

The Easton Planning Commission met on Wednesday, October 1, 2014 at 6:30 p.m. in the Mayor's 6<sup>th</sup> Floor Conference Room, Alpha Building, One South Third Street, Easton, PA 18042. Planning Commissioners Charles Elliott, Bonnie Winfield, Robert Sun, Dennis Lieb, William Heilman, and Mia Hatzis were in attendance. The following Planning Bureau staff members were present: Director of Planning & Codes George Kinney, Chief Planner Carl Manges, and City Planner Mike Handzo. City Solicitor Joel Scheer was also present.

Mr. Elliott called the meeting to order at 6:31 p.m.

The agenda was approved as presented.

Mr. Lieb moved, with Ms. Winfield seconding, that the minutes of the September 3, 2014 meeting be approved as presented. The motion passed unanimously.

**Privilege of the Floor.** No members of the public wished to address the Commission.

**Lynn Street, Parcel L9SW3B 14 – Special Exception.** Mr. Handzo read that the applicant, Austin Potter, has proposed to establish a G10 – Salvage Yard use (Scrap Metal Processing Facility) on a vacant property on Lynn Street, parcel L9SW3B 14 4. The site was formerly used by Easton Area Recyclers, which was abandoned approximately nine (9) years ago. This application appeared before the Easton Planning Commission on September 3, 2014. At this time, the Commission determined it needed more information about the proposal's effects on the floodplain, the environment, and neighboring properties to take action. Mr. Handzo reported that the applicant had provided the requested information in an Impact Assessment and Mitigation Report.

The property is located in the River Corridors and Other Green Areas Zoning District, Block Class B, where the proposed G10 – Salvage Yard use is not permitted per Article XVIII §595-88. A Use Variance will be required from the Easton Zoning Hearing Board with this application. According to the Federal Emergency Management Agency Flood Insurance Rate Map 42095C0286 D, parcel L9SW3B 14 4 is located in the 100- and 500- year floodplains, with a base flood elevation of 195'. Therefore, this application also requires Special Exception approval for Use in the Floodplain per Article XXV §595-143(B)(3).

Mr. Handzo reported that the applicant's flood evacuation procedures were satisfactory and the proposal generally met the criteria for Special Exceptions outlined in Article XXXVIII §595-251. Therefore, he communicated that staff advocates Planning Commission's recommendation to the Zoning Hearing Board that the request for Special Exception for the proposed Use in a Floodplain be granted.

The applicant, Austin Potter, was present, along with counsel Bill Bolla, Esq., property owner Gary Diehl, and landscape architect G. Glenn Harris. Mr. Sun questioned the Impact Assessment and Mitigation Report, noting it detailed beneficial impacts but no adverse impacts. Mr. Elliott indicated he would have liked to see a more thorough report. Mr. Harris responded to these concerns, indicating that he did not believe any site conditions were detrimental enough to warrant the label of "adverse."

Mr. Sun discussed the importance of the Lehigh River as an asset to the City, and expressed his inclination to vote against the proposal. Mr. Heilman mentioned that the Commission had previously denied proposals for less intensive uses in the floodplain. Ms. Winfield stated the necessity of consistently applying broader planning objectives concerning the Lehigh River to individual applications.

Mr. Lieb asked the Solicitor if and when the site's status as a legal nonconforming Salvage Yard use had expired. Mr. Scheer indicated that concern was within the jurisdiction of the Zoning Hearing Board. In response to a question by Mr. Elliott, Mr. Manges stated that the Zoning Administrator had determined the site was abandoned in 2004.

Mr. Elliott asked the applicant a series of specific questions about materials to be stored onsite. Through this questioning, Mr. Potter revealed that his business would accept tin, household appliances, old computer equipment, empty metal drums, non-fluorescent metallic electrical equipment, and automobiles for transfer to another facility. Mr. Potter discussed his protocols for screening materials brought in by customers and managing salvage automobiles, empty metal drums, and electronic equipment. In response to Mr. Elliott, Mr. Potter indicated he would not accept any materials containing polychlorinated biphenyls (PCBs) or mercury, or quantities of non-recyclable municipal waste, residual waste, or hazardous waste beyond Environmental Protection agency-accepted incidental receipt quantities. Mr. Potter confirmed his willingness to install a perimeter fence and evergreen vegetation along the Lynn Street frontage, in response to conditions suggested by Mr. Elliott. Mr. Elliott stated that the applicant's proposed hours of operation should mitigate noise concerns, but suggested a condition requiring compliance with the City's Noise Ordinance could be beneficial.

Mr. Sun expressed concerns with the nature of the applicant's materials and the applicant's incentive to follow flood evacuation procedures. He suggested that the applicant's business would create a stockpile of unwanted rubbish in an environmentally sensitive area. Mr. Diehl and Mr. Elliott explained that it would not be in the business' economic interest to accept garbage materials with no resale value, or to allow inventory to be flooded, as its livelihood depended on its ability to resell purchased materials in a usable form.

Steve Miga, 4136 Nazareth Pike, Bethlehem, PA, was present. He identified himself as the owner of property across the street from the site, as well as a parcel at the intersection of Lynn Street and Lehigh Drive. He expressed his support of the application, stating it was compatible with the industrial nature of the area.

Mr. Elliott suggested the addition of several conditions to the staff draft resolution, addressing hours of operation, fencing and landscape buffering, prohibited types of materials, and compliance with the City Noise Ordinance. Mr. Potter indicated these conditions were acceptable to him. Mr. Lieb moved, with Mr. Heilman seconding, that the Easton Planning Commission recommend to the Easton Zoning Hearing Board that it grants a Special Exception request to Austin Potter for Use in a Floodplain at Lynn Street, Parcel L9SW3B 14, subject to the conditions recommended by staff and Mr. Elliott. Mr. Lieb, Mr. Heilman, Mr. Elliott, and Ms. Hatzis voted for the motion; Mr. Sun and Ms. Winfield voted against the motion. By a vote of 4 – 2, the motion passed.

**Comprehensive Plan Update.** Mr. Manges reported that Urban Matrix would be sending staff a preliminary text draft of the Comprehensive Plan on Friday, October 3. He stated that this draft would be shared with the Planning Commission and Comprehensive Plan Rewrite Task Force, with frequent drafts to be shared over the coming months leading to plan adoption. Mr. Manges said that Urban Matrix would be in attendance at Garlic Fest.

As there was no further business, the meeting was adjourned at 7:57 p.m.