

**MEETING MINUTES OF THE  
BOROUGH PLANNING COMMISSION  
BOROUGH OF WIND GAP  
NORTHAMPTON COUNTY, PA  
DECEMBER 1, 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 and George Hinton were present. Michael McNamara was absent. 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 September 1, 2022 were approved on motion made by D. Manzo, duly seconded by G. Hinton and carried on a unanimous vote 3-0.

V. Public Comment-None.

VI. Plans to be Discussed

- A. Applicant: CRG Services Management, LLC**  
**Owners: Naper Development, Inc. et al.**  
**Type: Industrial Distribution Warehouse**  
**Address: 905 Pennsylvania Avenue (Tax Parcels: E8-4-13A et al.)**  
**District: Zoning District: IC (Industrial and Heavy Commercial)**

Present on behalf of the Applicant were Matthew Chartrand, P.E. (the Applicant's Engineer) and Blake Marles, Esquire (attorney for Applicant) and Mr. Robert Hoffman (the Applicant's Traffic Engineer).

The overall project is the construction of industrial warehouses in Plainfield Township where a portion of an access road – Industrial Drive - is to be constructed in Wind Gap. Improvements in the Borough will consist of inter alia 3,600 feet of various size stormwater pipes, stormwater inlets, manholes and end walls, stormwater pipes, water main, retaining walls, 1950 lineal feet of a forty foot (40') wide road and right-of-way grading. Accordingly, the project (within the Borough) consists of construction of the road and stormwater improvements. No buildings are proposed in the Borough.

The discussion began with the re-routing of Alpha Road to connect with Industrial Drive such that Alpha Road could be closed; and, PENNDOT would support deleting the Alpha Road intersection.<sup>1</sup>

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<sup>1</sup> Earlier, PENNDOT would not agree to this closure.

A Plan prepared by Traffic Planning and Design-which depicted a cul-de-sac at the end of Alpha Road was discussed. The Traffic Engineer stated that this was simply conceptual and there was no intention to actually construct this. Commissioner Hinton was upset as apparently this Plan (with the cul-de-sac) was presented to Plainfield Township without any prior discussion with the Borough which gave the impression that Wind Gap was suggesting a cul-de-sac. The Borough Engineer stated that there is no need for a cul-de-sac. The Borough could make it a dead-end driveway which would create easier access to the Alpha Road lots. Commissioner Hinton also was concerned if the proposed road at 28' feet in width is sufficient for tractor trailer traffic to make the designed turns.

There was also a SALDO discussion of SALDO Section 509.E.3-Street intersections where the SALDO states that a street can be no closer than 1,000' from an arterial or collector roadway (this is the same requirement as in the Zoning Ordinance). The distance of proposed Industrial Drive is 264 feet to Eighth Street and 411 Feet to Constitution Avenue. The Borough Planning Commission (on motion by Commissioner Manzo, seconded by Commission Hinton and on a 3-0 vote) recommended approval of the waiver as per the re-design and re-configuration approval as per the Borough Engineer. The Commission also recommends that the proposed cul-de-sac be eliminated and simply have Alpha Road directly connect with Industrial Drive. This would eliminate the closest road intersection to Industrial Drive and increase safety.

There was also discussion as to the proposed "No Parking" on South Broadway. This was of concern as some residents park on-street and along South Broadway. Attorney Marles stated that he will investigate this issue.

Finally, a written Extension of Time was provided to January 31, 2023 in which to take official action on this Preliminary Plan.

There being no further matters to discuss, the Plan was tabled on vote of D. Hinton. second by D. Manzo and vote of 3-0.

**B. Applicant: Cosmo Development, Ltd.**  
**Type: Land Development Plan**  
**Project: Proposed Fourteen (14) Unit Two (2) Story Low-Rise Residential Dwelling**  
**Address: 29 Mechanic Street (Tax Parcels: E8SW4D-10-12, 12A & 11)**  
**District: Zoning District: R-8 (Medium Density Residential)**

No new filings and one on behalf of the Applicant appeared to discuss this plan so on motion of D. Manzo and seconded by G. Hinton and on vote of 3-0, action on the plan was tabled.

VII. Old Business: None

VIII. New Business: None

IX. Referral from the ZHB:

**Applicant:** Allentown SMSA dba Verizon Wireless  
**Type:** Special Exception Use  
**Project:** Site Plan for Monopole Cell Tower  
**Address:** 545 East West Street (Tax Parcel: E8-21-1A)  
**District:** Zoning District: I-ME (Extractive Industrial) District

Present on behalf of the Applicant was the Applicant's Attorney (Steve Boell, Esquire) and the Applicant's Engineer (Shawn Sacks, PE).

The proposal was to construct a cellular tower consisting of a 153' monopole with 5' lighting rod. As the zone is I-ME, a Special Exception Use is required for this use so that the Planning Commission needed to make a recommendation on such use.

Discussion consisted of inter alia the color of the pole (and with the existing vegetation, there is no need to color the bottom of the pole), compliance with the set-back restrictions, parking at the facility and landscaping requirements. The compound would be 80' x 30' fenced compound with access off East West Street via a proposed easement. It will be fenced off with an 8' high fence and 1' barbed wire on top with a locked gate. Only electric and telephone utilities are required at the site. It does not require water or sanitary sewer. There will be no stormwater run-off and no noise, dust, smoke or odor.

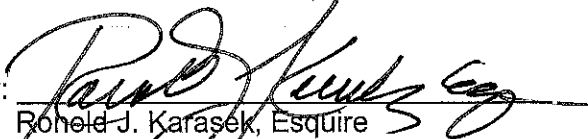
The matter is scheduled before the Borough ZHB in January 2023. As per the Borough Engineer Review Letter, there are also variance issues i.e. painting the tower green, tower setbacks, paving of the proposed parking spaces and landscaping.

Based upon a Supplemental Statement submitted with the Application (a copy of this Statement is attached to these Minutes) and on motion of Commissioner Manzo, seconded by Commissioner Hinton and on a vote of 3-0, the Commission recommended that the Special Exception Use and the Variances be granted.

X. Adjournment – 7:55 p.m. on a motion made by Commissioner Manzo, duly seconded by Commissioner Hinton, the motion carried with unanimous vote of 3-0.

Respectfully submitted,

KARASEK LAW OFFICES, LLC

By: 

Ronald J. Karasek, Esquire

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Planning Commission

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**BEFORE THE PLANNING COMMISSION AND ZONING HEARING BOARD  
OF WIND GAP BOROUGH, NORTHAMPTON COUNTY**

**IN RE: REQUEST OF ALLENTOWN SMSA LIMITED PARTNERSHIP  
D/B/A VERIZON WIRELESS**

**SUPPLEMENTAL STATEMENT**

**I. BACKGROUND**

Allentown SMSA Limited Partnership d/b/a Verizon Wireless (“Applicant”) is proposing to construct a wireless communications facility on property owned by Wind Gap Borough at 545 East West Drive in the I-ME (Extractive Industrial) Zoning District. Applicant requests special exception use approval as per Ordinance No. 406, Section 1. Additionally, Applicant requests variances from the following Sections of Ordinance No. 406: 1) tower setback requirements of Sections 16(d)(1) and 16(m)(3)(d)(3); 2) from painting the tower green as per Section 16(i)(2); 3) from paving the parking spaces per Section 16(f); and 4) to the extent necessary, from the landscaping requirements of Section 16(i)(4). Applicant’s requested relief should be granted as set forth below.

**II. REQUESTED RELIEF**

Applicant is proposing to construct a freestanding wireless commercial communications facility on property owned by Wind Gap Borough which contains the municipal complex. The facility will consist of a galvanized steel monopole one hundred fifty-three (153’) feet in height (158 feet to top of lightning rod), with panel antennas at the 150 foot elevation and accessory equipment cabinets and a standby generator on a concrete pad at the monopole’s base within a 30’ x 80’ fenced compound. A commercial communications tower is permitted by special exception in the I-ME District as per Ordinance No. 406, Section 1. The fence will be eight (8’) feet in height and constructed of chain link with one (1’) foot of barbed wire on top. Applicant is licensed by the FCC to provide communications services in Northampton County and the surrounding areas. The site is proposed on the northeastern portion of the property adjacent to a wooded area and away from the Borough building.

The proposed facility will be unmanned and requires only monthly visits for maintenance and repairs by a sport utility-type vehicle. Access to the site will be over the existing access off 545 East West Drive. Applicant will extend the access to the fenced compound by constructing a twelve (12’) foot wide gravel access as detailed on the plan. Existing public services and facilities are more than adequate for the facility. No noise, fumes, smoke, odors, etc. will be generated so as to constitute a nuisance. No radio frequency interference will occur as a result of installation of the facility. The antennas will comply with all FCC standards governing human electromagnetic radiation. In fact, the antennas will operate well below the permitted levels.

Ordinance Sections 16(d)(1) and 16(m)(3)(d)(3) require commercial communications towers in the IME Zone be set back a distance of 100% of the tower height from property lines. Based on a total structure height of 158 feet, a setback of 158 feet is required. The proposed monopole cannot be set back 100% of its height (158 feet) from all property lines due to the irregular shape of the property; the existing use of the property; the location on the site adjacent to existing dense vegetation; and the placement of the monopole on the tract to have the least impact on surrounding uses. The proposed monopole will be setback 85' from the closest property line; 133 feet to the western proper line (rear yard), and 153 feet to the property line along East West Drive (front yard). Applicant requires setback variances from these property lines as the monopole cannot be set back the required distance. The location on the property was selected by the Borough so the Borough has no concerns with the monopole's proximity to existing structures. The monopole will be designed and certified by a Pennsylvania-registered professional engineer verifying that the pole will be constructed in accordance with the industry's structural design standards (EIA/TIA-222(H)). The industry standards take into account wind and ice loading of an area. The monopole design results in the proximity to property lines not being an issue from a safety standpoint. Upon receipt of all necessary approvals, Applicant will submit monopole and foundation design drawings sealed by a Pennsylvania registered structural professional engineer specific to the proposed facility verifying adherence to the required design standards. The monopole will be designed to accommodate co-location as required. As required by the Ordinance, Applicant will have a professional engineer registered in Pennsylvania establish the "fall zone" which is defined as the area within which "there is potential hazard from the blowing and falling ice, falling debris, or the collapsing of the commercial communications tower". This letter will confirm there are no issues from a structural standpoint at the proposed location.

Accessory facilities at the base of the monopole meet the Ordinance requirements as they will not be used as an office or a broadcast studio nor for long-term vehicle storage or outdoor storage. No on-site employees will be permitted. Employees will visit the site as necessary for maintenance and inspection of the monopole and accessory equipment. Parking for the monthly maintenance vehicle is provided with two off-street parking spaces outside the fenced compound adjacent to the gate. It is intended that these off-street parking spaces will be comprised of gravel. To the extent that the gravel does not meet the Ordinance requirement of Section 16(f), a variance is requested. Due to limited traffic that will be generated by the site, the gravel material is appropriate for this use and relief should be granted.

Existing on-site vegetation is intended to be preserved to the maximum extent possible. The site will be located behind an existing wooded area along the property's frontage. Applicant is seeking a variance from Ordinance Section 16(i)(2) to not have to paint the tower green below the tree line as the entire monopole is proposed to be a galvanized silver/gray color. Painting the monopole green below the tree line will draw more attention to the structure than having the entire structure be a silver/gray color as there are not tall enough trees in the area for a green structure to blend. Ordinance 406, Section 16(i)(4) states that where a site abuts a public street or a lot that is either zoned residential or used for residential use, and where the base of the tower

can be seen from the public street or from a dwelling on the residential lot, the site perimeter shall be buffered by planting natural screening which blends in with existing vegetation providing an effective screen. Applicant submits that although the site is adjacent to a public street, the existing vegetation will create a natural buffer of the base of the facility from East West Drive. Applicant requests that it be permitted to use existing vegetation as it will achieve the same degree of screening or that a variance be granted. Applicant's proposed height of 153 feet does not exceed the height maximum of 200 feet and is the minimum height necessary to satisfy its function on the company's grid system. There are no existing tall structures within a quarter mile radius of the proposed site for the Applicant to co-locate and provide the necessary coverage. There are no existing towers within a one mile radius of the proposed monopole that can satisfy the coverage and capacity objectives of this site. The proposed monopole will not be within 100 feet of a lot zoned in the R-12, R-10, R-8 or R-M Districts pertaining to residential lot lines. Accordingly, Section 16(3)(d)(ii) is not applicable. Applicant will post security in a form acceptable to the Borough favoring the Borough in and amount to cover the tower and/or removal and site clean-up costs, which security can be utilized by the Borough in the event that the owner or operator of the tower fails to remove the tower within six (6) months of notification in the event of an abandonment.

Granting special exception use approval and the requested variances will not substantially injure neighboring property values and is not otherwise detrimental to the welfare of the community. Applicant's facility will be removed if the improvements remain unused. The improvements will be designed and located so that public health, safety, welfare and convenience are protected. The site will comply with all applicable regulations of the FCC, FAA and other State and Federal regulations. The improvements will not be within a flood plain, wetland, or historic area. The proposed location has been determined by Applicant's radio frequency engineers to be necessary to provide efficient wireless service to the public, the neighborhood, Wind Gap Borough and to individuals traveling in the area, including emergency, police and fire users.

The proposed location will have the least practical adverse visual effect on the community. The requested relief should be granted because it will not be detrimental to public health, safety, or welfare and will provide an economic benefit to the Borough. Applicant must construct its communications facility at this location so that adequate wireless service will be provided to the area. The proposed monopole setback will not pose a safety hazard. Granting special exception use approval and the requested variances will not alter the essential character of the neighborhood or district where the property is located nor impair use or development of adjacent property as wireless communications facilities are permitted by special exception on the subject property. Applicant is requesting the minimum relief necessary.

III. CONCLUSION

For the aforementioned reasons, relief should be granted.

Respectfully submitted,

FITZPATRICK LENTZ & BUBBA, P.C.

By: 

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Date: November 23, 2022