

**MEETING MINUTES OF THE
BOROUGH PLANNING COMMISSION
BOROUGH OF WIND GAP
NORTHAMPTON COUNTY, PA
JUNE 18, 2020**

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 and Planning Commission Solicitor, Ronold J. Karasek, Esquire and the Borough EIT, Brian Pysher. This meeting was held via Zoom where all Commissioners and the Borough Professionals attended remotely via ZOOM video and audio. Borough Administrative Assistant D. Harbison and Commissioner Chair Paynter were both physically present at the Borough Municipal Building but also attended via ZOOM.

IV. Approval of Minutes

The Planning Commission Meeting Minutes of May 7, 2020 were approved on motion made by D. Manzo, duly seconded by M. McNamara and unanimously carried on a vote 4-0.

V. Public Comment-None.

VI. Plans to be Discussed

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

An Application and a hand-drawn Sketch Plan was filed by Mr. Albanese; and, Mr. Albanese was present at the meeting.

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 either a residential two-family duplex on the vacant tract or construct two residential units to be attached to the present unit creating a 3-Unit Townhouse covering both tracts. Either way and as per Borough EIT Pysher, it appears

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that a zoning variance(s) may be needed for front yard and side yard setbacks¹; and, a single family residence on one tract with a duplex on the other tract would also need a variance inasmuch as the Zoning Ordinance does not permit two principal uses on one lot.

There was some discussion to whether or not residential development was allowed on this tract which is zoned as C (Community-Commercial). According to Mr. Albanese, such residential units are allowed as Uses Permitted by Right i.e. see Section 309B, 33 (two-family dwellings), 34 (single-family attached dwellings) and 35 (low-rise multi-family dwellings).

Mr. Albanese would prefer the two (2) residential units on one (1) tract i.e. the single family unit and the duplex unit rather than the 3-unit townhouse. However, Commissioner G. Hinton was of the opinion that the use should be commercial...and not residential...inasmuch as the property is located in the commercial zoning district. Commissioner Chair L. Paynter stated that she prefers the property be residential "as businesses come and go". Commissioner Manzo inquired whether or not the Zoning Officer has commented on the proposal.

After further discussion, and upon Motion by D. Manzo and seconded by G. Hinton (and on a unanimous vote of 4-0), the Commission recommended that the property be utilized for commercial (and not residential) purposes.

Parenthetically, and at or about the time the above Motion was made, Mr. Albanese was experiencing technical difficulties and missed that portion of the meeting. When he was able to log back on, he was advised of this Motion; and, he stated he would discuss the proposal with the Borough Zoning Officer (T. Serfass) and report back to the Borough.

- B. Applicant: J. G. Petrucci Company
Plan: JERC Partners, II, L.L.C.
Location: Male Road and Route 33 with the Project situate in both Wind Gap Borough and Plainfield Township
Project: 333,125 sq. ft. Warehouse with Tractor Trailer and Auto Parking
Zoning District: I – SC (Industrial & Shopping Center)

Present on behalf of the Applicant was Joseph A. Zator, II, Esquire of Joseph Zator Law Offices; Dominick C. Baker of J.G. Petrucci Co., Inc.; Joseph F. Correia, Executive Vice-President of Petrucci Co., Inc., Matthew Chartrand, PE of Bohler Engineering and John R. Wichner, PE, PTOE, Applicant's Traffic Engineer².

¹ The rear yard setbacks appear to be met.

² Also present by audio only was a Summer Intern with J.G. Petrucci Co., Inc.

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(Parenthetically the JERC Minor Subdivision Plan and the Land Development were both granted conditional preliminary and final plan approval by Borough Council on January 21, 2020. The present application is for an additional SALDO request.)

SALDO Section 509, K, 2 requires that access for a land development plan must be provided through two (2) or more access drives; and, such access drives shall be separated by a distance of at least one-hundred fifty (150') feet. In the instant case, the separation between the two access drives is only one-hundred ten (110') feet³; and, accordingly, the need for the SALDO Waiver.

Engineer Chartrand stated that the access drive (utilizing the Giroux property) while maintaining only one-hundred ten (110') feet separation is an access that makes sense since that such access lines up with the proposed intersection of the Green Knight Project. Further, the earlier suggested "Silver Line" access on the other side of the property is not owned by JERC but is owned by the former Silver Line Company. Since JERC does not have an Agreement of Sale with Silver Line, does not have any title interest in the Silver Line property and the like, PennDOT will not issue a highway Occupancy Permit for this access.⁴

Attorney Zator asked that he address the Commission regarding the SALDO Waiver; and, in doing so, he reviewed the requirements for such a waiver including the fact that (1) there is an undue hardship to the Applicant because of the unique and peculiar characteristics of the site and (2) the alternate access proposed achieves equal or better results than the SALDO. Mr. Zator indicated that there are wetlands along Male Road (so the access drive cannot be located there) and the Silver Line access is located in Plainfield Township where Wind Gap would have no jurisdiction. Still further, Mr. Zator stated that requiring an access road would be considered an "off-site improvement" that would not be allowed by the Pa Municipalities Code.⁵

In the course of his presentation, Attorney Zator stated that the Borough has no choice in the matter and "must accept" the SALDO Waiver to which such statement

³ Solicitor Karasek asked Mr. Chartrand how the separation distance of 110' was being measured; and, Mr. Chartrand answered that the measurement was from centerline to centerline of each of the driveways.

⁴ Mr. Chartrand stated that there have been discussions within the development community that the Silver Line site is being improved and updated so that use of this area (as the other access to the JERC site) may be able to be addressed in the future.

⁵ Solicitor Karasek asked Mr. Chartrand (as Attorney Zator had left the meeting) for Attorney Zator to provide to the Borough some legal authority for this position since Solicitor Karasek is of the opinion that merely requiring two (2) separate and distinct means of access would not be considered "off-site improvements".

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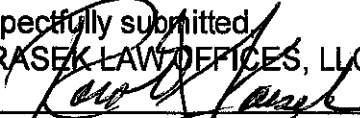
Commissioner D. Manzo vigorously objected. Mr. Manzo stated in no uncertain terms that no one should come to a Borough meeting and "demand" things⁶.

In response to Attorney Zator's presentation, Commissioner G. Hinton was of the opinion that the hardship was created by the Applicant in the way the project was designed. Also, Mr. Hinton was of the opinion that the turning radii (on the proposed Giroux access and into the site) would not work for the size of emergency vehicles. However, Mr. Chartrand did state that he might be able to redesign the access and widen the radius for emergency vehicle access. Nevertheless, G. Hinton was of the opinion such redesign would not be helpful regarding this access; and, again, stated he was of the opinion that the Silver Line was a better alternate.

After further discussions and upon motion by G. Hinton and seconded by D. Manzo (and on a unanimous vote of 4-0) it was recommended that the SALDO Waiver requested by rejected by Borough Council.

Finally and while not discussed at the meeting, the Borough SALDO (Section 509 K-Emergency Access Requirements) does contain provisions in the event that the Applicant is unable to provide access through two or more streets or access drives (See 509K, 3a-d). This subsection did not seem to be fully addressed

- VII. Old Business: None
- VIII. New Business: None
- IX. Referral from ZHB: None
- X. Adjournment – 8:05 p.m. On a motion made by Commissioner Chair L. Paynter, duly seconded by D. Manzo and carried with unanimous vote of 4-0.

Respectfully submitted,
KARASEK LAW OFFICES, LLC
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⁶ Mr. Correia stated that it was not his intent for his company to upset anyone. He stated that his company is trying to be a good neighbor with the Borough and is attempting to work together with the Borough on this project.