

The Easton Planning Commission met on Wednesday, April 2, 2014 at 6:30 p.m. in City Council Chambers, Alpha Building, One South Third Street, Easton, PA 18042. Planning Commissioners Charles Elliott, Robert Sun, Dennis Lieb, Bonnie Winfield, and Ronald Shipman were in attendance. The following Planning & Codes staff members were present: Director of Planning & Codes George Kinney, Chief Planner Carl Manges, and Planner I Mike Handzo. City Solicitor Joel Scheer was also present.

Mr. Elliott called the meeting to order at 6:30 p.m.

The agenda was approved as presented.

Mr. Elliott requested a clarification to the "Environmental Advisory Council Update" section of the March 5 minutes. Mr. Shipman moved, with Ms. Winfield seconding, that the minutes be approved as amended. The motion passed unanimously.

Introduction of New Director of Planning & Codes: George Kinney, AICP. City Administrator Glenn Steckman thanked Mr. Elliott, Rep. Robert Freeman, and Will Dohe for their involvement in the search process, and introduced Mr. Kinney as the chosen candidate. Mr. Steckman announced the official appointment of Mr. Manges as Chief Planner. Mr. Kinney briefly described his credentials, and indicated that he observed many urban planning best practices existing in Easton. Mr. Elliott referred to Mr. Kinney as a "planner's planner," and Mr. Shipman congratulated Mr. Manges on his position.

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

101-103 N. 4th Street – Special Exception. Mr. Manges read that the applicant, Ivelisse Ocasio, has proposed to establish an E5 – Religious Worship Services use in a vacant first-floor commercial space at 101-103 N. 4th Street. The space, which formerly hosted a beauty salon, is located in a mixed-use building that also houses four (4) apartment units. The proposed Religious Worship Service would provide seating for 40 individuals.

This property is located in the Downtown Zoning District, Block Class B, where Religious Worship Services uses are not permitted per Article XX §595-108. However, Religious Worship Services are permitted by Special Exception in the Downtown Zoning District per Article XX §595-109.

A conversation with the applicant's representative, Julia Foares, on March 11, 2014 revealed that the applicant intends to open a religious worship service in a vacant first-floor storefront at 101-103 N. 4th Street. Services would be held from 7:00am – 9:00am on weekdays, and from 1:00pm – 3:00pm on Sundays. There are currently fourteen (14) members who are part of their congregation. The applicant's representative indicated that no retail sales or commercial activities would be associated with the Religious Worship Services.

Article XX §595-112(8) requires that the first floor of Downtown Zoning District buildings provide a use with a commercial component, and the applicant indicated there will be no commercial component associated with this application. The Zoning Administrator has determined that this application would require a variance for not having a commercial component on the first floor. It would also require approval from the Historic District Commission for any signage associated with the application.

Mr. Manges reported that the proposal was generally inconsistent with 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 E5 – Religious Worship Services use be denied.

A contingent representing the applicant was present, consisting of applicant Ivelisse Ocasio, Pastor Andreo Rosario, and interpreter Walter Delarosa. Through Mr. Delarosa, Mr. Shipman confirmed that the applicant understood staff's recommendation of denial and the reasoning behind it.

Ms. Winfield asked why the applicant was not required to provide off-street parking. Mr. Manges indicated that City Codes did not require parking for the particular proposal.

Mr. Lieb inquired if the Planning Commission had previously approved a proposal for Religious Worship Services on the same site. Mr. Manges reported they had, but that the particular proposal included the required

commercial component of a bookstore. Mr. Lieb discussed the potential nuisance issues created by excessive amplification of religious services over loudspeakers.

Mr. Sun requested clarification of staff's assertion that the Religious Worship Services could potentially become a tax-exemptible property. Mr. Manges and Mr. Scheer indicated that the applicant would be tax-exempt, and that the building owner could potentially seek a partial tax exemption. Mr. Sun asked about the nature of weekday morning services, with Mr. Delarosa describing 45 minutes of singing with no amplification.

Mr. Elliott discussed the underlying ordinance mandating a first-floor commercial component in the Downtown Zoning District, and questioned its application to the proposed Religious Worship Services when first-floor non-commercial uses existed Downtown. Mr. Shipman suggested that, regardless of the ordinance, the proposed location was not suited to religious services. Mr. Elliott confirmed that the applicant had applied for a variance from the first-floor commercial requirement.

Pat Martinez, 109 N. 4th Street, expressed objections to the proposed Religious Worship Services as he thought the location was better suited to a commercial use. Mr. Handzo and Mr. Manges shared correspondence received from Denise Sandy, 106 N. 4th Street, and Carl Martinez, 109 N. 4th Street, objecting to the proposed use.

Mr. Shipman moved, with Mr. Sun seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board that it denies a Special Exception request to Ivelisse Ocsaio for a Religious Worship Services use at 101 – 103 N. 4th Street. Mr. Elliott, Mr. Shipman, Ms. Winfield, and Mr. Sun voted in favor of the motion, with Mr. Lieb voting against the motion. By a vote of 4-1, the motion passed.

700-D Old Philadelphia Road – Special Exception. Mr. Manges read that the applicant, Caroline Krouse, has proposed to establish a C6 – Retail Specialty use (Smoke Shop) in “Store 4” of the single-story retail/commercial building at 700-D Old Philadelphia Road. The Smoke Shop would occupy 1,100 square feet of the building, which features space for up to five (5) commercial establishments. The building presently features a Subway, a Dunkin’ Donuts, the Ichiban Express restaurant, and two vacant retail/commercial spaces.

This property is located in the South Side Zoning District, Block Class A, where Retail Specialty uses are not permitted per Article XIV §595-68. However, the property is also located in the Street Corridor Enhancement Overlay District, where Retail Specialty uses are permitted by Special Exception per Article XXIII §595-126.

A conversation with the applicant, Caroline Krouse, on March 17, 2014 revealed that she intends to open the “South Side Smoke Shop” in the vacant “Store 4” of the single-story retail/commercial building at 700-D Old Philadelphia Road. The establishment would sell a range of tobacco and smoking products, including cigarettes, cigars, and electronic cigarettes. No food products or beverages would be sold, and smoking would not be permitted inside the establishment. The applicant's proposed hours of operation are from 7:00am – 8:00pm, seven (7) days a week. There will be two (2) employees associated with this business, one of whom is the applicant. The applicant indicated deliveries would be made to the front of the store, accessed from the shared parking lot with CVS, and estimated they would occur approximately once per month. The applicant was unsure of the type of delivery vehicle expected.

Mr. Manges reported that the proposal 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 C6 – Retail Specialty use be granted.

The applicant, Caroline Krouse, was present. She described the South Side as an area of opportunity, and mentioned her hopes to grow her business. Mr. Lieb expressed concerns about the effects of tobacco sales on health, safety, and general welfare. Mr. Elliott suggested the applicant consider adding general merchandise to their proposed inventory, but indicated the proposal as presented met all ordinance requirements.

Mr. Shipman moved, with Mr. Sun seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board that it grants a Special Exception request with conditions to Caroline Krouse for a Retail Specialty use at 700-D Old Philadelphia Road. Mr. Elliott, Mr. Shipman, Ms. Winfield, and Mr. Sun voted in favor of the motion, with Mr. Lieb voting against the motion. By a vote of 4-1, the motion passed.

134 N. 2nd Street – Special Exception.

Mr. Manges read that the applicant, Brian Turtzo, has proposed to establish an A2 – Single-Family Semidetached Dwelling use at 134 N. 2nd Street. A mixed-use building containing one commercial space and one owner-occupied dwelling unit currently exists at this address, and the applicant would de-convert this building to the proposed single-family use. The commercial space formerly housed Casera, a Spanish restaurant.

This property is located in the Downtown Zoning District, Block Class C, where Single-Family Semidetached Dwelling uses are not permitted per Article XX §595-108. However, Single-Family Semidetached Dwelling uses are permitted by Special Exception in the Downtown Zoning District per Article XX §595-109.

A conversation with the applicant, Brian Turtzo, on March 12, 2014 revealed that he intends to de-convert a mixed-use building at 134 N. 2nd Street to its original single-family use. The applicant indicated he is not proposing any exterior renovations along with the proposal. Therefore, Historic District Commission review and approval will not be necessary.

The proposed dwelling is situated on a lot of 1,421 square feet. Per Article XX §595-110, Single-Family Semidetached Dwelling uses require lots between 2,000 and 5,000 square feet. Therefore, the Zoning Administrator has determined that this application requires a variance for dimensional criteria.

Mr. Manges reported that the proposal 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 A2 – Single-Family Semidetached Dwelling use be granted.

The applicant, Brian Turtzo, was present. He explained that the proposal was the result of a pending real estate transaction, and that the realtors involved were present to represent their clients. Mr. Lieb indicated his employer was involved in the sale, and recused himself from the proceedings. In response to a question by Mr. Sun, a realtor explained that his client wished to purchase the property for owner-occupancy, and disclosed the name of the buyer. Mr. Elliott recused himself from the vote at the mention of the name.

Mr. Shipman moved, with Ms. Winfield seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board that it grants a Special Exception request with conditions to Brian Turtzo for a Single-Family Semidetached Dwelling use. Mr. Lieb and Mr. Elliott abstained from voting; otherwise, the motion passed unanimously.

Comprehensive Plan Rewrite Update.

Mr. Manges reported that Urban Matrix was scheduling individual interviews to discuss the Comprehensive Plan Rewrite with stakeholders and City employees, and indicated the work was progressing on schedule.

Environmental Advisory Council (EAC) Update.

Mr. Elliott summarized the following EAC business:

- The EAC will plant trees at Cottingham Stadium on April 26, in observance of Arbor Day. Lafayette College students will provide assistance, and the Mayor will be in attendance.
- The City will continue using goats for invasive plant control in Hugh Moore Park.
- The EAC discussed the effects of the City's weekly recycling program, the need for bilingual recycling education, and the difficulty of increasing recycling requirements.
- The EAC discussed the potential of drafting a standard City lease form to protect tenant rights and communicate recycling information.

Mr. Sun asked Mr. Kinney for his assessment of the City's greatest areas of need in planning priorities. Mr. Kinney indicated that the City could strengthen connections between its neighborhoods. Some informal discussion on this topic followed.

As there was no further business, the meeting was adjourned at 7:58 p.m.