

**MEETING MINUTES OF THE  
BOROUGH PLANNING COMMISSION  
BOROUGH OF WIND GAP  
NORTHAMPTON COUNTY, PA  
APRIL 6, 2023**

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 and David Manzo were present in the Meeting Room while Commissioner George Hinton was present via telephone. Commissioner 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 March 7, 2023 were approved on motion made by D. Manzo, duly seconded by G. Hinton and carried on a vote of 2-1 (L. Paynter abstaining).

V. Public Comment-None.

VI. Plans to be Discussed-None

VII. Old Business: None

VIII. New Business:

**A. Zoning Ordinance Amendment of Keeping of Chicken within the Borough Ordinance**

The Borough Zoning Officer (Suzanne Borzak) discussed the Zoning Ordinance Amendment that she prepared and the review comments prepared by the Borough Solicitor were also addressed.

The Solicitor comments included inter alia whether there should be a maximum number of chickens per lot (as per the Zoning Officer she suggested four chickens be the maximum number; that the structure of the chicken pens include both the chicken coop and the run; how to measure the minimum 20' side and rear yard lines i.e. from what part of the structure; a recommendation that "commercial purposes" include the words "retail, wholesale and no commercial breeding"; a recommendation that the chicken coop and run are to be "safe, secure, escape proof" and to "allow for adequate exercise and for sanitary septage drainage and disposal"; that any waste or droppings are to be placed and discarded in suitable containers that are vector proof i.e. no attraction of no flies, mosquitos and mice/rats (the same applies for feed containers); a permit application will need to be prepared for this use; that there be no butchering or slaughtering of chickens except if the owner and/or the owner's family intend to eat the chicken; the draft that was reviewed did not contain fine or penalty provisions as the

proposed ordinance will be an amendment to the Borough Zoning Ordinance so the Zoning Ordinance fines and penalty provisions will apply.

Commissioner Hinton was of the opinion that adopting such an ordinance would “open a can of worms” and does not make sense, especially in a Borough.

Commissioner Manzo asked what would happen to any present owners who would be in violation of the ordinance? The Solicitor stated that if the amendment would be adopted and while a pre-existing, non-conforming use is generally grandfathered, and an illegal pre-existing, non-conforming use cannot be grandfathered<sup>1</sup>.

Finally, it was discussed that one Council member is a chicken owner; and, that person should not be allowed to vote.

On motion made by Commissioner Hinton and seconded by Commissioner Manzo the Commission voted not to recommend adoption of the ordinance.

**B. Zoning Ordinance Amendment for New Definitions of “Parking Lot,” Types of Uses for “Parking Lot,” Amendment of Sign Provisions and Clarification of Sign to Issue or Refuse Zoning Permits**

Zoning Officer reviews the zoning ordinance amendment which she prepared. As to “parking lots,” there was a discussion as to parking lots for warehouses and PA Department of Transportation regulations for trucking spots and drivers. Further, while parking as an accessory use should be permitted, it should not be permitted on a vacant lot as a principal use.

The Borough EIT, Brian Pysher of Robert L. Collura, PE., prepared a Review Letter on the ordinance amendment dated April 5, 2023. That Review Letter was discussed. The Borough Engineer commented that the present Zoning Ordinance has the definition of “Parking Facility” which is a permitted use by right in the IC (Industrial) Zoning District, I-SC (Industrial and Heavy Commercial) Zoning District and I-ME (Extractive Industrial) Zoning District. Accordingly the Engineer suggested that it may be more appropriate to amend the requirements for a “parking facility” rather than add a new “parking lot” definition as a special exception use in the commercial/ industrial/extractive zoning districts.

As to signs and billboards, the Zoning Officer stated that signs and billboards will need to be certified by an engineer to confirm that such signs and billboards will withstand wind, snow and ice loads and so on. Mr. Pysher stated that signs should not be allowed to project over the sidewalk. There was also discussion that such signs be inspected annually.

Finally, there was discussion that the Zoning Officer be afforded fifteen (15) business days to act upon a zoning permit rather than the present ordinance requirement of fifteen (15) calendar days.

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<sup>1</sup> Borough Ordinance No. 481:Nuisance Ordinance (adopted on April 16, 2013) does not allow for inter alia chickens-see Section 7-Other Animals which ordinance provisions are incorporated into the Borough Zoning Ordinance.

Wind Gap Borough Planning Commission  
Meeting Minutes of April 6, 2023  
Page Three (3)

After further discussion, it was decided that the Zoning Officer and Mr. Pysner will confer and re-present a revised ordinance to the Borough Planning Commission. (On motion by Commissioner D. Manzo and seconded by Commissioner by G. Hinton) the matter was tabled on a unanimous vote of 3-0.

IX. Referral from the ZHB: None

X. Adjournment – 8:15 p.m. on a motion made by Commissioner L. Paynter, duly seconded by Commissioner D. Manzo, the motion carried with unanimous vote of 3-0.

Respectfully submitted,

KARASEK LAW OFFICES, LLC

By: 

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