

The Easton Planning Commission met on Wednesday, March 4, 2009 in the 5th Floor Council Chambers, Easton City Hall. The meeting was called to order at 6:30 p.m. by Charles Elliott. Present: Charles Elliott, James Bloom, Robert Sun and William Heilman. Joel Scheer, City Solicitor was present. Also in attendance were staff members Becky Bradley, Director, Carl Manges, City Planner and Tina Woolverton, Secretary.

A motion to accept the minutes of the February 4, 2009 meeting of the Easton Planning Commission was made by Mr. Bloom, seconded by Mr. Sun, approved by all.

Public Comment.

Solicitor's Update. City Solicitor Joel Scheer updated the Commission on the billboard proposed for 102 Bushkill Street. The Zoning Hearing Board had denied a use variance for the proposal and the applicant, Adams Outdoor Advertising has filed a timely appeal. He added he has, on behalf of the City, filed a Notice of Intervention. He said Zoning Hearing Board solicitor, Robert Nitchkey will be the primary counsel on the matter.

Special Exception – 1125 Northampton Street. Establish a Wholesale Beer and Soda Distributor. Mr. Manges stated the applicant, Steven Koorie, proposes to establish a C3-General Merchandise (Wholesale Beer & Soda Distributor) in a currently vacant one-story building at 1125 Northampton Street. The property is located in the West Ward Block Class C Zoning District, Street Corridor Enhancement Overlay District where the use is permitted as special exception. Mr. Manges noted the 10 off-street parking spaces were sufficient for the proposed use, as determined by the Zoning Administrator. The applicant was present, with Dan Cohen, his legal counsel. Mr. Cohen commended Ms. Bradley for a letter she had written which succinctly explained the Commission's role in reviewing a special exception. He added that he and the applicant would answer any questions the commissioners may have. At the time, no commissioners had questions. Ms. Katz of 130 S. 13th Street asked to address the Board. She said the health, safety and morals of the neighborhood had to be considered. She said she had circulated a petition against the proposal, and 95% of the people asked to sign it did. She said a recent Easton School District poll indicated that 30% of high school students had drunk alcohol in the 30 days prior to the survey. She also questioned if the applicant, Mr. Koorie, had taken the PA LCB course for identifying potential problem customers. Mr. Scheer reminded the Commission and public that the Commission needed to view the application as a retail establishment and remain neutral as to the use. Mr. Cohen said there is nothing immoral with buying, selling or drinking beer, it is legal. Gary DiPasquale, owner of Al's Cleaners at 1116 Northampton Street said he is in favor of the proposal, which will bring more people into the area to utilize other businesses, including his. He said he is confident the applicant will run a clean and respectable business. Steve White of 933 Ferry Street asked for an explanation of a special exception. Mr. Elliott responded that a special exception is distinguished from an as right use. The City has determined the special exception is an appropriate use, but has characteristics which require a deeper review. Mr. White requested the Commission take note of the substantial neighborhood objection. Ms. Louella Morris, a community activist said she works closely with the police department and knows teenagers and drug dealers hang out in the area. She said the presence of the proposed business would tax the already over-burdened police department. Ms. Nikkita Frazier of 32 S. 13th Street said, while she is not saying the applicant or proposed business is bad, she has concern for the neighborhood. Mr. Curtis Ehly of 305 W. Monroe Street said he sees perception and confusion with this application and the comments about drugs and open drinking from the community. He said he, too, is concerned about the west ward, but by learning the facts about this proposal and the applicant he has come to see the proposal as a viable business to be run by a family with strong ties to the neighborhood. He suggested watching to see how the applicant will work to improve the community. Mr. Scheer said the full petition has been shown to the board, as well as two other letter expressing concern over the proposal. Mr. Cohen said the petition is not relevant to the matter and reiterated the Commission must remain

alcohol neutral. He also said the petition contains serious misstatements regarding the role of the Planning Commission and Zoning Hearing Board in the decision process. He added the assumption seems to be made that the proposed business will behave illegally. Mr. Scheer agreed the statements made on the petition regarding the law were inaccurate and the final determination of whether the proposed location is appropriate is determined by the PA LCB. Mr. Sun said he appreciated the applicant's willingness to postpone the decision from the February meeting. He said in his research he did not find negative reports of beer distributors, but the vocal and substantial objections from the community did raise some red flags. Mr. Elliott said it is clear that neither the Commission nor the Zoning Hearing Board have the authority to regulate the location of a proposed liquor license business, it lies solely in the determination of the LCB. He said the Commission can take into account any negative effects on the neighborhood, but would need facts to prove detrimental effects. He said he does not see a basis for denial. A motion to recommend approval of the proposal to the Zoning Hearing Board was made by Mr. Bloom, seconded by Mr. Heilman, approved by all.

Plan Amendment – CVS Pharmacy, Old Philadelphia Road. Ms. Bradley said the applicant, Summit Realty Advisors, LLC previously received approval to demolish the existing vacant bedspread factory and construct a CVS Pharmacy use and a bank/retail use. She said the plan amendment is to subdivide the existing lot into three parcels, one of which will contain the pharmacy, another the bank/retail building and the third will be the shared parking lot for the two uses. Mr. Sun said he would like to know why the applicant has decided to subdivide the property at this point of the process. He also questioned how the proposed subdivision would change the estimated tax revenues on the property. No representative of the applicant was present to answer questions. A motion to table the plan until the Planning Commission meeting of April 1, 2009 was made by Mr. Sun, seconded by Mr. Bloom.

Amendments to the Planning and Zoning Code – Signs. Ms. Bradley said she has met with the Zoning Administrator, Main Street Program and Historic District Commission regarding amendments to the existing sign ordinance. The proposed amendments would allow for two signs in all zoning districts where a business had frontage on two streets. In the INS-1, INS-2 and AR zoning districts two signs would be allowed provided the total area of the signs did not exceed 20 s.f. In the DT and SC Overlay districts two signs would be allowed providing one of the sign was a projecting sign and the total area of all signs did not exceed 20 s.f. Some minor text changes were recommended by the Commission. A motion to approve the revised amendments to Article 1367 of the Codified Ordinance was made by Mr. Heilman, seconded by Mr. Bloom, approved by all.

Bushkill Creek Corridor Trail Presentation. Ms. Bradley said copies of Power Point slides of the Bushkill Creek Corridor Trail were distributed to the Commission. She said she has been giving multiple presentations to groups throughout the City. She said earlier in the day she had been on site meeting with the Army Corp of Engineers and other regulatory agencies to discuss permitting requirements for the trail. Mr. Sun questioned the fate of the trail if the Silk Mill was not redeveloped. Ms. Bradley said the trail is part of a regional trail connection plan and will move forward regardless. Mr. Sun asked who would have responsibility for maintenance of the trail. Ms. Bradley said the City would be responsible for the maintenance, which should be minimal.

EAC Update. Mr. Elliott distributed a draft press release from the EAC highlighting 2009 goals of the council. He added it was observed the goals would more realistically be met in a two to three year timeline.

As there was no further business, the meeting was adjourned at 8:50 PM.