

The Easton Planning Commission met on Wednesday, August 6, 2014 at 6:30 p.m. in City Council Chambers, Alpha Building, One South Third Street, Easton, PA 18042. Planning Commissioners Charles Elliott, Bonnie Winfield, Robert Sun, Dennis Lieb, Ronald Shipman, 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 in attendance.

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

The agenda was approved as presented.

Mr. Lieb moved, with Ms. Winfield seconding, that the minutes of the July 2, 2014 meeting be approved as presented. The motion passed unanimously.

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

130 Spring Garden Street – Special Exception. Mr. Manges read that the applicants, Janna Gay and Patrick Kays, have proposed to deconvert an existing two-family semidetached home to establish an A2 – Single-Family Semidetached Dwelling use at 130 Spring Garden Street. This property is located in the Downtown Zoning District, Block Class B, where Single-Family Semidetached Dwelling uses are permitted by Special Exception per Article XX §595-109.

A conversation with one of the applicants, Janna Gay, on July 7, 2014, confirmed her intent to deconvert the residence at 130 Spring Garden Street for single-family use. Ms. Gay explained that the proposed deconversion is part of a comprehensive rehabilitation of the property, and that the applicants plan to owner-occupy the home once the renovations are complete. The applicant is not proposing any exterior work along with this application.

Mr. Manges reported that the proposal generally met the Special Exception criteria of §595-251. Therefore, he communicated that staff advocates Planning Commission's recommendation to the Zoning Hearing Board that it grants the Special Exception request for a Single-Family Semidetached Dwelling.

The applicants, Janna Gay and Patrick Kays, were present. Mr. Kays described his plans to renovate the property in response to several questions by Mr. Shipman.

Mr. Shipman moved, with Mr. Lieb seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board that it grants a Special Exception request with conditions to Janna Gay and Patrick Kays for a Single-Family Semidetached Dwelling at 130 Spring Garden Street. The motion passed unanimously.

77 N. 2nd Street – Special Exception. Mr. Manges read that the applicants, Jonathan and Andrea Warren, have proposed to establish an A7 – Multifamily use at 77 N. 2nd Street. Currently, a mixed-use building containing a vacant first-floor office and two apartment units exists at this address. The applicants propose to convert the office space into an additional apartment, creating a three-unit, tenant-occupied Multifamily use. This property is located in the Downtown Zoning District, Block Class B, where Multifamily uses are permitted by Special Exception per Article XX §595-109.

A conversation with the applicant's representative, Jeff Russell, on July 17, 2014, confirmed their intent to convert a ground-floor office space at 77 N. 2nd Street into an apartment. Mr. Russell indicated that the office had housed the applicant's medical practice for several decades, and that it became vacant upon the applicant's retirement two years ago.

Mr. Manges reported that the proposal generally met the Special Exception criteria of §595-251. Therefore, he communicated that staff advocates Planning Commission's recommendation to the Zoning Hearing Board that it grants the Special Exception request for a Multifamily use.

The applicant's representatives, Jeffrey Russell and Daniel Cohen, Esq., were in attendance. Mr. Cohen explained that extensive previous efforts to find a commercial tenant for the space had proven unsuccessful, so the applicant hoped to pursue the proposed residential use.

Mr. Shipman and Mr. Lieb asked about the layout of the proposed apartment, with Mr. Cohen and Mr. Russell providing a description. Mr. Sun inquired if the proposed first-floor residential use in the Downtown District was acceptable. Mr. Manges replied affirmatively, explaining that the subject property was outside the Street Corridor Enhancement Overlay District and that the proposed use was consistent with the character of the neighborhood. Mr. Elliott determined that the dimensions of the proposed apartment would be compliant with City Codes.

Mr. Sun moved, with Mr. Lieb seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board that it grants a Special Exception request with conditions to Jonathan and Andrea Warren for a Multifamily use at 77 N. 2nd Street. The motion passed unanimously.

1303 Northampton Street – Special Exception. Mr. Manges read that the applicant, Caroline Krouse, has proposed to establish C3 & C4 – General Merchandise and Food Establishments uses (Smoke Shop and Convenience Store) in a vacant commercial space of a mixed-use building at 1303 Northampton Street. Previously, an insurance agency occupied this space. The proposed establishment would offer a variety of tobacco and smoking products, prepackaged foods, bottled beverages, and general merchandise. 1303 Northampton Street is located in the West Ward Zoning District, Block Class C, where the proposed General Merchandise and Food Establishments uses are not permitted per Article XV §595-75. However, it is also located in the Street Corridor Enhancement Overlay District, where Food Establishments and General Merchandise uses are permitted by Special Exception per Article XXIII §595-126.

A conversation with the applicant, Caroline Krouse, on July 16, 2014 confirmed her intent to open a combined Smoke Shop and Convenience Store in the commercial space at 1303 Northampton Street. The applicant indicated that proposed merchandise would consist of tobacco products, smoking accessories, e-cigarettes, novelty gift items, non-alcoholic bottled beverages, prepackaged foods, lottery tickets, and general merchandise items. Smoking would not be permitted inside the business. The business would be open from 8:00 a.m. – 8:00 p.m., seven (7) days a week. There would be two (2) employees associated with this business, including the applicant. The applicant expects deliveries to occur approximately once per week, with deliveries arriving on a box truck and received on Northampton Street.

Mr. Manges reported that the proposal generally met the Special Exception criteria of §595-251. Therefore, he communicated that staff advocates Planning Commission's recommendation to the Zoning Hearing Board that it grants the Special Exception requests for General Merchandise and Food Establishments uses.

The applicant, Caroline Krouse, and business partner Travis McNally was in attendance. Ms. Krouse stated that she purchased the building where she proposed to locate her business.

Mr. Lieb expressed his opinion that smoke shops are nuisance businesses, and described traffic and parking issues he had observed near existing similar businesses in the City. He stated that this proposal was located near a bus stop and a busy intersection, and shared his intent to vote against it. Ms. Hatzis affirmed Mr. Lieb's sentiments.

Mr. Sun requested clarification on the nature of smoking accessories and novelty gift items. Ms. Krouse replied that this merchandise would include pipes, cigarette rolling machines and papers, and clothing. Mr. Sun asked if Paxinosa Elementary School students would have cause to patronize the establishment, with Ms. Krouse replying that minors under age 18 would not be permitted to enter. In response to a question by Mr. Elliott, Ms. Krouse indicated that signage would be posted to this extent. Ms. Krouse replied to several questions by Mr. Sun regarding shipments and deliveries, with Mr. Sun raising concerns

about the applicant's deliveries contributing to congestion at the intersection of 13th and Northampton Streets.

Mr. Elliott inquired about the percentage of the applicant's business that would be based on smoking-related products, with Mr. McNally indicating this trade would generate more than 50% of business. Mr. Sun requested a more specific figure, and Mr. McNally offered 90%. Mr. Elliott asked Mr. Manges to read the definitions of C3 – General Merchandise and C4 – Food Establishments uses from the Zoning Ordinance. Following this reading, Mr. Elliott stated this definition of General Merchandise was sufficiently broad to encompass the proposed use, in the absence of a specific definition of a smoke shop. He expressed his support of staff's approval recommendation based on the necessity of facially evaluating proposals against City Codes, but reiterated the Commission's concerns about the nature and location of the proposed use.

Mr. Shipman stated he had not yet heard any clear evidence that the proposed business would be a nuisance, and therefore saw no reasons within the Planning Commission's jurisdiction to ban the use. Mr. Sun suggested that the Commission should consider broad implications of health, safety, and general welfare, and raised concerns about the proposed business' proximity to Paxinosa Elementary School. Mr. Scheer affirmed these concerns as relevant to the Commission.

Ms. Winfield requested clarification on the determination that the proposed use would generate no more parking demand than the previous use. Mr. Kinney stated that the Zoning Administrator had made this determination based on provisions of City Codes.

Mr. Shipman moved that the Easton Planning Commission recommend to the Zoning Hearing Board that it grants Special Exception requests with conditions to Caroline Krouse for General Merchandise and Food Establishments uses at 1303 Northampton Street. The motion failed to carry for lack of a second.

Mr. Sun moved that the Easton Planning Commission recommend to the Zoning Hearing Board that it denies the Special Exception requests for General Merchandise and Food Establishments uses. Mr. Sun and Mr. Elliott suggested corresponding modifications to the language of the staff draft resolution. Mr. Lieb seconded Mr. Sun's motion. Ms. Winfield, Mr. Lieb, Mr. Sun, and Ms. Hatzis voted in favor of the motion; Mr. Elliott and Mr. Shipman voted against the motion. By a vote of 4-2, the motion passed.

415 Bushkill Drive – Special Exception. Mr. Handzo read that the applicant, Unis Star Importing, has proposed to establish C8 & F8 – Wholesale Trade and Warehouse and Storage uses (Wine Distributor) in a vacant building at 415 Bushkill Drive. Previously, this building was used by an electrical contractor. The applicant proposes to import French wine and distribute it to Pennsylvania Wine & Spirits retail outlets. There would be no direct sales of wine to the public, and this location would not be open to walk-in business. Materials stored onsite will include wine cases and bottles and office equipment.

415 Bushkill Drive is located in the Institutional-1 Zoning District, Block Class A, where the proposed C8 & F8 – Wholesale Trade and Warehouse and Storage uses are not permitted per Article XVIII §595-94, requiring Use Variances from the Zoning Hearing Board. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map 42095C0279 D, 415 Bushkill Drive is located in both the 100- and 500- year floodplains, with a base flood elevation of 197 feet. Therefore, this application requires Special Exception approval for a Use in the Floodplain per Article XXV §595-143(B)(3).

Conversations with the applicant's representatives, George Baurkot, Esq. on July 17, 2014, and Catherine Kollet, Esq. on July 23, 2014, revealed the applicant's intent to distribute imported wine to Pennsylvania Wine & Spirits stores. The applicant would be the only employee associated with this business, and proposed hours of operation would be from 9:00 a.m. – 5:00 p.m., Monday – Friday. This business would receive approximately two (2) box truck deliveries of wine per year, and the applicant would make approximately three (3) weekly deliveries to Wine & Spirits locations using a company vehicle. A garage on the east side of the building would facilitate incoming and outgoing deliveries.

Mr. Handzo reported that the applicant had submitted flood evacuation procedures, and that the proposal generally met the Special Exception criteria of §595-251. Therefore, he communicated that staff advocates Planning Commission's recommendation to the Zoning Hearing Board that it grants the Special Exception request for Use in the Floodplain.

The applicant's representative, Catherine Kollet, Esq., was in attendance. In response to a question by Mr. Shipman, she explained that the business would operate from several garages onsite leased from the property owner; the owner would continue to use other portions of the building onsite. In response to a question by Mr. Lieb, Ms. Kollet described the applicant's business model, and indicated the business would deal in limited quantities of a niche high-end wine. Mr. Sun inquired about the number of cases of wine to be stored onsite at a given time, and Ms. Kollet reported it would be less than 100. Mr. Elliott confirmed that the applicant had received all required approvals from the Pennsylvania Liquor Control Board.

Mr. Sun asked if the applicant intended to expand the business into the remainder of the building. Ms. Kollet indicated this would be possible. Mr. Manges stated that expansion would require a new zoning application, as the premises listed on the current application were limited to the 735 square feet of the garage.

Mr. Shipman requested the addition of a condition to the staff draft resolution, limiting the business to the 735 square feet listed on the zoning application. Mr. Sun moved, with Mr. Shipman seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board that it grants a Special Exception request with conditions to Unis Star Importing for Use in a Floodplain. The motion passed unanimously.

Mr. Elliott called a recess at 7:41 p.m. The meeting returned to order at 7:52 p.m.

Simon Silk Mill Phase III – Land Development and Special Exception. Mr. Manges read that the applicant, Redevelopment Authority of Easton, PA (RDA), has proposed to develop Phase III of the Simon Silk Mill project. This phase consists of the conversion of three (3) buildings into Residential Lowrise and Cottage Industry uses. Also, the applicant has proposed to add 15 additional parking spaces. Phase I of this project received Conditional Final Approval on May 15, 2013, and Phase II of this project received Conditional Final Approval on November 6, 2013. The Simon Silk Mill site is located at 671 N. 13th Street. It contains 18 buildings overall, with a total floor area of 306,986 square feet. Currently, all buildings onsite are vacant. The applicant is proposing an A8 – Residential Lowrise use (30 apartment units; 23,760 square feet) in Building L; 30,000 square feet of F10 – Cottage Industry use in Building N; and 39,748 square feet of F10 – Cottage Industry use in Building P.

The Simon Silk Mill is located in the River Corridors and Other Green Areas Zoning District, Block Class A, as well as the Street Corridor Enhancement Overlay District. The proposed A8 – Residential Lowrise use and F10 – Cottage Industry uses are permitted by Special Exception in the River Corridors and Other Green Areas Zoning District per Article XVII §595-89. All future proposed business/commercial uses in Buildings N and P shall be subject to Zoning and/or Planning review. Parking is shared with the previous two phases of development, and combined; the plan proposes a total of 222 parking spaces. Phase III proposes the creation of 15 new parking spaces in a parking lot to the west of Buildings N and P.

Mr. Manges reported that the plans were generally consistent with the requirements of §520-36, *Preapplication Requirements*; §520-37, *Subdivision and Land Development Plan*; Chapter 507, *Stormwater Management*, and the Special Exception criteria of §595-251. Therefore, he communicated that staff advocates Planning Commission's granting of Conditional Final Approval, as well as Planning Commission's recommendation to the Zoning Hearing Board that it grants the Special Exception requests for Residential Lowrise and Cottage Industry uses.

A contingent representing the applicant was present, including Mark Bahnick of Van Cleef Engineering Associates, Mark Mulligan of VM Development Group, RDA Executive Director Gretchen Longenbach, and RDA counsel Daniel Cohen, Esq. At Mr. Shipman's request, Mr. Bahnick and Mr. Manges clarified the scope of Phase III of the plans. Mr. Shipman asked about the timetable for the transfer of ownership

from RDA to VM Development Group; Ms. Longenbach provided an explanation. Mr. Shipman and Mr. Lieb inquired about ownership and maintenance of common areas, with Ms. Longenbach discussing a condominium agreement between RDA and VM Development Group. Mr. Shipman asked about the timetable for current and future phases of the Simon Silk Mill development. Mr. Mulligan provided an overview, highlighting that Phases II and III were slated to begin in Fall 2015 and require 18 months to two years for completion. Mr. Shipman requested an explanation of cottage industry, which was provided by Mr. Mulligan and Ms. Longenbach.

Mr. Lieb and Mr. Sun inquired about tax revenues from the Simon Silk Mill and the site's Keystone Opportunity Zone (KOZ) incentive, with Ms. Longenbach and Mr. Mulligan providing a specific overview. At Mr. Sun's request, Ms. Longenbach discussed traffic and intersection improvements to be made in the vicinity of the Simon Silk Mill.

Mr. Elliott asked for an update on the Lehigh Valley Planning Commission's review of the plans. Mr. Manges indicated that the Lehigh Valley Planning Commission would be returning a finding of consistency with the regional comprehensive plan upon completion of their review. Mr. Elliott expressed his support for the cottage industry component of the plans, and inquired about market studies supporting the demand for such facilities. Ms. Longenbach described a recent graduate thesis illustrating demand for cottage industry space in Easton.

Mr. Lieb moved, with Ms. Winfield seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board that the Special Exception requests for Residential Lowrise and Cottage Industry uses be granted, and that it grant conditional final approval of the plans titled "Silk Project – Phases One, Two, and Three." The motion passed unanimously.

Comprehensive Plan Rewrite Update. Mr. Manges reported that the Comprehensive Plan Rewrite website was live for viewing, and indicated that an insert in the next round of City utility bills would advertise the website to City residents. He stated that consultant Urban Matrix was preparing to arrange a series of video interviews with stakeholders for the website, and that a Comprehensive Plan draft would be available in October. Mr. Elliott raised concerns that this date could be too close to adoption deadlines mandated by grant funds for a thorough review. He urged staff to request an earlier preliminary draft from Urban Matrix, which staff agreed to do.

Environmental Advisory Council (EAC) Update. Mr. Elliott reported that the EAC had discussed the implications of regional developments and associated stormwater management practices on the City and the Bushkill Creek, and possible means of encouraging homeowners' prudent usage of lawn pesticides.

As there was no further business, the meeting was adjourned at 8:53 p.m.