



## **BOROUGH OF WIND GAP**

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## **ZONING HEARING BOARD**

### **IN ATTENDANCE :**

Members : Mark Sharp, Sam Nittle, ,  
Deborah Roseberry, Bob Matlock

Professionals : John Molnar, Solicitor

Darlene Plank : Zoning.Officer

The Zoning Hearing Board Meeting was called to order at 7 :30 p.m. on April 1, 2009. **On a Motion made by Mark Sharp, and Seconded by Sam Nittle, the Zoning Hearing Board annual re-organization was deferred until a later date due to the fact that all 3 regular board members were not present at this meeting. Vote 2-0 in Favor.** Mark Sharp remained as Acting Chair, and Sam Nittle as acting Vice-Chair.

### **Augustine Pullo and Frank & Pearl Casio Case No. 01-2009**

An Appeal was filed in the above-matter by the Apellants/Applicants, Augustine Pullo, Frank Casio and Pearl Casio, his wife, for property situate at 508 North Lehigh Avenue, Wind Gap, Northampton County, Pennsylvania. The Appeal was requesting a special exception use to change a non-conforming use to a take-out foods/deli facility at 508 North Lehigh Avenue.

The Board finds, based on the testimony presented from the neighbors, as well as testimony from the Applicant and Mr. Pullo that the standards of 407.G (non-conforming use) of the Wind Gap Zoning Ordinance are not met. The Board finds that there will be increased traffic generation and congestion, including truck and passenger cars.

This will also make the storage and waste disposal increase as well as noise and truck parking. Accordingly, the applicant has failed to show that the proposed change will be equally or less objectionable as set forth in 407.G from the existing use.

The Board finds that the Applicants failed to meet their burden of proof with respect to the standards set forth in 407.G of the Application. Testimony provided by the neighbors was credible in establishing the fact that the standards of 407.G were not met by the Applicants. As a result of the evidence presented to the Board, the Board finds that the Applicant failed to meet the standards as set forth in 407.G.

**On a Motion made by Mark Sharp, and Seconded by Robert Matlock the special exception use application was denied to change the use to a take-out food/deli facility under 407.G of the Wind Gap Zoning Ordinance. Vote 2-1 in Denial.**

Meeting adjourned at approximately 9:16 pm.

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Darlene Plank, Zoning Officer