shed. There was a prior tenant Wes Bouika. Mr. Nedo is the new tenant. A shed was purchased and put on the property. The permit obtained thru Mrs. Roseberry stated he could sell cars.

Mr. DeCesare stated that beginning to end this would take a two (2) year process in this Borough and about \$150,000.00 to get all of the other permits. We do not have a sewer or water because the location for hookup is in the alley on the other side of the two homes behind this lot. We would have to go across State Road. Mr. DeCesare would like a two-year period to start these procedures so he is not put out of business. Mr. Karasek asked the Zoning Officer if there was a shed on the property before this application was submitted. Deborah said; no, she has not seen it. Mr. Karasek asked if she received a copy of the Northampton County picture of this lot and Deborah said yes, no structure was on the lot. Deborah looked for a permit for a structure in the files and found nothing. In 2002 there was a permit issued to sell cars only. In April 2005 Mr. DeCesare made an application to place a structure on that property and there was not a structure prior to April 2005. In May 2005 the application was denied by the Interim Zoning Officer. There was no appeal to that decision. Mr. DeCesare made an application in June 2005 under Deborah's watch. Deborah stated that a Change of Occupancy was applied for, and the permit was approved by Deborah. There was not a structure on this permit and it was made perfectly clear that this is not for a structure. There was no structure there and he did not ask for a permit for a structure. This is not for storage and this structure needs to comply.

Mark Sharp asked why the Interim Zoning Officer denied the application. Deborah stated because it needed a sewer for a permanent structure and a permanent use. Mr. DeCesare's position was it was too difficult to obtain a sewer there.

Mr. DeCesare asked if anyone in the audience had seen a structure there before, and that Mr. Male does remember a structure there he mentioned it at a Council meeting. Mr. Male said he does remember one there. Mr. DeCesare said there was one there for three years. He came in to see the Zoning Officer and was told he needs the permit and not the tenant, and he obtained one.

Mr. Minnotti asked if there are any questions for the Zoning Officer. Mr. DeCesare asked how simple it would be to get a permit? Deborah said she would have to check into this. He may need to submit a site plan to Base Engineering. A permit does not exist for a structure on this property. The Municipal Authority stated there is no sewer permit required. Winton Male discusses the position of

the Wind Gap Municipal Authority. Mr. Minotti stated that the issue here is that the Zoning Hearing Board has to make a legal decision whether there was a permit in the past or whether this structure requires a permit. Mr. DeCesare asked Mr. Nedo if there was a structure there and Mr. Nedo said yes. Mark Sharp asked why Mr. Nedo applied for a structure. Mr. Nedo said there was one there and it was a rental and Mr. DeCesare was in the process of getting a structure. Mark asked when the first structure was placed on the site? Mr. DeCesare said in 2002. Mr. DeCesare applied for a Change of Occupancy. Kelly asked if the structure placed in 2002 was a temporary structure? Mr. DeCesare said yes because it was not hooked up to any utilities. Mr. Thomas Nedo owns the cars and is the dealer.

The Borough presents exhibits.

Number 2, County record showing vacant lot dated 9/7/05.

Number 3, Application dated 12/17/02 to update existing sign filed by Wes Bouika. Number 4, Application by Thomas Nedo dated 4/21/05 and the work is to add a 16x12 office shed with a plot plan and it is different that the application from Mr. Nedo. Number 5, Letter from Michael Minervini rejecting the application to Mr. Nedo.

Number 6, Permit from Mr. DeCesare who filed this with Deborah for Change of Occupancy new tenant and continued use of selling used cars on lot.

Number 7, Permit from 12/21/02 to Mr. DeCesare for a sign.

The applicant presents exhibits.

Number one that is a Notice of Change.

Number two is an application dated 3/5/02 with site plan for a used car lot.

Mr. DeCesare asked that if this determination were not overturned, he would like a two-year timetable to comply to stay in business to get thru the challenges.

Zoning Hearing Board deliberates.

Mark makes a motion that a permit is required and must be approved and reviewed by Codes Enforcement.

All in favor.

Permits are required.

Mark makes a motion to adjourn the meeting. Sam seconded the motion.

All in favor.

Meeting was adjourned at 9:17 PM.

Mildred Del Negro
Zoning Secretary / SALDO Officer

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