

**BOROUGH OF WIND GAP  
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The Council meeting of the Borough of Wind Gap on Tuesday September 17, 2019, was called to order at 7:06 p.m. by Council President Dave Hess, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmembers: George Hinton, Joyce McGarry, Mike McNamara, and David Manzo. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, and Borough Administrator Louise Firestone. Absent were Mayor Mitchell D. Mogilski Sr., Councilmen Kerry Gassler and Jeff Yob.

**PUBLIC COMMENT**

1. Attorney Vogt – Prosper Lehigh Valley (Water’s Edge Development) - Attorney Vogt represents Prosper Lehigh Valley who has a contract with Water’s Edge Development, Jack Muschlitz, for the purchase of and construction of the units on the property along East West Street and Longcore Road with closing within the next few of weeks. The development received Borough approval last year with Mr. Muschlitz currently constructing the site improvements. Jack will have a contract to continue the construction of the improvements. Prosper Lehigh Valley will be building the units themselves on the property. Attorney Vogt asked for Councils’ consent should the improvements agreement need to be assigned to the new buyer. Attorney Karasek said that what the Borough traditionally requires that the owner and the developer are on the improvements agreement and the bonding. He does not have problem putting the new developer on the bond and that the owner continues to remain on the bond and the improvements agreement. Attorney Vogt said that Jack Muschlitz’s Company would be maintaining the bond and his client agreed to reimburse him for the cost. He will send in the forms to have his client on the agreement and bond. Jack is selling the real estate while retaining his obligation to build it out. Attorney Karasek said the Borough would want the new owner plus Jack Muschlitz to remain on the development agreement.

2. JERC Male Road Development – Joseph Zator of Zator Law Offices came before Council to discuss follow up to the recommendations that the developer received from the Planning Commission. Attorney Karasek said that there is a minor sub-division plan and a land development plan dealing with this development.

**JERC Partners LII, LLC – Minor Subdivision Plan**

**SALDO Sections 305 and 306– Preliminary/Final Plan Application**

- SALDO Section 305/306 requires both a preliminary and final plan. The applicant has requested a waiver of these sections to allow the plans to be filed jointly as Preliminary/Final plans rather than separate applications.
- The Planning Commission recommended that the waiver be granted due to the limited complexity of the project and filing two plans would not provide any more information to the Borough (or its professionals) that would make any significant difference in either plan

review or its approval.

#### **SALDO 402.A.1 Drafting Standards**

- The Preliminary Plan shall be clearly and legibly drawn by a registered professional, to a scale of one inch equals fifty feet or larger. The applicant has requested a waiver of this requirement.
- The Planning Commission recommended that a partial waiver be granted, the request is for a partial waiver to 1"=60' as this will still provide the detail necessary to review the project.

#### **SALDO Section 402.A.4 Drafting Standards**

- This section requires plans be submitted on 24'x36' sheets. This request is for a partial waiver of sheets to 30"x42".
- The Planning Commission recommended that a partial waiver of sheets 30"x42" be granted as this will improve overall readability and minimize the need to match lines.

#### **SALDO Section 402.C.4 Existing Features**

- This section requires that all existing features within two hundred (200') of the site be shown. This request is for a partial waiver as the extent of the existing conditions depicted in the plan i.e. all information along Male Road, SR33 and south and west has been provided and is sufficient to review the proposed plan.
- The Planning Commission recommended this waiver on condition that (as per the Borough Engineer) all of the existing features on the Giroux tract are shown.

**On motion** by George Hinton to grant the 4 SALDO waivers: Section 305/306, 402.A.1, 402.A.4 and 402.C.4 with respect to the Sub-Division and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

#### **JERC Partners LII, LLC – Land Development Plan**

##### **SALDO Sections 305 and 306– Preliminary/Final Plan Application**

- These sections require both a preliminary and final plan. The applicant is suggesting this because the plan is not that complex and that the filing of two plans would not provide any more information to the Borough or its Professionals that would make any significance difference.
- The Planning Commission recommended that waiver to be granted, however, the Borough Engineer does not recommend that there only be one plan, he is recommending both a preliminary plan and then a final plan.

Brian Pyscher said there are requirements for final plan approval that have not been submitted yet. Once we have that documentation there should not be an issue, we do not have the documentation at this point. He is not recommending that this waiver be granted.

Matt Chartrand of Bohler Engineering said that they are not asking for a waiver of final plan or asking Council to vote on their plan tonight. What they are asking for is a waiver from having to go through the preliminary approval process and then come back for final approval. At such time that the plan is ready, which they discussed, their hope is that they have one more submission that can be reviewed by Brian and his office to the point that they clean up all engineering items and come back for approval and they don't want to come back for preliminary and then come back a month later for final.

Brian said that he wants to make sure that all the requirements of final plan approval are met. Matt said they are in agreement with that, they are asking in terms of the waiver is to

waive the need to go through a preliminary review also. They absolutely agree that there will be a final plan, final plan review and all those conditions would be met. They are asking to waive the preliminary portion only. Brian said that as long as the Borough is guaranteed that all the requirements for final plan are met.

**On motion** by George Hinton to approve the waiver for SALDO Sections 305/306 on condition that all final plan requirements are met and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

#### **SALDO 402.A.1 Drafting Standards**

- This section requires that the Preliminary Plan shall be clearly and legibly drawn by a registered professional, to a scale of one inch equals fifty feet or larger. The applicant has requested a partial waiver of this requirement.
- The Planning Commission recommended a partial waiver as this will still provide the detail necessary to review the project.

#### **SALDO Section 402.A.4 Drafting Standards**

- This section requires that preliminary plans and all submitted plans thereof shall be made on sheets of standard 24" by 36" in size. This request is for a partial waiver of sheets to 30"x42".
- The Planning Commission recommended that a partial waiver of sheets 30"X42" be granted as this will improve overall readability and minimize the need to match lines.

#### **SALDO Section 402.C.4 Existing Features**

- This section requires that all existing features within two hundred (200') of the site be shown. This is for a partial waiver as there are various existing conditions depicted in the plan.
- The Planning Commission recommended a waiver on condition that all information along Male Road, SR33, areas south and west of the tract and the Giroux parcel has been (or is to be) provided by the Applicant so that there is sufficient information to review the proposed improvements.

**On motion** by George Hinton to grant a partial waivers for SALDO Section 402.A.1 to allow the Plan to be drawn to a scale of 1" = 60' in lieu of the required 1" = 50', SALDO Section 402.A.4 to allow 30" x 42" plan sheets sized in lieu of the required 24" x 36" size., SALDO 402.C.4 is requested from providing all existing features within 200 ft. of the subject properties and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

#### **SALDO Section 506.G.7 Design standards- Collection & Conveyance Facilities.**

- This section requires that stormwater management pipe collection and conveyance system shall have a minimum diameter of 15'. The applicant is requesting a partial waiver from 15" to 12" diameter.
- The Planning Commission recommended a partial waiver based upon the Borough EIT calculations.

**On motion** by George Hinton to grant a partial waiver for SALDO Section 506.G.7 for roof drains to have a diameter of 12" in lieu of the required 15" and seconded by Mike

McNamara. Roll call taken. Council agreed unanimously.

**SALDO Section 510.A.3** Parking Areas and **SALDO Section 514.E.4** Off Street Parking

- This section requires that larger parking lots be landscaped and continually maintained i.e. compounds designed for more than 10 spaces no less than 5% of the total area for parking (Section 510.A.3) and that percentage increases to 10% for any parking area greater than 2,000 square feet (Section 514.E.4). Due to the size and shape of the property the parking area has been designed to maximize landscape area such that a partial waiver has been requested from 5% to 3.7%. Further, the need for landscape screening is not needed as much as it would be for a shopping center that requires an appealing and aesthetic look so forth.

- The Planning Commission recommends a partial waiver from 5% to 3.7%.

Matt Chartrand of Bohler Engineering said that the area they are talking about is the employee parking area and the requirement in the code for interior landscaping, they have areas there where the islands are placed and trees within them to break up that parking area, that is the intention of the code. The way that the site is graded and the way that they need to orient things to make it work, they could not fit all of that landscaping interior to that parking area. What we alternately agreed to, was if they were to go to that full 5% and 10%, they calculated the number of trees that would have been required by those parking spaces that they would have lost. They came up with the calculation

**On motion** by Dave Manzo to grant a partial waiver of SALDO Sections 510.A.3 and 514.E.4 which requests that the parking lot be landscaped and maintained on condition of the alternate landscaping with 8 trees and seconded by George Hinton. Roll call taken. Council agreed unanimously.

**SALDO Section 510.B** Sidewalks **(SALDO Section 509.G)**

- This section requires the installation of sidewalks.
- The Planning Commission has recommended a partial waiver, not of the sidewalk but of the shoulder width because the proposal is that the road width is 35' with 17' on each side and a 12' wide travel lane, 1' wide shoulder and a 4' wide sidewalk that meets the 17'. Since the sidewalk is being proposed then the sidewalk waiver is no longer required but the shoulder width waiver would be required. Based upon that and that the sidewalk will start immediately at the curb. Paving and restoration should be coordinated with the Green Knights so the road can be installed without ripping up newly installed pavement.

**On motion** by George Hinton to grant a partial waiver of SALDO Section 509.G on condition that they provide sidewalks along the perimeter of the development along Male Road with the travel lane of 12 foot wide, a 1 foot wide shoulder, and a 4 foot wide sidewalk that meets 17 feet, this was granted not for sidewalks but for shoulder width on condition that the road is done in this fashion and seconded by Dave Manzo. Roll call taken. In favor – G. Hinton, D. Manzo, J. McGarry. Opposed: D. Hess, M. McNamara. Motion carried with a vote of 3-2.

**SALDO Section 514.E.2** Off-Street Parking Areas

- This section requires that no parking lot be any closer than 10' to a building. Due to the configuration of the westerly portion of the site a distance of 10' cannot be achieved without creating additional grading cuts and disturbance further the proposed sidewalk would allow for adequate space.
- The Planning Commission recommended a partial waiver of shoulder width where the

sidewalk starts immediately at the curb.

**On motion** by Dave Manzo to grant a partial waiver for SALDO Section 514.E.2 to permit a parking lot to be located closer than 10 feet to a building and seconded by George Hinton. Roll call taken. Council agreed unanimously.

3. Mr. Harvey of 24 West First Street came before Council with water concerns. Just recently they started to get an excessive amount of water, at his house, in his basement, the lower part of his property, the alley that goes east and west from E 2<sup>nd</sup> Street. Brian went to the property and walked the adjacent properties and the alley and concluded that the Borough does not have any facilities there that could generate that amount of water that is flowing. He suggested that is a water issue and the Mr. Harvey should contact the water company regarding their main in the alley.

### **APPROVAL OF MINUTES**

**On motion** by Mike McNamara to approve the September 3, 2019 minutes and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

### **NEW BUSINESS**

1. Alpha Road – Weight Limit Restriction/Ordinance Brian Pysker said that he should have the report by the end of the week. He will forward it to Attorney Karasek so he can incorporate it into an ordinance.

2. Alpha Road – Street Closure – Dave Hess reported that the road is currently closed from 7:00 a.m. to the completion of the work for the day, which is anywhere between 3:30 to 5:00 p.m., after that it is opened. The road is dirty and stones are drug out onto 512, every morning so the Street Department has to sweep the stones back into the trench. The option is to close it to thru traffic 24 hours a day.

**On motion** by George Hinton to close Alpha Road permanently during the construction process and seconded by Mike McNamara.

Dave Hess asked if we had the signage to close the road. Brian will speak to the contractor to see if he has anything to temporarily to put up. Brian cautioned that the Borough cannot close the road without proper signage which means that it has to be illuminated at night. Only after that signage is in place can Alpha Road be closed to thru traffic.

**Motion amended** by George Hinton to purchase the needed signage to close Alpha Road permanently during the construction process and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

3. Ordinance Updates - Dave Manzo is suggesting that the Borough look at our ordinances especially as they pertain to land development so that Council can be proactive instead of reactive on some of the projects that come into town.

4. Future LV: The Regional Plan (Male Road Bridge) – Louise Firestone reported the Lehigh Valley Planning and their Future Planning Module has included, after receiving our letter, in long range transportation projects, Male Road Bridge. The project is referenced in long range planning for 2031 to 2045. The project to repair the bridge is estimated to be \$3,559,000. If

funding is available in 2031, then the Borough will be on the list to have the bridge repaired. They still have the plan open for public review for another week, then they will adopt it.

5. Northampton County Livable Landscapes Grant – Walking Trail – Louise Firestone reported that there is a new round of grants that the County is instituting. There is more money available for a walking trail so she asked for permission to apply for funding with a deadline of September 26, 2019 for grant submission.

**On motion** by George Hinton to grant permission to Louise Firestone to apply for the Northampton County Livable Landscapes Grant and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

## **OLD BUSINESS**

1. Approval Standing Seam Roof – Maintenance Garage

**On motion** by George Hinton to accept the proposal from NuCor Management to have the seamless roof put on the new Maintenance Garage the amount of \$14,000.00 and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

2. Financing for Maintenance Garage – Louise Firestone reported that she spoke with Al France, our Borough Auditor, he said that if we can combine the mortgages and lock in, that would be his recommendation because the rates are low right now. Attorney Karasek said that the borrowing would be done under the Local Government Unit Debt Act, and various ordinances would have to be put in place along with advertising etc. If Council is going to proceed he will require a commitment letter from the bank. Attorney Karasek can start that process once the auditor tells the borough that we are not beyond our borrowing base. Louise confirm that the borough is not beyond the base.

3. Electric Quotes for Park Kitchen Upgrade – Dave Hess reported that quotes were received from Wind Gap Electric for \$17,758.14 and David Albanese \$10,075.00. Rich Fox said that he spoke with Met Ed and everything in place and he created a job order for the underground wire to be hooked from the kitchen to the new pole.

**On motion** by Mike McNamara to award the contract to David Albanese for the amount of \$10,075.00 and seconded by George Hinton. Roll call taken. Council agreed unanimously.

4. Attorney Karasek reported that he reviewed the contract between Wind Gap Borough and the contractor, NuCor Management for the façade project. Attorney Karasek went over several items for changes.

**On motion** by Dave Manzo to change the wording in the contract from arbitration to litigation and seconded by George Hinton. Roll call taken. Council agreed unanimously.

Louise Firestone reported a preconstruction meeting was held last week. NuCor Management was here today and pulled off a panel on the east side of the building and it is rotted. All attendees agreed that installing the dens glass as opposed to potentially replacing all the plywood as the project progressed would be more practical.

George Hinton wants to make sure that what they spoke about at the preconstruction meeting is what we get. Attorney Karasek said that they is why the integration clause is so important. If it is not written down in the paper work you cannot rely on it. Louise said this

agreement pre-dates our pre-construction meeting, she will make that clarification with the architect.

**On motion** by George Hinton that the contract includes the installation of the Dens-Glass on the façade of the Municipal Complex as agreed upon at the preconstruction meeting and seconded by Mike McNamara. Roll call taken. Council agreed unanimously.

## **COMMITTEE REPORTS**

1. EMS – Dave Manzo reported that the Ambulance responded to 14 ALS calls and 39 BLS calls in Northampton County, 7 ALS calls and 10 BLS calls in Monroe County, and 52 non-emergency transport for a total of 122 calls. Response time is 1.92 minutes, calls in Wind Gap Borough 34, calls handled by other EMS agencies in Wind Gap 2.

2. Fire – Mike McNamara reported that the Fire Company responded to 117 calls in 2019. George Hinton reported that the Fire Company will be having a gun raffle on Saturday, September 21<sup>st</sup> at 4:00 p.m.

3. Regional Police – Dave Hess reported that Police Department responded to a total of 620 calls for service, 179 were for Wind Gap.

The Department took possession of the Plainfield Township Fire Department Ambulance that will be used as a mobile command center, it will carry the truck scale, and other road closing equipment. The vehicle was wrapped by Kemmerer Graphics. Officers conducted details at the Lookout Fire Department carnival and Labor Day Parade. All School Resource Officers are back in their assigned schools. The Department advertised testing for Patrol Officer with closing date of September 30<sup>th</sup> and the testing date will be October 19<sup>th</sup> at the Plainfield Fire Hall. There is also a Community Health and Safety Fair which will be held on October 3<sup>rd</sup> at the Wind Gap Middle School. This has been done for the past few years in conjunction with the School District. There will be free activities and safety events scheduled for this event.

4. Emergency Management – Jeff Yob was absent so there was nothing to report.

5. Zoning – Mike McNamara reported that no meeting was held so there was nothing to report.

6. Planning – Dave Manzo reported that the last Planning meeting was for JERC and Tyrone Klump. Attorney Karasek reported that the Klump plan is ready for approval. The Klump plan will be on the agenda for the October 7, 2019 Council meeting.

7. Municipal Authority – Jeff Yob was absent so there was nothing to report.

8. Streets – Rich Fox reported that they have been trimming trees, painting curbs, patching streets and getting ready to vacuum the leaves.

9. Park/Athletic Fields –

A. Park – Wind Gap Area Athletic Association – Meeting Update – Dave Manzo asked Ron DeCesare when the next scheduled Athletic Association meeting will be held. Ron replied that no notification has been given for the next meeting. Sign-ups for basketball should start the end of this month because they should start practicing in November. Dave said that he

thought that they were having a good relationship during the summer but it seems like it is falling apart again. Dave reported that he sent Tony Borger an e-mail, but has not heard back as of yet.

B. Dog Park – Nothing to report.

10. Tipping Fees – Kerry Gassler was absent so there was nothing to report.

11. C.O.G. – Mayor Mogilski was absent so there was nothing to report.

12. Slate Belt Rising – George Hinton reported that they are gearing up for the Scavenger Hunt on Sunday, September 29. There has been discussion on how to reduce the financial requirements for the facade grants in order to gain more applications for participation in the program.

A. Community Garden – Joyce McGarry reported that the season is coming to an end and that the garden needs mulch. Rich Fox will tend to the garden.

13. Multi-Municipal Plan – Louise Firestone reported that it is moving along and going according to schedule. The next meeting is Wednesday, October 2, 2019.

14. Mayor's Report – Mayor Mogilski was absent so there was nothing to report.

15. George Hinton reported that Nolan Perin called him to set up a meeting with representatives from Wind Gap. Mr. Perin may have somebody interested in purchasing and developing his property along the railroad bed so he wants to be proactive and have some discussion prior to a real estate transfer. George stated that from a planning standpoint, he does not object to sitting down and listening to him and maybe get an idea before a developer submits a plan and asks for waivers. George, Dave Manzo, and Brian will meet with Nolan.

16. Mike McNamara stated that neighbors are complaining about fireworks. Dave Hess informed him that Council adopted an ordinance making fireworks illegal in Wind Gap so they just have to call the police.

## **ADJOURNMENT**

**On motion** by Dave Manzo to adjourn the meeting of September 17, 2019. Council agreed unanimously. The meeting of September 17, 2019 adjourned at 8:52 p.m.

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Louise Firestone – Borough Administrator