

**MEETING MINUTES OF THE  
BOROUGH PLANNING COMMISSION  
BOROUGH OF WIND GAP  
NORTHAMPTON COUNTY, PA  
APRIL 7, 2022**

I/II. Opening/Pledge

The meeting was called to order and opened at 7:00 p.m. by Borough Planning Commissioner Chair Linda Paynter and the Pledge of Allegiance was recited.

III. Roll Call

Commissioners Linda Paynter, David Manzo, George Hinton and Michael McNamara were present. Also present were the Borough Planning Administrative Assistant D. Harbison, Borough and Planning Commission Solicitor, Ronold J. Karasek, Esquire and the Borough EIT, Brian Pysher. This meeting was held at the Borough Municipal Building, 545 East West Street, Wind Gap, PA 18091.

IV. Approval of Minutes

The Planning Commission Meeting Minutes of March 3, 2022 were approved on motion made by D. Manzo, duly seconded by M. McNamara and carried on a unanimous vote 4-0.

V. Public Comment-None.

VI. Plans to be Discussed

- A.            Applicant:     Cosmo Development Ltd.  
                  Type:           Land Development Plan-Sketch Plan only  
                  Project:         Proposed 24 Unit 3-Story Building  
                  Address:        29 Mechanic Street (Tax Parcels: E8SW4D-10-12, 12A and 11)  
                  District:       Zoning District: R-8 (Medium Density Residential)

The property is located on the corner of Mechanic and Water Streets (the old police station and municipal building). The plan proposes a low-rise, three story, multi-family building-housing 24 units-with associated off-street parking i.e. forty nine (49) off-street parking spaces and two (2) ADA spaces. The project is in the R-8 Zoning District where low-rise multi-family buildings are permitted. The Applicant appeared at last month's Commission Meeting to first discuss the project.

Present was the Applicant himself, Aashish Kharb, who also prepared the Sketch Plan. Further, he revised the Plan (on March 2, 2022) based upon some of the comments of the Borough Zoning Officer as per her Review Letter of January 31, 2022. That letter outlined various variances needed for the project such as minimum lot area, maximum impervious surface, maximum building height and off-street parking design. The Applicant stated that he did address the clear-sight triangle and the width and location of the driveway.

The Zoning Hearing Board required the recommendation of the Planning Commission on the requested variances so the (revised) Sketch Plan was again before the Commission. Parenthetically, the Applicant stated that he filed a revised plan dated March 17, 2022 which (presumably) has not yet been reviewed by the Zoning Officer so that the Commission was

uncertain as to whether its recommendations on the variances would still apply especially since the Zoning Officer had not yet seen the revised Plan.

Commissioner Hinton reiterated (as he did last month) that the Applicant should secure an engineer to draft the Plan; for example, elevations are not shown. The Borough EIT stated that the building footprint may need to shrink. Also from last month, there is now a parking garage underneath the proposed building which is accessed by a ramp; and, some concern was expressed regarding the ease of such ramp access. The Applicant (as any Applicant) is concerned about investing significant funds in a project without any assurance that the project would be approved. Unfortunately, the Solicitor noted that is always an Applicant's economic dilemma as to how one can be cost-effective with any project where variances and/or SALDO waivers are needed.

There was also some discussion about the square footage of each apartment. Based upon a building size of sixty-six (66') feet x one hundred forty-four (144) = nine thousand five hundred and four (9,504) square feet per floor divided by eight (8) units per floor would equal approximately 1,188 square feet per unit.

As to the variances needed, the Planning Commission made the following recommendations:

- The Zoning Ordinance requires a minimum lot size of 5,000 square feet per unit. Therefore and with twenty-four (24) units, the required minimum lot size would need to be one hundred twenty thousand (120,000) square feet. However, the total lot size is 32,586.74 square feet. The Commission recommended that this variance be denied on motion of Commissioner Hinton, seconded by Commissioner Manzo and on vote of 4-0.
- The Zoning Ordinance allows a maximum of forty (40%) percent impervious surface coverage. The Plan is proposing to reduce the impervious coverage from ninety six (96%) percent to seventy-one (71%) percent. Even with the reduction, the Commission recommended that this variance be denied on motion of Commissioner Manzo, seconded by Commissioner Hinton and on vote of 4-0.
- The Zoning Ordinance allows a maximum building height of thirty-five (35') feet and the height of the proposed building is forty-one (41') feet. The Commission recommended that this variance be denied on motion of Commissioner Manzo, seconded by Commissioner McNamara and on vote of 4-0.
- The Zoning Ordinance does not permit off-street parking spaces to back into a public street. Although the pintail Pan reflects that nineteen (19) off-street parking spaces would back into an alley, the Commission recommended that this variance be denied on motion of Commissioner Manzo, seconded by Commissioner McNamara and on vote of 4-0. However, it appears that this issue may have been resolved with the underground parking garage.

No further action was taken in this matter.

- B. Applicant: Peter Albanese  
Plan: Sketch Plan for Additional Residential Housing  
Location: 614 South Broadway

Gregory C. Noll filed an Application and an Engineer's Site Plan, PLS, on behalf of Valley Land Services, LLC. Peter Albanese was present at the meeting obo Valley Land Services, LLC.

The Borough EIT presented the background of the project as per his Review Letter of April 6, 2022 i.e. an existing single family residential dwelling is situate on 614 South Broadway. This property consists of two (2) separate tracts of land (40' x 125' each) but has only one (1) real estate tax ID number i.e. F8NW1D-2-8-0638. The present residential unit is located on one of the tracts.

The proposal is to construct a One Thousand Eight Hundred and Fifty (1,850) sq. ft. addition to the existing structure where such addition will be attached/connected to the existing structure with a small breezeway. The proposed structure (assuming the existing structure is included) will contain three (3) single family dwelling units. The Site Plan characterizes the uses as Single-Family Attached Dwellings. Six (6) parking spaces ( two [2] per dwelling unit) are proposed at the rear (west side) of the property with ingress and egress to this parking area from F Alley.

The Borough Zoning Officer prepared a Permit Denial Letter dated December 29, 2021 siting three (3) variances that were required in order to secure a building permit. Those variances are as follows:

- The Zoning Ordinance requires a minimal lot area of 15,000 sq. ft. (5,000 sq. ft. per dwelling unit) where 10,000 sq. ft. is proposed (80' x 125'); and,
- The front yard setback requires 25' and only 5' is proposed; and,
- The side yard setback requires 10' but only 8' is proposed.

The Borough EIT also discussed some additional items in his Review Letter including the location of the rights-of-way from centerline, the off-street parking and the Zoning District. (See Nos. 2, 4 and 14 of the aforesaid Borough EIT Review Letter.) As to these items, the Borough EIT stated as follows:

- The existing and proposed structures are such that the 30' right-of-way centerline goes through the structures. However, the Zoning Ordinance permits the modification of this by special exception use. (See Section 405.8 of the Zoning Ordinance); and,
- As to the off-street parking, the Zoning Ordinance does not permit backing into a public street and/or alley. Also, the off-street parking needs to provide for handicap parking. This parking design may need to be reviewed by the Zoning Officer since the plan that she reviewed did not depict either the past or present off-street parking space design; and,
- As the breezeway connects all three units creating one building, the Applicant submits that the project is comparable to three (3) townhouses in one (1) building.

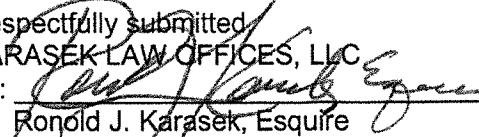
After further discussion of the project, the Planning Commission made the following recommendations as to the variances as follows:

- On motion by Commissioner Manzo, seconded by Commissioner Hinton and on a vote of 4-0, the minimum lot size variance was recommended to be denied; and,
- Since the building(s) to the south of the proposed structure are in line with and match the front line of the proposed structure and many buildings on South Broadway are close to the road and motion of Commissioner Manzo seconded by Commissioner McNamara and on a vote of 4-0 Commissioner recommended that the front yard variance be approved; and,
- As to the side yard variance, Commissioner Hinton is concerned with access between the buildings by firefighters in the event of a fire. The Applicant counters and states that 10' does exist if one considers the 8' for the project and the 2' from the adjoining property. Also, Mr. Albanese stated that the building will be fully sprinklered as the State Code requires sprinkling if there are three (or more) units. The Applicant also states that a commercial building only needs an 8' (not 10') side yard setback. While it appears that the Applicant might be able to meet the 8' side yard setback (if that is correct) with the new structures, the existing structure cannot meet this setback. Based upon this discussion, the Planning Commissioner on motion of Commissioner Hinton and seconded by Commissioner Manzo and on a vote of 4-0 recommended that the side yard variance be denied.

As the discussion began to close, Commissioner Hinton reminded the Applicant that he would like to see commercial building (as opposed to residential) on South Broadway/SR 512. Further, the Borough EIT stated that if the Applicant would consider a duplex (2 units as opposed to the proposed 3), this would be a use by right, would meet minimum lot area and yard requirements as a pre-existing non-conforming use.

No further action was taken in this matter.

- VII. Old Business: None
- VIII. New Business: None
- IX. Referral from the ZHB: See above.
- XI. Adjournment – 8:45 p.m. On a motion made by Commissioner Manzo, duly seconded by G. Hinton and carried with unanimous vote of 4-0.

Respectfully submitted,  
KARASEK LAW OFFICES, LLC  
By:   
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Planning Commission  
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