



WIND GAP BOROUGH

PLANNING COMMISSION

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MEETING: Thursday, May 4, 2006

MEMBERS: Linda Paynter
Joan Valley
Rebeca Shoemaker

OFFICIALS: Ronold Karasek, Esq. Solicitor
Brian Pyscher, Borough Engineer

Linda Paynter calls the meeting to order at 7:34 p.m. Ms. Paynter asks everyone to stand for the pledge of allegiance. A roll call is taken, Todd Beil and Andrew Perrine are absent. Ms. Paynter asks for approval of the April 6, 2006 meeting minutes. Joan Valley makes a motion to approve the minutes. Rebeca Shoemaker seconds the motion. All are in favor.

Posh Properties Subdivision

Michael Waldron of Ott Consulting, Inc. and Joseph Posh are present.

Mr. Waldron states that May 3, 2006 the Zoning Hearing Board granted the variance request for lot twelve (12). Ronold Karasek states that SALDO waiver recommendations, easement agreement for detention pond on the property, First Street extension requirements as well as the following comments from the Engineer's review letter of April 6, 2006 need to be addressed:

- 5. A Soil Erosion and Sedimentation Control Plan and Narrative shall be required. (402.e.3.A & 402.D.12)
- 7. A Wetland Report shall be required. (402.E.3.d; 407)
- 21. Certification must be provided from the Wind Gap Sewer Authority that capacity exists to accommodate the development. (507.A.2)
- 22. Certification from the Pennsylvania American Water Company that it can adequately provide water service shall be required. (508.A) Plan must note the proposed source of water supply. (508.C)
- 23. Lot Number twelve (12) does not meet front yard setback requirements (Variance granted)

Mr. Waldron states that he filed new SALDO Appendix 11 for waiver requests that replaces the previous letter of waiver requests. Mr. Karasek reads the first waiver request 506.H.5 Maximum Stormwater Velocity. Mr. Karasek asks Mr. Waldron to state the requirement and what Mr. Waldron is proposing as an alternate. Mr. Waldron states that the maximum stormwater velocity going through the swale is not to exceed six (6) feet per second in sod lined swales. Between lots six (6) and seven (7), there is a storm swale over a storm pipe. In case the inlets get blocked there is some other release for the stormwater to flow through, we are proposing to line the swale with North American Green products recommended by the conservation district. Mr. Karasek asks if the pipes are underground or aboveground. Mr. Waldron states the pipes underground are being used for the stormwater but if they get clogged they need an alternative method.

Brian Pysher states that the ordinance is a little too restrictive and should probably be changed. It is the engineer's opinion that this waiver is recommended. Mr. Karasek asks Mr. Waldron to explain the liners for swales. Mr. Waldron states if the water is draining too fast the liners will slow down the flow. Mr. Karasek confirms that the proposal is to line the swale to help with the seed and sod and the engineer is in favor of the waiver recommendation. Ms. Paynter asks if there are any questions. Ms. Shoemaker motions to recommend the waiver be granted. Ms. Valley seconds the motion. All are in favor.

Mr. Karasek reads the second waiver request 509.G.1, required cart-way width of thirty-six (36) feet. Mr. Karasek asks Mr. Waldron to state the requirement and what he is proposing. Mr. Waldron states the requirement is a width of thirty-six (36) feet. The proposal is for a width of thirty-four (34) feet, which is consistent with the surrounding neighbors and development. Mr. Karasek asks if the width of the connecting street is thirty-four (34) feet or thirty-six (36) feet. Mr. Waldron states that it is thirty-four (34) feet. Mr. Pysher states that it is good engineering practice to match the existing roads to cause less confusion and he agrees the request for waiver is recommended. Ms. Shoemaker asks if two cars can fit pass each other in thirty-four (34) width and if the street will be a two way street. Mr. Waldron states the street will be two lanes and two cars can fit pass each other with enough room for cars parked on the side of the street. Mr. Karasek states that the requirement for a township/local road is thirty-three (33) feet. Ms. Valley motions to recommend the waiver be granted. Ms. Shoemaker seconds the motion. All are in favor.

Mr. Karasek reads the third waiver request 510.B, requirement for sidewalks. Mr. Waldron states that sidewalks are required on both sides of the street. We are proposing putting sidewalks on one side of the street. The surrounding neighborhood doesn't have connecting sidewalks. Mr. Karasek asks which side of the street are they proposing to put the sidewalks. Mr. Waldron states the north side of First Street to 512. Mr. Pysher states that although the ordinance requires sidewalks on both sides, it is really more of a planning commission decision than an engineer decision. It's a good idea to put the sidewalks on at least one side for walking and children waiting for the bus. It is not an issue from the engineer's standpoint. Ms. Paynter asks if there are any questions. Ms. Shoemaker motions to recommend the waiver be granted for the south side of the street. Ms. Valley seconds the motion. All are in favor.

Mr. Karasek reads the fourth and final waiver request 509.L, street light requirement. Mr. Waldron states the requirement is to have streetlights on both sides of the street. We are proposing to put them on the north side of the street; the same side as the sidewalks. Mr. Karasek asks where the streetlights, around the area, are located. Mr. Waldron states that most streetlights are on the side of the street where they are attached to utility poles. Mr. Karasek asks for any engineer recommendation. Mr. Pysher states the waiver be recommended as long as the lights are on the same side as the sidewalks. Ms. Paynter asks if there are any questions. Ms. Valley motions to recommend the waiver be granted as long as the streetlights are on the same side as the sidewalks. Ms. Shoemaker seconds the motion. All are in favor.

Mr. Karasek asks Mr. Waldron if all waiver requests are satisfied. Mr. Waldron states yes.

Mr. Pysher asks if Mr. Waldron is applying for a curb radius waiver. Mr. Waldron states the section doesn't specify curb radius, so he didn't request a waiver for the curb. The previous waiver request was from an earlier set of plans conforming to the former SALDO ordinance; the waiver request was withdrawn. Mr. Karasek asks if Mr. Pysher agrees that the Wind Gap Sewer Authority certification, PA American Water Company certification and Northampton County Conservation District review are all outside agencies and do not need to be commented on. Mr. Pysher agrees. Mr. Karasek asks Mr. Waldron about the wetlands report. Mr. Waldron states that a wetlands study was conducted and they are waiting for the report. The wetlands have been located and they are not impacted by the development. Mr. Waldron expects to have the report before the next council meeting. Mr. Karasek asks Mr. Waldron to comment on the easement agreement needed for the detention pond on the remaining property. Mr. Waldron states that the detention basin will be located in an easement. Mr. Karasek asks if the detention basin will have a written easement agreement. Mr. Posh states that the easement is already written and recorded. Mr. Karasek states that if the easement is recorded then everything is fine with the Lehigh Valley Planning Commission and the easement agreement is complete. Mr. Karasek asks Mr.

Pysher to comment on the 512 connection. Mr. Pysher reads section 509.A.5 of SALDO – *When existing stub streets, temporary cul-de-sac, or dedicated or platted areas reserved for future street usage join the tract to be developed, they shall be extended into the site and made part of the proposed street layout. Where a temporary cul-de-sac is being extended, the bulb shall be reconstructed to Borough street specifications, existing sidewalks extended through the area, and the remaining areas shall be regraded and seeded.* Mr. Pysher states that the borough agreed to obtain the easements, request the removal of a shed on an existing property and pay for improvements. The engineer's recommendation is that the applicant takes care of all the improvements since SALDO states that streets should be improved. Mr. Karasek states that the applicant will pay for all the improvements but the borough will sign and pay for the Highway Occupancy Permit (HOP) application fee. Mr. Pysher refers to a council workshop meeting where Mr. Ott estimated he will charge \$5,000.00 - \$7,000.00 for the HOP to do the engineering and Mr. Posh may pay half. Mr. Karasek states that the motion made by George Hinton to approve Ott Consulting to acquire the permit and the borough will sign the application and pay the application fee; the applicant will escrow the money for the construction and do the construction. Only the motion is to be recognized not the discussions. Mr. Karasek asks if that is acceptable. Mr. Pysher states as long as the applicant handles the easements. Mr. Karasek states that Borough Council feels it would be best for a local person to handle the easements. Mr. Posh believes the ordinance for improvements applies from First Street to 512 and not beyond the connection. Mr. Karasek states that the borough requested First Street be extended to 512 and the borough will help with some of the requirements; and that Mr. Pysher is only concerned that the borough is not responsible for everything. Ms. Paynter asks if the property owner, Karner (731 Broadway), has come to any of the meetings. Mr. Karasek states that as far as he knows they have not attended any meetings. Mr. Karner will not be losing any property. An easement is only needed to be on his property to construct the road. Once the road is complete, the property will be reseeded. Mr. Posh states that he has spoken to Mr. Karner and that although he is not thrilled with the idea he understands. Ms. Valley asks how close to the road will Mr. Karner's property be. Mr. Posh states eight (8) feet. Mr. Karasek states that roads are dedicated even if they are unimproved. Mr. Karasek asks Mr. Pysher if he is fine with the borough's motion. Mr. Pysher states yes.

Mr. Pysher would like construction of the first six (6) lots on Chestnut to be building phase one. Right now the first phase of construction starts on First Street. If the HOP is not obtained then First Street will be dead-ended and if a cul-de-sac is put in, it may not meet the setback requirements. Mr. Waldron states that a cul-de-sac will meet the setback requirements because the original plan included a cul-de-sac. The cul-de-sac was removed but the houses stayed in the same place. Mr. Karasek asks Mr. Waldron if he believes that if the HOP is not obtained the subdivision can stand on it's own. Mr. Waldron states yes. Mr. Pysher states that he's not sure if that road has ever been permitted by PENNDOT or if it's required to, but when you do improvements you need to get an access permit and they may put conditions on it that need to be met in order to access the road legally with PENNDOT. If they didn't issue the permit people will still use the road but it will basically be an unpermitted road. PENNDOT will not take any kind of liability on it. Mr. Karasek asks Mr. Pysher if he believes that the subdivision can stand on it's own if the HOP is not obtained. Mr. Pysher states yes; however, if the cul-de-sac is put in it will affect the setbacks. Mr. Karasek states that conditions can be added if that event occurs. Mr. Karasek asks Mr. Pysher if there is any additional information that should be talked about. Mr. Pysher states no. Mr. Posh states that he objects to the first phase starting on Chestnut Street because he is not required to extend First Street to 512. Mr. Posh says they will do the extension and they are paying for it but it shouldn't be his problem if the HOP is not approved. He would like to start construction of more than just five (5) lots on Chestnut. Mr. Karasek takes this comment into consideration while writing the conditions on the agreement for conditional plan approval.

The agreement for conditional plan approval is as follows:

1. Planning Module approval or exemption
2. Certification from Wind Gap Sewer Authority re ability to hook-up and available capacity
3. Certification from PA American Water Co. re ability to hook-up and available capacity
4. Northampton County Conservation District Review and/or Approval
5. Other Permits (i.e. NPDES)

6. Deed of Dedication for Streets acceptable to Borough Engineer (or Alternate Engineer) and Borough Solicitor – **For Final Plan**
7. Improvements Agreement with security acceptable to Borough Engineer (or Alternate Engineer) and Borough Solicitor – **For Final Plan**
8. Maintenance Agreement with security acceptable to Borough Engineer (or Alternate Engineer) and Borough Solicitor – **For Final Plan**
9. Monuments, pins and/or markers to be set in the field and certified, in writing, by Applicant's Engineer – **For Final Plan**
10. SALDO waivers (if any) to be noted on the plan
11. Other Conditions:
 - a. A favorable wetlands report i.e. no building or disruption in wetlands
 - b. In the event the PENNDOT HOP for First Street and Route 512 cannot be obtained, developer will allow additional area so that a cul-de-sac can be installed as originally designed; otherwise, the motion made by Borough Council at it's meeting of 4/18/2006 will apply.
12. Signature of Plan
13. Notarization of Plan

The agreement is signed by Mr. Posh.

Ms. Paynter asks if there are any additional questions or comments. Ms. Valley motions recommendation to Council for conditional preliminary plan approval. Ms. Shoemaker seconds. All are in favor.

Ms. Valley motions to adjourn. Ms. Shoemaker seconds. All are in favor.

Meeting adjourns at 8:36 pm.

Jodi Phillips
Zoning Officer/SALDO Officer