

The Easton Planning Commission met on Wednesday, May 1, 2013 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, Brian Gish; Chief Planner, Carl Manges; City Planner and Tina Woolverton, Secretary. Solicitor Joel Scheer was also present.

The agenda was approved.

A motion to approve the minutes of the March 20, 2013 meeting was made by Mr. Shipman seconded by Ms. Winfield, approved by all.

Privilege of the Floor. None

Development Plan and Special Exception – MinTech International 640 N. 13th Street. Mr. Gish said the applicant MinTEQ International, Inc. proposes to build and operate a gas-fired kiln facility at its 640 N.13th Street Property. The purpose of the proposed structure is to observe the performance of new refractory products for high-temperature applications, where insulation is required for extreme processing temperatures. As designed, the proposed building would be roughly 65 feet wide, 86 feet long (5,590 square feet) with a pitched roof 30 feet tall at its peak, and 23 feet tall at the eaves. The building would be constructed upon a concrete slab on-grade, and comprise a pre-engineered steel frame, siding and roof. In operation, the use of the proposed building would be intermittent, being only in operation during the completion of specific tests. The proposal calls for the hiring of no additional employees, nor the increase in capacity of any on-site utilities.

The proposed use is located in the Adaptive Reuse Zoning District, and is permitted by special exception. Additional Special Exception consideration is required for development in a floodplain. The Zoning Administrator has determined that a variance is required for parking deficiencies, with the applicant providing for 158 spaces while the code requires 171.

Mr. Gish noted the applicant has addressed potential impacts (environmental concerns, use conflicts, damage to historic resources, community service needs, public safety, waste management, transportation demands, economic effects, etc.) in the impact analysis report submitted with this proposal. Given the location and nature of the use, environmental and safety impacts are the primary concerns. Flooding represents the most substantial of the potential impacts. The structure, as proposed, would be constructed upon a slab that is 3.1 feet above the Base Flood Elevation (100-Year Flood). Further, a 500-Year Flood (.2% Flood), as delineated by FEMA, would result in less than one (1) foot of water at the level of the structure's floor. The applicant has demonstrated that the nature of flooding at the site is "backwater," or in other words, is caused by a watercourse obstruction (13th Street Bridge), resulting in inundation without strong currents or otherwise destructive flows. For these reasons, the applicant does not propose and additional floodproofing measures for the structure. The applicant has established flood impacts on the proposed structure and use should be minimal. However, based on analysis, submitted documents, and a site tour and conversation with the applicant on April 25, 2013, the following requirements and procedures shall be

included in the applicant's Emergency Preparedness Plan (which for security purposes was not submitted in full to staff):

- The structure shall have secured shelving at least three (3) feet above floor level, upon which all refractory compound materials, particularly magnesium oxides (MgO), shall be stored at all times other than when they are in direct usage.
- Drainage pipes conveying wastewater to onsite treatment facilities shall have control devices that prevent slurry, sediment or other wastes from flowing into adjacent waterways during storm events.
- Electrical utilities servicing the proposed structure shall be waterproofed and elevated to at least three (3) feet above floor level.
- Upon declaration of a flood watch or warning by the controlling authority:
 - All activities, other than those relating to flood preparations, shall cease.
 - All equipment and materials in the proposed structure shall be secured or removed. The applicant shall also ensure all refractory compound materials, particularly magnesium oxides (MgO), are secure and elevated at least three (3) feet above projected flood levels.
 - Upon securing the facility, all personnel shall be evacuated.
 - Emergency services and authorities shall be contacted should, at any time, the structure or its contents be observed to be at risk of entering into adjacent waterways.
 - No occupancy or operation of the facility shall take place until all flood warnings have been rescinded by the controlling authority, and all flood waters have receded from the site.

Mr. Gish said the applicant also submitted a Land Suitability report with the application. The site was investigated for structural capacity, given the weight of the proposed building, including trench and drop bar testing.

Per this analysis, the proposed structure shall be constructed via one (1) of three (3) methods:

- *Excavation to suitable subsoil, then filled and compacted with a well-graded stone base for installation of a reinforced concrete mat to support the furnace;*
- *Excavation to suitable subsoil, then filled with approximately five (5) feet of a unreinforced lean concrete mix to within one (1) foot of the furnace base, then construction of a one (1) foot thick reinforced concrete mat foundation for the furnace; or*
- *Excavation to suitable subsoil, construction of a 16-inch thick reinforced concrete mat foundation with vertical anchored foundation walls to support the furnace base at structural junctures.*

Mr. Gish noted the proposed use is consistent with a variety of City objectives and consistent with neighboring uses. The proposal demonstrates the expansion of existing and important industrial uses within the City, and the proposed use is located in an area already industrial in nature. The applicant has demonstrated that concerns related to its location in a floodplain can be mitigated through basic procedures and design. Viewed in totality, the proposal has the potential to promote the City's interests in a broad context, while protecting environmental resources. Therefore, staff advocates Planning Commission recommendation to the Zoning Hearing Board for granting a Special Exception requests to MinTEQ International, Inc. for a Fabricated Metal Industries use in the Adaptive Reuse District and for development in a floodplain, and that the Planning Commission approves Conditional Preliminary approval of the plan.

Mr. Robert Toedter, project engineer was present for questions. Mr. Shipman asked what refractory products were. Mr. Toedter explained they are products used to insulate metal forms under extremely high temperatures. Mr. Shipman asked if by-products are produced from the heating process. Mr. Toedter said they are not. Mr. Shipman asked if there is only one stormwater discharge to the creek. Mr. Toedter said that is correct. Ms. Winfield said she is concerned that there will be an impact to the Karl Stirner Arts Trail and the Silk Mill site. Mr. Lieb asked which of the three possible construction methods would be used. Mr. Toedter said that would be defined by what is found in the field. Mr. Lieb also questioned whether there would be noise generated by the operation. Mr. Toedter said there would not be. Mr. Heilman questioned how many buildings are currently on the site. Mr. Toedter said between twelve and fifteen. Mr. Sun asked who the parent company is. Mr. Toedter said Min-Tech International. Mr. Sun questioned the maximum temperature of the furnace. Mr. Toedter said 3000° Fahrenheit. Mr. Sun questioned how often testing would occur. Mr. Toedter said two or three times a month. Mr. Sun asked if there was a risk of explosion. Mr. Toedter said there is not. Mr. Sun questioned what the building would contain other than the furnace. Mr. Toedter said it would be material storage, a mixer and lab tables. Mr. Elliott asked for clarification on the stormwater and sanitary sewer, along with the filtering tank system currently in place. Mr. Elliott suggested a change to the draft resolution adding conditions that the use shall not generate noise beyond the property boundary, shall not produce noxious fumes, release particulate matter, or create glare. A motion to approve the revised resolution recommending to the Zoning Hearing Board that the Special Exception requests for a Fabricated Metal Industries use in the Adaptive Reuse District and for development in a floodplain be granted, and that the Planning Commission approves Conditional Preliminary approval of the plan was made by Mr. Shipman, seconded by Mr. Lieb, approved by all except for Mr. Sun, who abstained from voting.

Special Exception Request - 1028-1030 Butler Street. Mr. Manges said the applicant, Resources for Human Development, Inc., desires to convert a currently vacant 4-story building to a Residential Midrise with 7 dwelling units at 1028-1030 Butler Street. The previous use of the building was a Group Home, and the property has been vacant for less than a year. The property is located in the West Ward Zoning District; Block Class C, where the proposed use is not permitted. However, the property is also located in the Street Corridor Enhancement Overlay District where the uses are permitted by Special Exception. The applicant is also the owner of 1028-1030 Butler Street. A conversation with Richard Santee, the attorney representing the applicant, on April 22, 2013, revealed that The Lodge, a division of the Resources for Human Development, wants to convert the vacant residential building, previously used as a Group Home, to a

Residential Midrise with 7 apartment units. The apartment units will provide affordable housing for adults with mental illness. Tenants will be screened, and must meet the criteria for independent living. Staff will check on the tenants once a week for assessment and counseling. The Lodge provides support for individuals with mental illness to help establish themselves in the community as competent and contributing members of society. Mr. Santee also stated that there are 5 off-street parking spaces associated with this property and the Zoning Administrator has determined a variance is required for 2 (two) off-street parking spaces.

Mr. Richard Santee, attorney for Resources for Human Development, was present. He said Resources for Human Development was approached by Northampton County's Department of Mental Health and Mental Retardation to offer housing and the associated services. Mr. Shipman questioned if any neighbors of the property were present. None were. Mr. Shipman questioned what was needed for conversion of the building. Mr. Santee said it needs to be brought to code and ADA compliant. Ms. Winfield questioned what constituted a dwelling unit. Mr. Santee said it meant an efficiency or one bedroom apartment. Mr. Sun questioned the screening criteria. Mr. Aik Van Munster, Director of the Lodge said the individuals cannot be a threat to themselves or others and must be able to live independently. Mr. Sun asked how long the Lodge has been in existence. Mr. Van Munster said two years. Mr. Elliott asked if there would be individual leases between Resources for Human Development and the tenants. Mr. Van Munster said there would be. Mr. Elliott asked what services would be provided. Mr. Van Munster said the individuals would be checked in with at least weekly, and they would be transported to the Lodge location in Bethlehem for counseling and job training. Mr. Elliott asked if there were any disqualifying diagnosis. Mr. Van Munster said there is not, that all determinations are behavioral based. A motion to accept the resolution recommending Special Exception approval to the Zoning Hearing Board was made by Mr. Shipman, seconded by Mr. Heilman, approved by all.

Special Exception – New Cingular Wireless – One South 3rd Street. Mr. Manges said the applicant, New Cingular Wireless, PCS, LLC, proposes to replace three panel antennas with new antennas, and add three additional panel antennas on the roof of the Alpha Building at 1 South 3rd Street. New Cingular currently has nine panel antennas located on the roof of the Alpha Building. Six of the panel antennas are located on the roof of the building, and three are attached to the side of the building. The new panel antennas are to be at the same elevations as the current antennas owned by New Cingular Wireless. The proposed antennas will be visible from ground level. The applicant is also proposing to place additional equipment within its existing equipment shelter located in the basement of the Alpha Building. The property is located in the Downtown Zoning District where H5 - Communications Facilities are permitted by Special Exception per Article XVIII §595-109. 1 South 3rd Street is also located in the National Register and Local Historic Districts and installation of communication equipment requires Historic District Commission approval.

Mr. Manges said the Zoning Administrator has determined that variances are required from the Zoning Hearing Board since the antennas are not stealth, the antennas exceed the five foot height limit, and the building mounted antennas are higher than the 130 foot limit (142').

Ms. Kate Durso was present to represent New Cingular Wireless. Mr. Sun asked for clarification that three antennas were being replaced, and three added. Ms. Durso said

that was correct. Mr. Sun questioned how much more cellular development could occur at the location before maximum capacity was reached. Mr. Gish said the City had Pennoni Associates do an engineering structural analysis for the roof, and that would be the guiding factor. A motion to approve the resolution recommending special exception approval to the Zoning Hearing Board was made by Mr. Lieb, seconded by Mr. Heilman, approved by all.

Certifications of Blight. Mr. Manges said these seven properties were previously determined blighted by the Vacant Property Review Committee and the Easton Planning Commission, and since the determinations, the condition of the properties have not changed.

1225 Lehigh Street

A motion to accept the resolution certifying 1225 Lehigh Street as blighted was made by Mr. Lieb, seconded by Mr. Shipman, approved by all.

814 Spruce Street

A motion to accept the resolution certifying 814 Spruce Street as blighted was made by Mr. Lieb, seconded by Mr. Shipman, approved by all.

697 Prospect Street

A motion to accept the resolution certifying 697 Prospect Street as blighted was made by Mr. Lieb, seconded by Mr. Shipman, approved by all.

22 N. 6th Street

A motion to accept the resolution certifying 22 N. 6th Street as blighted was made by Mr. Lieb, seconded by Mr. Shipman, approved by all.

831 Walnut Street

A motion to accept the resolution certifying 831 Walnut Street as blighted was made by Mr. Lieb, seconded by Mr. Shipman, approved by all.

28 S. Locust Street

A motion to accept the resolution certifying 28 S. Locust Street as blighted was made by Mr. Lieb, seconded by Mr. Shipman, approved by all.

683 Prospect Street

A motion to accept the resolution certifying 683 Prospect Street as blighted was made by Mr. Lieb, seconded by Mr. Shipman, approved by all.

Acquisition of Blighted properties by the Redevelopment Authority of Easton, Pennsylvania

Mr. Gish explained that Chapter 152 of the Codified Ordinance of Easton establishes the Vacant Property Review Committee and creates the procedures to certify properties as blighted and to set forth the procedures for the Redevelopment Authority to acquire blighted properties. That process includes identifying properties for purchase to the Planning Commission and requesting a recommendation from the Commission as to the appropriate re-use of the properties.

The Redevelopment Authority is in the process of purchasing/redeveloping three of the properties certified as blighted, 680 Pine Street, 617 Ferry Street and 120 Northampton Street.

The Redevelopment Authority intends to demolish 680 Pine Street as part of a larger site development involving two adjoining residential properties that were not acquired through the blight process. Once the properties are demolished, three new construction homes will be built on the site.

120 Northampton Street is a mixed use property. This property, along with the adjoining building at 118 Northampton Street (not acquired through the blight process) will be sold to a private developer for rehabilitation. The development plans for these buildings will come before the Planning Commission.

617 Ferry Street is a single-family residence that will be rehabilitated as its current use.

A motion to advise the Redevelopment Authority that the planned reuses of the buildings are appropriate was made by Mr. Shipman, seconded by Mr. Sun, approved by all except Mr. Lieb who abstained.

Comprehensive Plan Re-write Update. Mr. Manges said interviews are stilling taking place, and staff has spoken with over 400 people at this point.

EAC Update. None

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