

**MEETING MINUTES OF THE
BOROUGH PLANNING COMMISSION
BOROUGH OF WIND GAP
NORTHAMPTON COUNTY, PA
NOVEMBER 2, 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, George Hinton, David Manzo and Michael McNamara were present in the Meeting Room. 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 May 4, 2023 were approved on motion made by G. Hinton, duly seconded by D. Manzo and carried on a vote of 4-0.

V. Public Comment-None.

VI. Plans to be Discussed-None

VII. Old Business:

A. Zoning Ordinance Amendment of Keeping of Chickens within the Borough

The Borough Solicitor discussed the most recent revisions to the Chicken Ordinance which must be a Zoning Ordinance (ZO) Amendment. It cannot be a stand-alone ordinance as the present regulations are found in the Borough Zoning Ordinance (see ZO, Article 314.C.5.c) where chickens (and other animals such as cattle, horses, goats, pigs so on) are not permitted in the Borough.

In the meantime, the Lehigh Valley Planning Commission Review Letter (dated June 20, 2023) was received after the last Meeting in May. The letter recommends that there be regulations as to odors, noise, sanitation and vector control i.e insects, rodents so on. Further, the residence (housing the chickens) must be occupied by the property owner or the resident must have the property owner's express, written permission to keep chickens.

There was discussion that several residents have chickens and roosters; however, the Zoning Officer had forwarded Enforcement Notices with which there was compliance i.e. the chickens were removed. There are still some that do not comply.

As to the Smith Zoning Hearing Board case that is on appeal to the Court of Common Pleas of Northampton County, Mr. Smith had stated that he was going to remove his chickens but he never did. Solicitor discusses possible mandatory injunction to remove the chickens as the PA Municipalities Planning Code does not grant an automatic stay of the enforcement action upon an appeal to the County Common Pleas Court. See 53 P.S. Section 11003-A(d)

The Zoning Officer stated that the Commission needed to address the "elephant in the room" i.e. does the Commission want to allow chickens in the Borough? After a pro-con discussion, the Planning Commission-upon motion G. Hinton, seconded by D. Manzo and on a vote of 4-0 the Commission-voted that there be no zoning changes and chickens are not permitted in the Borough.

B. Zoning Ordinance Amendment for New Definitions of "Parking Lot," Types of Uses for "Parking Lot," Amendment of Sign Provisions and Clarification of Signage Issues or Refuse Zoning Permits

There was not much discussion on the ordinance revisions. Discussion centered upon the "jumbo-tron" digital sign that has been installed near McDonalds and Arby's. G. Hinton stated that there have been one hundred and twenty-four (124) social media posts and that "his phone has been ringing off the hook" about this sign. He states that everyone is blaming the Borough for this sign...and it is not the Borough's fault.

In the meantime, the Lehigh Valley Planning Commission (LVPC) Review Letter dated September 23, 2023 was received after the last Meeting in May. The letter commended the Borough on updating the ordinance and that personal expression signs be included in the revisions. The size type and dimensions of the signs should be content-neutral with attention to electronic and digital signs.

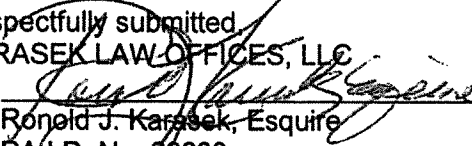
There was a brief review of definitions, types of signs and locations, sign permits required, sign areas, general sign regulations including, temporary signs, promotional signs and digital/electronic signs. There was also discussion as to the allowable zoning districts for signs along with off-premises signs. Also, the change from "15 days" to "15 business days" clarifies the time limit when the Zoning Officer must act upon a permit application.

No action was taken in this matter.

VIII. New Business: None

IX. Referral from the ZHB: None

X. Adjournment – 7:35 p.m. on a motion made by Commissioner G. Hinton, duly seconded by Commissioner D. Manzo, the motion was carried with unanimous vote of 4-0.

Respectfully submitted
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