

The Easton Planning Commission met on Wednesday, July 18, 2012 in the 6th Floor Council Chambers, Easton City Hall. The meeting was called to order at 6:30 p.m. by Charles Elliott. Present: Charles Elliott, Robert Sun, Dennis Lieb, William Heilman, Bonnie Winfield and Ronald Shipman. Also in attendance were staff members Becky Bradley, AICP, Director of Planning and Codes; Brian Gish, Chief Planner; Carl Manges; City Planner and Tina Woolverton, Secretary. Solicitor Joel Scheer was present.

The revised agenda was approved.

A motion to approve the revised minutes of the June 6, 2012 meeting was made by Mr. Shipman, seconded by Ms. Winfield, approved by all.

**Privilege of the Floor.** None

**Special Exception – 1313 Liberty Street.** Mr. Manges said the applicants, Dario Sanchez and Julieta Frey, have proposed to establish a Small Family Day Care Home use for up to three children in the first floor of their Two-Family Attached dwelling at 1313 Liberty Street. The property is located in the West Ward Zoning District, Block Class C, where the proposed use is permitted by Special Exception. A Small Family Day Care Home is defined as an accessory home occupation in which child day care is provided on a regular basis to no more than three children, who are not relatives of the caregiver, during any 24-hour period.

Mr. Manges said a phone conversation with Dario Sanchez on June 25, 2012, revealed that his wife, Julieta Frey, will be the only caregiver. Staff was able to confirm this with Ms. Frey on June 25, 2012, by an in person conversation when staff visited the property. The applicant proposes caring for the children in the approximate 835 square foot first floor of the applicant's residence. The first floor consists of a living room, family room, dining room, and a kitchen. The children will spend the majority of the day in the living room and family room areas. There are two means of egress on the first floor, one in front of the house leading to Liberty Street and the other to the rear leading to Willow Street. Mr. Sanchez indicated that they have a 6-year old child that would also be cared for at the home, when not in school. The backyard is fenced, providing for an additional degree of safety to the children playing outside. The drop-off/pick-up area is proposed for the three off-street parking spaces off of Willow Street, a public alley. The applicant informed staff that the families utilizing this day care service would be directed to only use this designated drop-off/pick-up area. The hours of operation for the proposal will be Monday – Friday, between 6am – 6pm.

Mr. Sun asked if the backyard was separated from the drop-off/pick-up area. Mr. Sanchez said it was separated by the fence.

A motion to approve the resolution recommending approval to the Zoning Hearing Board was made by Mr. Lieb, seconded by Mr. Heilman, approved by all.

**Special Exception – 121 S. 8<sup>th</sup> Street.** Mr. Manges said the applicant, Jeff Bay, desires to establish an Auto Parts and Accessories (tire service) use in a currently vacant 3,432 square-foot one-story commercial building located at 121 S. 8<sup>th</sup> Street. The property is located in the West Ward Zoning District; Block Class C, where the proposed use is not

permitted. The use is considered permitted by Special Exception since it is changing from one nonconforming use (Warehousing and Storage) to another nonconforming use.

Mr. Manges said a conversation with the applicant on June 26, 2012, revealed that he wants to establish a tire service at 121 S. 8<sup>th</sup> Street. The business will consist of providing new and used tires for vehicles, and repairing tires. The applicant indicated that he expects vehicles to take approximately 30 minutes to be serviced; this includes removing, mounting, and balancing of the tires. The applicant said he expects to have between 2 to 10 customers a day that either need new tires or have tire(s) repaired. Mr. Bay informed staff no other type of auto repair service will be conducted at this location. The surrounding properties are mainly residential, so the excess noise levels caused by the machinery used during a tire service, and the additional parking that this business will cause are both major concerns for staff. Mr. Bay assured staff that the garage door will be closed while a vehicle is being serviced, so to eliminate much of this noise as possible. Even with this assurance, the noise generated, along with the additional parking requirements that this business causes, it still has more of an impact than the previous nonconforming use.

The proposed hours of operation will be Monday-Friday from 8am to 6pm, and the applicant and one additional person will be the only employees.

Mr. Manges noted one of the criteria of a special exception when changing from one nonconforming use is that the applicant shall show that the proposed use will be less objectionable in external effects than the existing nonconforming use. With respect to traffic generation and congestion, the proposal will increase traffic and parking requirements. He noted he West Ward has major parking issues, and this proposal does not supply off-street parking.

He also noted this business will generate excessive noise, dust, and vibrations from the machinery that needs to be used for this type of operation, thus causing more, not less, of an external impact than the previous nonconforming use. Staff recommended that the Zoning Hearing Board deny the special exception request for a non-conforming use at 121 S. 8<sup>th</sup> Street.

The applicant was present. He stated all activities would take place inside the garage, and the doors would remain shut while work took place. Mr. Gish said the lack of off-street parking was one of the largest concerns. Mr. Bay said the building is large enough to park 10 cars inside of. Mr. Elliott asked staff if they felt the building could accommodate that many vehicles. Mr. Gish said staff had been unable to access the interior of the building. Mr. Gish emphasized that the use is not a permitted when and is only being reviewed as a special exception because of the previous non-confirming use. Ms. Bradley added that the disposal of the discarded tires was also a concern. Mr. Shipman asked if the parking issue was solved, would the proposed use still be a concern. Mr. Scheer stated the proposed use needs to have less of an impact than the previous use for it to be considered. Mr. Lieb said he could see this type of business in the business over-lay district, but was concerned with the detrimental effect this business could have on the residential rehabilitations taking place in the neighborhood, as well as the safety of the many children who play on the sidewalks of the neighborhood. A motion to approve the resolution recommending denial to the Zoning Hearing Board was made by Mr. Lieb, seconded by Mr. Sun, approved by all.

**Special Exception - 650 Northampton Street.** Ms. Bradley explained that she and the planning staff, needed to recuse themselves from the review as the property owner is also an employee of the Department of Planning and Codes. The review was done and is to be presented by Dave Horton of Pennoni Associates, the City's alternate engineering firm.

Mr. Horton said the Owner, Sharbel Koorie, proposes to repurpose an existing building in order to establish a Food Establishment (Retail and Six Pack Store Beer Store) and an Eating and Drinking Place use in the vacant one story building at 650 Northampton Street. Previous use at this location consisted of a glass repair/replacement store.

The property is located in the West Ward Zoning District, Block Class C, where the proposed Food Establishment and Eating and Drinking Place uses are not permitted. However, the property is also located in the Street Corridor Enhancement Overlay District, where the proposed uses are permitted by Special Exception. A conversation with Mr. Nick Alfero (Applicant) on June 28, 2012, revealed that he wants to establish a small restaurant, six-pack beer sales and convenience store.

Mr. Horton said the hours of operation will be Monday to Saturday 6am-10pm, and Sunday 10am-7pm. The Applicant indicated that walk-in business is expected to represent a significant percentage of the patronage. The existing structure will be renovated and small additions (i.e. appearing to be less than 200 SF) are to be incorporated. Site features and configuration (grading, parking, entrances, etc) are to remain unchanged. The Koorie family has operated the nearby Beer Brothers distributorship (1125 Northampton Street) for the past 5 years. The restaurant preparation and dining area is to include 1,158 Square Feet while the six pack and convenience retail area is to include 1,413 Square Feet.

Mr. Horton noted site alterations were initiated by the Developer in order to waterproof the existing foundation and to promote surface drainage from behind the building to the front of the property. A field report dated July 6, 2012 is attached for reference. Site alterations resulted in unstable slopes on the property and the Developer was directed to restore the slopes to original grade and to employ E&S controls in order to stabilize the area. In order to address site related issues associated with this application, an engineered Site Plan (and associated reports/calculations/details) is required.

Mr. Horton noted the following requirements:

- Site Plans must be provided for temporary and permanent slope stability conditions.
- All retaining wall systems shall be signed and sealed by a registered professional engineer licensed in the State of Pennsylvania.
- The Site Plan must address subsurface and surface drainage. Drainage of the existing off-street parking area must also be addressed.
- The construction of the proposed dumpster pad will likely require retaining walls to be constructed within disturbed embankments. The retaining walls are to be appropriately designed and sealed (e.g. by a professional engineer licensed in the state of Pennsylvania) and the dumpster area should be fenced and screened.

- Fencing along the perimeter of the side and rear boundaries of the property is in a state of disrepair and should be replaced with durable post and rail metal fencing with vertical newels.
- Safe and Adequate Access to Street and Public Services
  - A site plan containing proposed building and site improvements shall be provided.
  - The existing features plan indicates that 12 parking spaces exist and the applicant has indicated intent to retain the current layout. The current condition of the parking area is deficient and shall be improved to include replacement of failing pavement, striping of parking spaces, and marking and signage of one way travel through parking area. It is noted that a minimum aisle width for single direction traffic through the parking lot is to be 22' wide. Two way traffic patterns would require 24' wide aisles.
- The proposed dumpster area is inaccessible during business hours due to its proximity to parking spaces. Access is only available during non-business hours and this limitation should be discussed with the Planning Commission.
- Bollards may be required due to the close proximity of parking spaces and dumpster locations to the building structure.
- Adequate screening and buffering in accordance with Article XXX shall be provided on the Plan or a variance procured.
- Street Trees shall be provided along Locust Street in combination with the screening and buffering requirements discussed above.
- The Applicant proposes to retain the 12 off-street existing parking spaces currently on site. The total required spaces for uses are 22 spaces. A variance for 10 spaces is required.
- Illumination of parking areas must be provided for safe pedestrian traffic or a variance procured.
- Interior landscaping must be provided or a variance procured.

The owner, applicant and their Council were present. Attorney Dan Cohen said he had no additional comments on the review. Mr. Elliott questioned if grades were altered to move the stormwater from the rear of the building to the front. Mr. Alfero responded that the grades would remain the same, but be better controlled by the installation of subsurface piping and connection to the existing stormwater system. Mr. Shipman asked if the photograph provided showed two separate buildings. Mr. Cohen said that it was one "L" shaped building. Mr. Shipman asked if the parking lot requirements presented a problem. Mr. Cohen said they did not and the applicant/owner would comply. Mr. Shipman asked what the solution was to the dumpster not being accessible during business hours. Mr. Cohen said pickups can be scheduled during non-business hours. Mr. Lieb questioned what required buffering. Mr. Horton said any properties residential in nature that the building is visible from. Mr. Lieb questioned the explanation of services for the sign. Mr. Horton replied it was the verbage proposed for the sign. Mr. Cohen agreed it was a little busy and said it would be simplified. Mr. Sun questioned the issue of the inaccessible dumpster and asked if a garbage hauler had been contracted to make pick-ups while the business was closed. He questioned the availability of a company to pick up before 6:00 am or after 10:00 pm. Mr. Cohen said he anticipates that during the early morning hours of operation, the parking lot will not be near capacity and it will not be an issue. Mr. Sun asked if any environmental testing had taken place on the property. Mr. Koorie said a phase one had been performed and there were no issues. Mr. Elliott said that Mr. Horton's analysis was based upon an existing

condition plan and a building footprint plan and said the applicant needs to submit a site plan to address the issues. He added that the Commission is being asked to provide the Zoning Hearing Board with a recommendation on factors that need to be determined by a site plan which has not been submitted. Mr. Cohen said he is not certain what the interplay is between the special exception request and drainage issues.

Mr. Scheer said the question is when to require a land development plan. He said when he originally viewed the plans, additional buildings were being proposed and he felt it was a land development plan. Then the plans were resubmitted as only interior renovations, changing it only to a special exception review. He said the review by Mr. Horton suggests that it is a land development. Mr. Sun questioned what options the Commission had. Mr. Lieb said he wants to see a site plan.

Terry Briggs, an adjacent property owner, was present. He said he supports the project and believes everyone is being fair. He said the requirement for a site plan is a good idea.

Mr. Scheer asked if the applicant would be willing to sign a waiver from the Zoning Hearing Board requirements of Section 595-247 of Chapter 595 – Zoning; and Section 520-48 of Chapter 520-Subdivision and Land Development of the Codified Ordinances of the City of Easton. The waiver was signed by the applicant and a resolution was dictated by Mr. Scheer that the Easton Planning Commission defers making a recommendation to the Zoning Hearing Board for the Special Exception request for 650 Northampton Street until after additional outstanding documentation is provided, specifically submission of a Site Plan to include items referenced by Mr. Horton in his review. A motion to approve the resolution deferring recommendation to the Zoning Hearing Board was made by Ms. Winfield, seconded by Mr. Lieb, approved by all

**Determinations of blight.** At the Vacant Property Committee meeting of June 13, 2012 the Committee had determined the following properties as blighted:

- 697 Prospect Avenue
- 814 Spruce Street
- 1225 Lehigh Street

The properties were brought before the Planning Commission for their determination of blight. The following motions for determination of blight were made:

**697 Prospect Avenue** – motion made by Ms. Winfield, seconded by Mr. Lieb, approved by all.

**814 Spruce Street**– motion made by Mr. Lieb, seconded by Mr. Shipman, approved by all.

**1225 Lehigh Street**– motion was made by Mr. Shipman, seconded by Mr. Sun, approved by all.

**Comprehensive Plan Re-write Update.** Ms. Bradley said two steering committee meetings had been held since the last Planning Commission meeting. She added the meetings were well attended. She said the first meeting introduced the steering committee to the basics of a comprehensive plan and the power point presentation that had been presented to the Planning Commission was shown. She said the 2<sup>nd</sup> meeting focused on strengths/weaknesses/opportunities/threats. She said she feels additional conversation is warranted on strengths/weaknesses/opportunities/threats and said she would like to schedule meetings with the various city and neighborhood groups. She added she would like to have some discussion with the Planning Commission on it was well and suggested scheduling a meeting for that purpose in August or September. Mr. Elliott said it was a good idea.

Ms. Bradley said she is also working with Lehigh University on their Community Fellowship Program and hopes to have a graduate student in fall to help work on the Comprehensive Plan and Sustainable Communities Grant. Mr. Elliott said it is a great opportunity for a graduate student.

**Amendments to Land Use Definitions.** Ms. Bradley said when the Zoning Code was re-written and adopted in 2007 land use definitions were kept general, and now with changes in the community and economy some revisions were needed. She mentioned the need for clarification on “Cash for Gold “ type shops, allowing wholesale beer distributors and 6-pack shops in districts where appropriate, categorization of clairvoyants and fortune tellers and research into services were already illegal in Pennsylvania. Additionally she said another item to be explored was parking lots used for storage/compound lots. Mr. Elliott suggested separating 6 pack stores from the C-4 Food establishment classification and creating a new definition. Ms. Bradley said it would be the easiest way to regulate it.

Ms. Bradley said Councilman Ruggles had requested that Planning staff give a departmental update to City Council at the Council work session meeting of July 24. She added the Planning Commission was welcome to attend.

**Solar Ordinance Update.** Mr. Elliott said he would distribute a copy of the draft ordinance that was easier to read. He asked if there were any questions since the last review. He added a meeting with Planning and Codes is scheduled on July 27 and the draft would be back before the Commission at that point. Ms. Bradley noted that per the draft, future development would not be prohibited. Mr. Elliott said the only restrictions would be on vegetation and accessory structures. Mr. Elliott added he had a number of meetings with the Planning and Codes staff, along with fire and other city departments and the interaction was incredibly useful in writing the draft and giving consideration to such items as necessary setback of the panels for safe fire department access to roofs.

**EAC Update.** Mr. Elliott said the EAC is involved in the Comprehensive Plan Re-write and is in the process of putting the final touches on a four year report of their activities.

Mr. Scheer noted the necessity to define what constituted a land development.

**Staff Update.** Ms. Bradley said the Pennsylvania Planning Association annually announces award categories and the 2012 categories include an award for “Elected Official Planning Advocate”. She said the Lehigh Valley Section of the Pennsylvania Planning Association has recommended Mayor Panto, Jr. for the “Elected Official Planning Advocate” nomination for his outstanding comprehension of and support for the role of planners in public life.

Mr. Elliott said he would draft a letter of support on behalf of the Easton Planning Commission to memorialize the Easton Planning Commission’s support of the nomination of Mayor Panto, Jr. as “Elected Official Planning Advocate” by means of a letter of support to the Pennsylvania Planning Association awards committee chairman. A motion to approve the resolution as dictated authorizing the chair to send the letter of support was made by Mr. Heilman, seconded by Mr. Sun, approved by all.

As there was no further business, the meeting was adjourned at 9:10 PM.