

The Easton Planning Commission met on Wednesday, August 7, 2013, at 6:30 p.m. in City Council Chambers, Alpha Building, One South Third Street, Easton, PA 18042. Planning Commissioners Charles Elliott, Ronald Shipman, Bonnie Winfield, Dennis Lieb, William Heilman, and Mia Hatzis were in attendance. Chief Planner Carl Manges, City Solicitor Joel Scheer, and Lehigh University Community Fellow Mike Handzo were also in attendance.

Mr. Elliott called the meeting to order at 6:33 p.m.

Mr. Manges noted that the sketch plan for 620 Coal Street would be moved to the end of the agenda, as it did not require action by the Commission.

Mr. Lieb noted several typographical errors to the minutes of the July 3, 2013 Easton Planning Commission meeting. Mr. Shipman moved, with Mr. Heilman seconding, that the minutes be approved as amended. The motion passed unanimously.

There were no members of the public wishing to address the Commission on non-agenda items.

700 C & D Old Philadelphia Road – Special Exception. Mr. Manges reported that the applicant, Yvette Tabong, has proposed the establishment of a D11 – Day Care in two currently vacant sections of the one-story retail/commercial building at 700 C & D Old Philadelphia Road, which is across from the CVS building. The proposed space is approximately 3,100 square feet. The existing one-story retail/commercial building has been constructed to accommodate up to 5 stores. Currently, a Dunkin' Donuts, a Chinese Restaurant, and a Subway occupy spaces within this building. The proposed Day Care requires that 8 off-street parking spaces be provided, and there are a total of 90 off-street parking spaces provided in the parking lot that accommodates both the retail/commercial building and the CVS building. The Zoning Administrator has determined that the total amount of parking spaces is adequate for this business, and no variance will be required for off-street parking. The property is located in the South Side Zoning District; Block Class A where the proposed Day Care (D11) use is not permitted per Article XIV §595-68. However, the property is also located in the Street Corridor Enhancement Overlay District where the Day Care (D11) use is permitted by Special Exception per Article XXIII §595-126.

A conversation with the applicant on July 17, 2013, revealed that she is proposing to establish a Day Care in two sections of the one-story building located at 700 C & D Old Philadelphia Road. The applicant anticipates 48-50 children at the day care. There are two means of egress out of this building; one exit in front leading to the parking lot, and the other exit in the back of the building. A play area would be located in the rear of the property. The drop-off/pick-up area for the children will be in the off-street parking spaces that are located in the front of the building. The Day Care will operate Monday through Saturday 6:30am to 6:30pm, and will have 6-8 employees associated with the business. The applicant also stated that she will submit her state registration for operating a day care service if she receives the necessary approvals from the City.

Mr. Manges indicated that the proposal was compatible with the Zoning Ordinance, the 1997 Comprehensive Plan, and surrounding land uses. He communicated that staff advocates Planning Commission recommendation to the Zoning Hearing Board for granting a Special Exception request to Yvette Tabong for a Day Care at 700 Old Philadelphia Road.

Ms. Tabong was in attendance. Mr. Shipman asked her to clarify that the proposal included parking and a play area. She confirmed both matters, and indicated that parking facilities provided sufficient space for deliveries and picking up and dropping off children. Mr. Lieb asked if the Planning Commission needed to take any action due to the dimensions of the proposed sign, with Mr. Manges indicating that Ms. Tabong would seek a variance from the Zoning Hearing Board.

Mr. Elliott requested that the staff approval resolution be amended to include a condition requiring all necessary variances. Mr. Shipman moved, with Ms. Winfield seconding, that the Easton Planning Commission recommends to the Easton Zoning Hearing Board that the request for Special Exception be granted, with conditions, for the proposed Day Care (D11) use at 700 C & D Old Philadelphia Road. The motion passed unanimously.

220 Ferry Street – Special Exception.

Mr. Manges reported that the applicant, Ramzi Haddad, desires to convert a currently vacant 1-story building to a D6 – Professional Service (Medical Office) at 220 Ferry Street. The previous use of the building was used as Administrative Offices, and the property has been vacant for more than a year. The property is located in the Downtown Zoning District; Block Class A, where the proposed D6 – Professional Services use is permitted per Article XX §595-108. However, the property is also located in the Flood Hazard Overlay District, requiring Special Exception for use in a floodplain. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map 42095C0279 D, 220 Ferry Street is located with the 100 & 500-year floodplain with a base flood elevation of 195 feet. A letter from FEMA dated April 2, 2013, states that the structure at the site was removed from the Special Flood Hazard Area, but portions of the property remain in the Special Flood Hazard Area. The applicant is also the owner of 220 Ferry Street.

A conversation with Ramzi Haddad on July 23, 2013, revealed that he wants to convert the vacant one-story commercial building to a Medical Office. Mr. Haddad also stated that there are 16 off-street parking spaces associated with this property. The Zoning Administrator has determined 19 off-street parking spaces are required with this application, and a variance for 3 spaces is required from the Zoning Hearing Board. Mr. Haddad has provided documentation stating measures to be taken in the event of a Flood Warning and/or Event. In the event of a Flood Warning, all operations in the building would cease, and the premises will be evacuated until the flood waters have subsided.

Mr. Manges reported that the proposal was compatible with the Zoning Ordinance, the 1997 Comprehensive Plan, and neighboring land uses. He indicated that staff advocates Planning Commission recommendation to the Zoning Hearing Board for granting a Special Exception request to Ramzi Haddad for use in a floodplain at 220 Ferry Street with conditions.

Mr. Haddad's brother was present to represent the applicant. Mr. Shipman inquired about the type of medical office proposed, with the applicant's representative indicating it would be affiliated with St. Luke's University Health Network. Mr. Shipman asked if any sensitive or specialized medical equipment would be stored within potential reach of floodwaters; the applicant's representative indicated that equipment onsite would be limited to basic tools of the trade. Mr. Elliott asked if floodwaters had reached the building. Mr. Manges and the applicant's representative both noted this had never occurred, although the building was located within the 500-year floodplain.

Mr. Lieb moved, with Mr. Shipman seconding, that Planning Commission recommends to the Zoning Hearing Board the granting of Special Exception request to Ramzi Haddad for use in a floodplain at 220 Ferry Street with conditions. The motion passed unanimously.

118 – 120 – 129 Northampton Street – Final Approval.

Prior to the presentation, Mr. Scheer indicated that he saw an article in the newspaper, reporting on legal action by Mr. Lieb against a former employer. He explained that the article mentioned the Executive Director of the Redevelopment Authority. Mr. Scheer asked Mr. Lieb if he intended to recuse himself from voting on the next two projects, as the Redevelopment Authority was the applicant. Mr. Lieb indicated he did not see a necessity to recuse himself, as the Redevelopment Authority was not a party to the legal action.

Monica Wall, of T&M Associates, reported that the applicant, Redevelopment Authority of Easton (RDA), was seeking conditional final approval to renovate and combine the two buildings at 118 and 120 Northampton Street into a single Mixed Residential/Business (A12) Use. She indicated that the plans were in compliance with the requirements of the Subdivision and Land Development Ordinance and Zoning Ordinance. Ms. Wall explained that the applicant had received a Special Exception for a New Use in a 100-Year Floodplain and a variance for the establishment of first-floor residential units in the Downtown Zoning District at the July 15, 2013 Zoning Hearing Board meeting. She reported that the floor plans had been revised to include three apartments on the first floor since the Planning Commission's preliminary approval, granted July 3, 2013.

RDA Executive Director Gretchen Longenbach and attorney Daniel Cohen, Esq. were in attendance as representatives of the applicant. Mr. Shipman asked if the commercial space had been eliminated on the first floor, with Ms. Wall responding that it had been divided into two storefronts. Ms. Winfield inquired if, and Ms. Wall confirmed that, angle parking would be provided.

Mr. Lieb asked why the number of first-floor residential units had been increased within the floodplain. Ms. Longenbach explained that the developer added the extra units in the name of cash flow, and that the units would be elevated above flood levels. She reported that the Zoning Hearing Board had granted general approval to residential units on the first floor, not specifically to one unit on the first floor. Concerning the commercial space, she explained that two smaller spaces would rent more readily than one larger space. Mr. Scheer indicated that the Planning Commission had recommended the Special Exception for Use in a Floodplain based on the presence of one residential unit on the first floor, and that Mr. Lieb was raising concerns in keeping with the Planning Commission's responsibilities.

Mr. Elliott echoed the above sentiments. He explained that the Planning Commission completed its preliminary approval review based on the presence of one residential unit on the first floor, and that the Planning Commission may have wished to examine additional issues than had they known that the applicant was proposing the development of 3 units. He asked if the applicant needed to return to both the Zoning Hearing Board and Planning Commission in light of the change. Mr. Cohen asked the Commission to elucidate the planning issues created by increased units. Mr. Elliott explained that the Planning Commission generally discourages residential development on the first floor of Downtown Zoning District buildings, and that they may have channeled more questions to the developer in preliminary approval. (The developer was not present on this occasion.) Ms. Longenbach and Mr. Cohen indicated that all units would be oriented toward the rear of the building, with only one access to the front.

The applicant presented updated floor plans to the Commission for review. Mr. Elliott asked if the plans had been previously submitted, with Ms. Wall reporting that they had been submitted to the City but not to T&M Associates. Mr. Cohen acknowledged the applicant's deviation from typical plan submittal processes, but suggested that the number of residential units was primarily a zoning concern versus a planning matter. He identified the project as critical to the 100 block of Northampton Street, and indicated that the renovations must commence soon to preserve the buildings. Further questions by the Commission revealed that the plans provided sufficient parking and that deliveries would occur to the front of the building.

Mr. Lieb inquired about the applicant's due diligence in bidding and advertising the projects. Mr. Cohen explained that the RDA's legal procurement procedures were more lenient than the City's, and that they had followed procedures. He and Mr. Scheer indicated such matters did not affect the planning concerns presently under consideration by the Commission.

Mr. Shipman expressed his support for the proposal. Mayor Sal Panto indicated that the RDA will only initiate projects that meet the highest legal and professional standards.

Mr. Shipman moved, with Mr. Heilman seconding, that the Easton Planning Commission grants conditional final approval of the submitted plans titled, "118, 120 & 129 Northampton Street – Land Development Plan." Mr. Elliott voted "no" on procedural grounds, explaining that he considered the revised plans to constitute an amendment that would require the submission of a revised Preliminary Land Development Plan and floor plans for approval. Mr. Shipman, Ms. Winfield, Mr. Lieb, Mr. Heilman, and Ms. Hatzis voted in favor of the project. By a vote of 5-1, the motion was approved.

676 – 684 Pine Street – Preliminary & Final Approval. Stephen Gabriel of Rettew Associates reported that the applicant, RDA, seeks to demolish three existing vacant dwellings at 680, 682, and 684 Pine Street and a residential garage at 678 Pine Street, and replace them with two new semi-detached dwellings and two off-street surface parking spaces. The applicant has also proposed the consolidation of five existing lots into four lots. A total of four dwelling units (two proposed, two existing to remain) will occupy the four lots proposed as a result of the consolidation. The two new dwelling units are each 20' x 35', three-bedroom units with two floors of living area and a ground floor garage beneath. Each garage will accommodate two vehicles. The two new off-street surface parking spaces provide one space for each of the two existing dwelling units to remain at 678 and 686 Pine Street.

The site is located outside of the 100-year and 500-year floodplains and the Easton Historic District. A number of design aspects (parking spaces required, front-loaded garages, parking access, lot dimensions, and street trees) of the proposal do not satisfy the applicable ordinance standards and the

applicant has requested variances which are currently scheduled to be heard before the Easton Zoning Hearing Board on September 16, 2013.

Mr. Gabriel reported that the plans were compatible with the Pre-Application Requirements, Subdivision and Land Development Ordinance, 1997 Comprehensive Plan, and neighboring land uses. He communicated Rettew's recommendation that the Easton Planning Commission grant preliminary and final approval of the proposed plan.

Gretchen Longenbach was in attendance as a representative of the applicant. In response to Mr. Lieb's requests for clarification, she explained that one complete home in the development would receive off-street parking, and that the surface lots would serve the units without garages. Mr. Lieb indicated that the front-loaded garages opening onto an alley were context-appropriate. Ms. Hatzis asked if the units would be offered for sale, with Ms. Longenbach explaining they would be sold via a land-lease model through the nonprofit Lehigh Valley Community Land Trust.

Mr. Lieb moved, with Ms. Winfield seconding, that the Easton Planning Commission grants conditional final approval of the submitted plans titled "676-684 Pine Street." The motion passed unanimously.

620 Coal Street (Black Diamond) – Sketch Plan Review – Land Development. Mr. Handzo explained that the applicant, Black Diamond Enterprises, Ltd., has submitted a sketch plan proposing subdivision and land development on the Black Diamond site in the South Side (SS) Zoning District. The applicant has proposed the construction of 22 Single Family Detached Dwelling Units and 12 Single Family Semi-Detached Dwelling Units, both which are permitted uses in the SS Zoning District. The proposed Single-Family Detached Dwelling Units would be between 1,300 and 1,600 square feet, and a maximum of two stories. The proposed Single Family Semi-Detached Dwelling Units would be 2,000 square feet, and a maximum of 2.5 stories.

The applicant has additionally proposed a Residential Midrise use, consisting of a 3-story apartment house. The building would contain 50 one-and-two-bedroom units, varying in size from 850 to 1,100 square feet. Residential Midrises are not a permitted use in the SS Zoning District, per Article XIV, §595-68.

The applicant also proposes the subdivision of the parcel into 35 lots. Each individual building would occupy its own parcel. The balance of the site would presumably be a single parcel, maintained as common open space.

Mr. Handzo explained that, from a planning and urban design standpoint, the proposed development appears to be inappropriate for the subject property. It is not harmonious with the goals of the South Side (SS) Zoning District or the 1997 Comprehensive Plan. The proposal would convert an entire City block into an insulated "island" of housing, creating a large-scale discontinuity in the City's urban fabric.

Mr. Handzo reported that staff is pleased to see a proposal for the redevelopment of a high-priority brownfield site – namely, Black Diamond. The community has additionally expressed strong support for the redevelopment of this site. Housing should figure as a key component, but not the only component, of a proposal for Black Diamond. This is a prime site for neighborhood-scale mixed use, an aspect lacking in the proposal. Consequently, staff recommends that if the applicant wishes to pursue development of this property, they submit plans that would be better suited for the South Side (SS) Zoning District and the potentially degraded environmental conditions where this development is to be located.

William Green, a representative of the property developer, and architect Jeff Martinson of the Martinson Group were in attendance as representatives of the applicant. Mr. Green indicated that the application had been submitted by Black Diamond Enterprises, LLC, although the property was currently in the process of sale to the developer. He indicated that the plans before the Commission were the result of several conversations with City officials including Mayor Sal Panto, Director of Economic Development Gretchen Longenbach, and former Director of Planning & Codes Becky Bradley. Mr. Green acknowledged a longtime City interest in seeing redevelopment of the Black Diamond site. He indicated the proposed plans utilize a cottage housing model, and that they would require exceptions and variances.

Mr. Martinson explained that the cottage housing model was new to Easton and the Lehigh Valley, but had been widely used on the West Coast. He indicated the development of smaller-scale residential units, sized to meet the needs of all income levels as well as senior citizens, was oriented around a common green space to promote a sense of community. Mr. Martinson stated that all units would have a front yard and backyard, and that 25% of the site would be preserved as green space. He indicated that cottage housing would meet the challenges posed by the site's topography and the infeasibilities of adaptive reuse of the existing buildings. Mr. Martinson indicated that Mr. Green would like to utilize the Keystone Opportunity Zone tax incentive in developing the site.

Mr. Shipman asked about the intent of the non-urban streetscape, with Mr. Martinson explaining it would be difficult to maintain the street wall due to the elevation of the site. Mr. Shipman asked if the proposed midrise was necessary, with Mr. Martinson describing it as increasing the income brackets potentially served by the development. Mr. Shipman inquired about the viability of commercial uses onsite, with Mr. Green indicating topography posed an obstacle.

Ms. Winfield commended the plan's creativity and indicated the growing popularity of cottage housing, but raised questions about the necessity of the midrise. Mr. Lieb additionally expressed support for the plan's creativity, and encouraged the City to work with new development concepts and ideas. Mr. Heilman suggested the plan was well-suited to meet the needs of individuals downsizing from larger homes. Ms. Hatzis asked if income levels would be mixed throughout the development, with the applicant's representatives answering affirmatively.

Mr. Elliott indicated he was interested in exploring the model of cottage housing, but was resistant to the midrise. He suggested its development was mainly being driven by financial considerations to recover site remediation costs, and that variances require extenuating circumstances that extend beyond the financial. Mr. Elliott expressed that cottage development would be most effective in the context of dedicated design standards, informed by the Lehigh Valley Planning Commission's model standards; this would avoid the challenges created by the current plan's need for multiple variances. He additionally indicated that such standards would ensure cottage homes were suitably integrated into the existing urban fabric, while still maintaining their unique identity as a development. Mr. Elliott suggested that such matters necessitated a deeper conversation with Planning staff.

Mr. Lieb suggested that the property could be rezoned as part of an Innovation Overlay district, as these districts are intended to provide more lenient zoning restrictions to facilitate the redevelopment of difficult sites. Mr. Elliott suggested the drafting of cottage housing standards, versus the rezoning of Black Diamond, could meet more systematic goals by catering to the needs of the City at-large versus one specific project.

The Commission's general consensus was that the plans, if submitted for preliminary approval, could meet planning, zoning, and ordinance-related hurdles that could lead to denial. Nevertheless, the Commission recognized the appeal of the cottage housing development model, and sought future conversation on the topic.

Comprehensive Plan Rewrite Update. Mr. Manges reported that the Comprehensive Plan Rewrite Community Task Force had met three times, and would next meet on August 22. He indicated that more information would be presented at the next Easton Planning Commission meeting.

Environmental Advisory Council Update. No update was provided.

Mr. Elliott requested a status update on the search for a new Director of Planning & Codes. Mr. Manges reported that the job description had been posted on the American Planning Association, Pennsylvania Planning Association, and City websites, with applications being received through August 23.

Mr. Scheer and Ms. Winfield reminded the Commission about a public meeting concerning the City's fowl-related ordinances at the Nurture Nature Center on August 8.

As there was no further business, the meeting was adjourned at 9:00 p.m.