

The Easton Planning Commission met on Wednesday, May 6, 2009 in the 5th Floor Council Chambers, Easton City Hall. The meeting was called to order at 7:10 p.m. by Charles Elliott. Present: Charles Elliott, Robert Sun, Roger Paul and William Heilman. Also in attendance were staff members Becky Bradley, Director, Carl Manges, City Planner and Tina Woolverton, Secretary.

As a quorum was not present at 6:30, the agenda was altered to have the non-action item, the sketch plan for Jacobs Knoll, presented first.

Sketch Plan – Jacobs Knoll. Mr. Manges said the applicant, Genesis Builders, Inc. proposes to subdivide acreage located at the south side of Grant Street west of Frederick Street into 50 residential building lots and one large 8.5786 acre open space lot. The residential lots will contain 26 semi-detached and 24 attached units. Each of the individual driveways will have access to a 14' wide private cartway, which in turn will have access to either Grant Street or Jacob's Court, an interior roadway. The plan shows that a stream runs through the property and is designated as water of the United States. A conversation with the Army Corp of Engineers revealed that a permit will not be necessary from the Army Corp or the DEP as long as no development or major disturbance is proposed within the lines of the stream. Staff noted there was illegal dumping of trash at the site. A preliminary soils and foundation analysis was performed by EarthRes Group, who performed a Phase 1 Environmental Site Assessment. The assessment showed that areas of fill up to 8 feet deep exist. Staff noted the site contains areas of slope in excess of 35% and a drainage ditch runs through the site. Mr. Paul said he is concerned with the slope and drainage issues and asked if they will be mitigated. Mr. Art Swallow, Surveyor, was present. He said he made an effort to meet the criteria for a preliminary presentation on this sketch plan. He said the Phase 1 Environmental showed the on-site fill is native soil dumped there 40-50 years ago. He said it is presumed it was the leftover soil from the Delaware Terrace Housing project built around that time period. He added the only debris is surface debris, caused by illegal dumping in the relatively secluded area. Mr. Swallow said a lot of the slope is not natural slope, but manmade terracing. Mr. Paul asked if there was much run-off in heavy rains. Mr. Swallow said there is, as a culvert runs under the existing Highlands Development from Route 78, opens into the receiving stream and continues to the river. Mr. Sun expressed concern over peak flow and safety. Mr. Swallow said they are looking into a soil control plan, part of which will be for preservation of the stream bank. He added it will be addressed in future plan submittals. Mr. Sun questioned how much grading would be required. Mr. Swallow said the extension of Frederick Street, at the easterly end of the property, will require a lot of fill. Mr. Sun asked if explosives would be needed for excavation. Mr. Swallow said it did not appear so, as no rock outcroppings were noted on the site. Mr. Sun asked if the profit of the development would be compromised if it was determined the slope required a reduction in the numbers of units allowed. Mr. Swallow said it would, as the original development plans were for seventy units, which decreased to fifty with the new zoning code. Mr. Elliott asked if the results of the soil testing showed it met the specifications for Pennsylvania's clean fill standards. Mr. Swallow said he was not certain of those exact specifications. Mr. Elliott questioned how many soil samples were taken. Mr. Swallow replied 15 or 16. Mr. Elliott asked if the unnamed tributary dried up in summer. Mr. Swallow said by August it was only a trickle. Mr. Elliott noted the plan showed two areas of stormwater management. He asked if they were discharge or infiltrate systems. Mr. Swallow said the DEP required both. Mr. Elliott commented on the thoroughness of the sketch plan.

At 7:10 pm a quorum was reached and the meeting was called to order.

The revised agenda was approved.

A motion to approve the minutes of the April 15, 2009 meeting was made by Mr. Sun, seconded by Mr. Paul, approved by all.

Amended Development Plans – R & R Provisions, 1242 Northampton Street. Ms. Bradley explained the applicant, R & R Provisions, Inc. had previously received final plan approval for building and parking additions in May of 2007. Building additions to the side and rear of the building have been completed. She said when the applicant marked off the property for demolition of an existing building on the south side of Pine Street for the construction of a 28 space parking lot, neighbors became concerned they would not be able to access their garages and parking pads. The private alleys, which are ten foot wide, are located west and south of the proposed parking lot. The proposed plan eliminates the landscaping and moves the fence 3.9 feet, allowing better access to the garages and parking areas. Lou Ferrone, project engineer, was present. He said the owners of R & R would like to resolve the issues with the neighbors. Mayor Panto was present. He said he has been receiving calls from the neighbors and has asked the Planning staff to work with the developer to resolve the issues. Mr. Elliott asked if the area surrounding the fence was primarily used for parking. Ms. Bradley said in most cases, yes, as it is the rear of the homes. A motion to approve the amended plans was made by Mr. Paul, seconded by Mr. Heilman, approved by all.

Multi-Municipal Comprehensive Plan. Ms. Bradley introduced David Woglom, from Lafayette College's Meyner Center for the Study of State and Local Government. Mr. Woglom said he prepared a brief list of the benefits of a Multi-Municipal Comprehensive Plan and distributed copies to the Commission. Mr. Heilman questioned what the downside would be. Mr. Woglom said when one municipality does its own Comprehensive Plan, it only needs to take into account its own municipal interests, where a Multi-Municipal Comprehensive Plan needs to take into account the interests of all the participating municipalities. Mr. Sun said there are approximately 50 Multi-Municipal Comprehensive Plans in the northeast and questioned what some of the major problems have been. Mr. Woglom said in the case of the Nazareth Area plan, which involved 12-15 municipalities, two disagreed with the plan and never adopted it. Mr. Sun questioned the benefits specific to Easton. He said he is concerned Easton will absorb the uses none of the other municipalities want. He asked what pressing issue for the City can be addressed by the Multi-Municipal Comprehensive Plan. Mr. Elliott said he spoke with the Pennsylvania State representative about the possible benefits. While the generic benefits were discussed, he said he has a hard time applying those generic benefits to Easton. Mr. Woglom said he was willing to perform an analysis to determine the specific benefits to Easton.

Final Development Plan – Brickhouse Tavern, 1428 Butler Street. Mr. Manges said the applicant, Michael Assise, proposes to remove two off-street parking spaces on the lot and construct a one story addition to expand the existing restaurant. The property is located in the West Ward Block Class B Zoning District, Street Corridor Enhancement Overlay District and is a permitted use. The 1,090 s.f addition will contain a new kitchen and a maximum 20 seat dining room. A previous submission was denied by the Planning Commission on November 5, 2008 which proposed a 51 seat dining room. A variance for off-street parking was granted by the Zoning Hearing Board on November 17, 2008. Preliminary Planning Commission approval was received on April 1, 2009. A motion to accept the resolution granting conditional final approval was made by Mr. Sun, seconded by Mr. Paul, approved by all.

Special Exception, Development in a flood plain – 132 S. 3rd Street. Mr. Manges stated the applicant, Marwa Bernet, proposes to establish a C4-Food Establishment use in the currently vacant one-story building at 132 S. 3rd Street. The property is located in the Downtown Block Class B Zoning District, Street Corridor Enhancement Overlay District, where the proposed use is permitted. However the property is located in a FEMA defined 100 year flood plain and the new use is considered a special exception. He said a conversation with the applicant revealed she wants to have a farmer's market type grocery business that will supply fresh fruits and vegetables and other essentials. Four employees will initially be employed, with the possibility of more being added. Business hours will be 8 am to 7 pm Monday through Saturday and 8 am to 5 pm on Sunday. No detergents or chemicals will be stocked on the lower shelves, and in case of a

flood emergency, shopping carts will be located on the first level and secured. The 19 available off-street parking spaces are adequate for the use. The applicant was present. Ms. Bernet said she understands a business in the flood plain can be a challenge and assured the Commission she has an emergency plan in place. Mr. Sun asked the square footage of the use. Ms. Bernet said they would be using 4,000 s.f. Mr. Sun asked if there would be food preparation on the premises. Ms. Bernet said there would not. Mr. Sun asked the percentages of the different items to be sold. Ms. Bernet said 70% would be fresh fruits and vegetables, 20 % meat and poultry and 10% grocery items. A motion to approve the resolution recommending approval to the Zoning Hearing Board was made by Mr. Sun, seconded by Mr. Paul, approved by all.

Special Exception 325 Northampton Street. Ms. Bradley said the applicant, Arthur T. Schmidt, proposes to establish a restaurant, entertainment, micro-brew and bar establishment on the first floor of the currently vacant building at 325 Northampton Street. The building previously housed the Weller Center. Ms. Bradley stated the business would utilize approximately 16,300 s.f. and would seat up to 420 people. The property is located in the Downtown Block Class B Street Corridor Enhancement Overlay zoning district where the Eating and Drinking use is a permitted use and the Food Processing use is permitted by Special Exception. The loading and unloading of goods will take place on Church Street and outdoor dining is proposed on Bank Street. No parking is available on-site, however the applicant is looking into shared parking arrangements with neighboring businesses. No bottling or large scale brewing will occur in the building. Variances for the parking and three additional signs will be required. Mr. Elliott said the only issue before the Commission was for the microbrewing use (Food Processing). He noted the close proximity of the parking garage. A motion to approve the resolution recommending approval to the Zoning Hearing Board was made by Mr. Paul, seconded by Mr. Heilman, approved by all.

Newsrack Ordinance. Ms. Bradley said the proposed ordinance had been before the Commission in January and April and suggestions had been made for changes. She said this version has procedures for an appeal added. Mr. Elliott noted several small typographic errors. Mr. Elliott asked if the language regarding the lottery system was new. Mr. Manges said it was not. Ms. Bradley said she had spoken to representatives of the Main Street program, one of the driving influences behind the ordinance. and they were fine with the most recent changes. A motion to approve the resolution recommending approval of the ordinance to City Council was made by Mr. Heilman, seconded by Mr. Paul, approved by all.

EAC Update. Mr. Elliott said the EAC is participating in an Environmental Comprehensive Plan which could be utilized in the City's Comprehensive Plan. He said the waterfront plan has generally been well received with most questions pertaining to the appearance of the platform. He said for the urban forest, an overall city inventory is needed for a sense of gaps, and a shift in tree species may be needed. Mr. Elliott also said an on-line green map with environmental amenities such as parks is available. Icons can be zoomed in on and details given about the amenity. Mr. Elliott said the Transportation group of the EAC worked on a review of the Third Street Corridor. He said the walkability report contains recommendations of how to make it more pedestrian friendly.

As there was no further business, the meeting was adjourned at 8:47PM.