

The Easton Planning Commission met on Wednesday, December 7, 2011 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, James Bloom, William Heilman, Dennis Lieb and Ronald Shipman. Also in attendance were staff members Becky Bradley, Director; Brian Gish, Chief Planner; Carl Manges, City Planner; and Tina Woolverton, Secretary. Solicitor Joel Scheer arrived at 7:20 pm.

The agenda was approved.

A motion to approve the revised minutes of the November 2, 2011 meeting was made by Mr. Shipman seconded by Mr. Lieb, approved by all.

**Privilege of the Floor.** None

**2012 meeting dates.** A resolution approving the 2012 meeting dates of the Easton Planning Commission was moved by Mr. Heilman, seconded by Mr. Shipman, approved by all.

**Special Exception 34-42 S. 2<sup>nd</sup> Street.** Mr. Manges said the applicant, Jim Funari, in conjunction with the Cornerstone Evangelical Free Church, has proposed to renovate a currently vacant 3,631 square foot three-story building, located at 34-42 S. 2<sup>nd</sup> Street, to create a Community Services use, consisting of counseling services and life skill classes. The counseling services will be provided to congregation members, profession referrals, and to the public. The life skill classes will provide job searching guidance, resume writing, job interview coaching, economic shopping, parenting skill, etc. He said the counseling services and life skill classes will not be offered to individuals serving a sentence in prison or to anyone in conjunction with a court ordered treatment plan. The facility is proposed to be run by the Church as a non-profit, and no one will be residing at this location. It is anticipated there will be 20-30 individuals in the building at any given time during the hours of operation. Two buildings occupy this property, the Church is the main building, and the building where this use is being proposed (42 S. 2<sup>nd</sup> Street) was previously used as the Rectory for the Church.

Mr. Manges said the property is located in the Downtown Zoning District; Block Class A, where the proposed Community Services is a permitted use. However, the property is also located in the Flood Hazard Overlay District, requiring Special Exception approval for development in the floodplain from the Easton Zoning Hearing Board. 34-42 S. 2<sup>nd</sup> Street is located in a FEMA defined 100-year floodplain.

Mr. Manges said the applicant has provided staff with a site plan, and information regarding measures to be taken in the event of a Flood Warning and/or Emergency. The site plan indicates that the 1<sup>st</sup> floor of 42 S. 2<sup>nd</sup> Street is at an elevation of 198.15 feet, which is three feet higher than the base flood elevation of 195 feet (per the FEMA Flood Insurance Rate Map). The applicant said no operations will be conducted in the basement, any storage (sealed containers with documents) located in the basement will be minimal, and no hazardous materials of any kind will be stored at this site. In the event of a Flood Warning, all operations in the building will cease, and the premises will be evacuated until the flood waters have subsided. The applicant indicated that any materials in the basement will be secured during flood warnings.

The applicant indicated there will be 2 full-time employees, a facility director and an administrative assistant for this operation. Counselors and social workers will also be utilized as needed. The hours of operation will be Monday to Friday 8am – 8pm, with Saturday hours as necessary. Mr. Funari indicated that no flood waters have entered the building during the last four flood events.

The applicant was present. Mr. Sun asked Mr. Funari where the majority of clients would be from. Mr. Funari said primarily the Easton area. Mr. Sun asked if fees would be charged for the services. Mr. Funari said most would be free, but a nominal charge may be charged for some of the counseling services. Mr. Bloom asked what ages could take advantage of the counseling services. Mr. Funari said counseling would only be offered to adults. Mr. Bloom asked if there would be daycare on-site. Mr. Funari said there would not. Mr. Elliott asked what basic precautions would be taken in a flood event. Mr. Steve Glickman, project architect, said all mechanicals were being placed above base flood elevation.

A motion to approve the resolution recommending approval to the Zoning Hearing Board was made by Mr. Lieb, seconded by Mr. Bloom, approved by all.

**Special Exception 1458 Northampton Street.** Ms. Bradley said the applicant, Arthur Skrzenski, has proposed to establish a Cottage Industry (Salsa) use in the kitchen area of the 1,100 square foot portion of the first floor of an existing mixed-use, four-story building at 1458 Northampton Street for the production of salsa and hot sauce. This operation will be in the same location as the Farmers' Market Store that recently received approvals. Jim Ayoub, the applicant for the Farmers' Market Store, stated that the kitchen will not be utilized for his business. There is a Laundromat and a Vehicle Repair Service currently operating in the other two areas of the first floor at 1458 Northampton Street. Ms. Bradley said the property is located in the West Ward Zoning District, Block Class C, where the proposed Cottage Industry use is not permitted. However, the property is also located in the Street Corridor Enhancement Overlay District where the proposed use is permitted by Special Exception. The applicant has been producing salsa and hot sauce at the Bank Street Annex for the last two years, and according to the applicant, 1458 Northampton Street provides for a better location for operating his business.

Ms. Bradley said the Bureau of Health stated that the food produced by the applicant can not be stored at a residential location, and that the food must be stored in commercial equipment at the place of business where the production occurs.

She said a conversation with the applicant on November 15, 2011 revealed that he intends to produce his salsa and hot sauce in the kitchen area on the first floor located at 1458 Northampton Street. Mr. Skrzenski indicated there will be three employees for the salsa and hot sauce operation. The proposed hours of operation are to be 8am -3pm on Mondays. According to Mr. Skrzenski, approximately 300 jars of salsa are produced per week, and during the winter months production is usually half of that. He indicated that the food and products will be stored in two National Sanitation Foundation refrigerators at the 1458 Northampton Street location. The salsa and hot sauce will also be sold in the Farmers' Market Store. The applicant's products are sold at small independent businesses such as Nature's Way, Cosmic Cup, Kline Farms, and the Easton Farmers' Market.

Ms. Bradley added the business will be required to meet the requirements of the Health and Codes Bureaus before beginning operations at 1458 Northampton Street.

Mr. Lieb asked if the reason for the move was because it was a better location, or if the business was expanding. Mr. Skrzenski said it was a parallel move, and was necessary as the current location will be undergoing renovations in the near future. Mr. Bloom questioned the hours of the Farmers Market. Mr. Skrzenski said the Farmers Market is open Thursdays, Fridays and Saturdays from 10:00 am to 6:00 pm. Mr. Elliott questioned staff whether the Cottage Industry use defined there could only be up to three employees. Mr. Manges said that is correct.

A motion to approve the resolution recommending approval to the Zoning Hearing Board was made by Mr. Shipman, seconded by Mr. Bloom, approved by all.

**Special Exception 700 B Old Philadelphia Road.** Mr. Manges said the applicant, Ji Wang, has proposed the establishment of a Chinese Restaurant in the currently vacant "Store 2" of the one-story retail/commercial building at 700-B Old Philadelphia Road, which is across from the CVS building. The "Store 2" space is approximately 1,533 square feet. The existing one-story retail/commercial building has been constructed to accommodate a total of up to 5 stores. Currently, a Dunkin' Donuts occupies "Store 1" and a Subway occupies "Store 5". He said the proposed Eating and Drinking Place requires that 12 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 Eating and Drinking Place use is not permitted, however, the property is also located in the Street Corridor Enhancement Overlay District where the use is permitted by Special Exception.

Mr. Manges said a conversation with the applicant on November 14, 2011, revealed that they are proposing to establish a Chinese Restaurant in "Store 2" of the one-story building located at 700-B Old Philadelphia Road. They will be leasing the store space. The hours of operation will be Monday to Thursday 11am – 10pm, Friday and Saturday 11am – 11pm, and Sunday 12pm – 10pm. The applicant indicated that there will be 3 employees for this business. The applicant also indicated the restaurant will open when and if all of the required approvals are granted.

The applicant will need to meet all of the requirements of the Health Bureau, Codes Department, and the Easton Zoning Hearing Board before the business may open.

Mr. Manges noted the Context Sensitive Design Standards in the Zoning Ordinance state that "The City intends to promote small signs in scale with pedestrian activity and for wayfinding." Given the urban nature of the City and the combined use of vehicles, pedestrians and cyclists around and on the site, the need for "suburban-style" signage seen on high-speed, vehicle only roadways is negated. The sign plan was provided to the Commission for reference and consists of one sign which is to be 2' 2" high and 8' wide; proposed to be placed on the north elevation of the building. This sign is a painted, sandblasted, high-density urethane, flat wall sign and is proposed to be externally lit with gooseneck fixtures that will match the gooseneck fixtures of the CVS building, in both design model and configuration. He noted the awnings shall not have signage, lettering, or logos of any kind on them and remain consistent with the color, material and size of the other awnings on the store fronts for this building.

Mr. Lieb commented that the photo of CVS that accompanied the write-up did not show any goose neck fixtures lighting the CVS sign. The applicant was present, and the applicant's nephew was serving as interpreter. Mr. Sun asked if the applicant was relocating an existing restaurant. The applicant responded he has an existing restaurant in New Jersey and this will be his second restaurant. Mr. Sun asked the size of the existing restaurant and how long it has been in business. The applicant said the restaurants are comparable in size, and he has operated the existing restaurant for 10 years. Mr. Sun asked how long the lease for this restaurant would be. The applicant stated the lease being negotiated is for five years, with a five year renewal option. Mr. Elliott asked if formal agreements existed for the lease of the site. The applicant said there is a letter of intent, and that the lease would not be signed until approvals are received. Mr. Elliott suggested having some thing more formal to present to the Zoning

Hearing Board would be a good idea. The applicant said they would move forward on the lease and make it conditional upon the approval of the Zoning Hearing Board.

A motion to approve the resolution recommending approval to the Zoning Hearing Board was made by Mr. Heilman, seconded by Mr. Lieb, approved by all.

**Special Exception 600 Bushkill Drive.** Mr. Manges said the applicant, Liberty Discount Fuels, has proposed to conduct a business in an approximate 750 square foot office area in a building located at 600 Bushkill Drive, for establishing a C-11 Liquid Fuels (sales office) use. The building as a whole has a floor area of approximately 5,000 square feet, and is divided into three areas. There are two office areas in the one-story section of the building, a garage is in the middle two-story section, and a paint shop is in the rear two-story section of this building. The applicant has been operating this Liquid Fuels Sales Office out of this location since May 2011, without the proper approvals.

Mr. Manges said the property is located in the River Corridor and Other Green Areas Zoning District; Flood Hazard Overlay District; Block Class A, where the proposed use is not a permitted use. He said for this use to continue legally, a Use Variance is required from the Easton Zoning Hearing Board. According to FEMA, 600 Bushkill Drive is located in the 100-year floodplain, requiring this application to receive a Special Exception approval for development in the floodplain from the Easton Zoning Hearing Board.

Mr. Manges said the applicant provided staff with a site plan, and information regarding measures to be taken in the event of a Flood Warning and/or Emergency. According to the applicant, no hazardous materials will be stored in the office area, and any equipment in the office will be removed or secured when a flood warning is in effect. Also, in the event of a Flood Warning, all operations in the office will cease, and the premises will be evacuated until the cleanup is complete and all warnings have been cancelled.

A conversation with the applicant on November 30, 2011, revealed that the sales office has been in operation at 600 Bushkill Drive since May 2011. The applicant indicated the only materials in the office are office supplies and equipment. The applicant told staff there are fourteen trucks located on an adjacent parcel at this location, and when a Flood Warning is in effect, these trucks are moved to the Cooper's Oil business in Phillipsburg, NJ and to a facility on Industrial Drive in Williams Township.

Staff spoke to Solicitor Scheer about the trucks on parcel L9NE4C 12 1A, north of 600 Bushkill Drive. Solicitor Scheer believes the truck lot to be an existing nonconforming use.

Mr. Manges said the hours of operation are from Monday to Friday 8am – 4:30pm, and on Saturday 8am – 12pm. There are four (4) full-time employees in the office and another five (5) full-time drivers working out of this location.

The applicant was not present due to illness, however the property owner was present to answer questions.

Mr. Shipman questioned whether the commission was approving only the office space use, and asked what connection there was between the proposed use and the existing uses. He asked what "liquid fuel sales" meant. The property owner stated the company, Liberty Discount Fuel, sells heating oil to homeowners. He said the office staff at this location takes the orders, and the drivers pick up the orders from the office, take the trucks on the adjacent parcel to be filled with fuel at another site, deliver the fuel and

return the empty trucks to the adjacent parcel. He added no fuel is stored on-site. Mr. Sun questioned that fourteen trucks park on the adjacent parcel. He asked how the Commission could be positive that no fuel was ever left in the trucks after deliveries were made. A motion to deny the application was made by Mr. Shipman. More discussion ensued and Mr. Elliott suggested revising the resolution to give the applicant, since they were not present, seven days to file a continuance so that they could be present at the January meeting to answer the questions from the Commission. A motion to accept the revised resolution to table the application was made by Mr. Shipman, seconded by Mr. Lieb, approved by all.

**Final Development Plan and reverse subdivision 432-442 Northampton Street.** Mr. Gish said the applicant, Schy-Rhys Redevelopment, Inc., has proposed to develop a Mixed Residential/Business use on three parcels, which are to be consolidated into a single parcel, along Northampton Street.. The eastern two parcels currently contain the two existing commercial buildings (A&D Tile and WEST) to be converted into the proposed use. This conversion would involve substantial redesign and alterations, particularly to the A & D Tile building, located at 432-434. The remaining, westernmost parcel would be allocated for 17 parking spaces and landscaping. Upon completion, the mixed use would consist of 23 dwelling units, a mixture of one and two-bedroom apartments and two separate units of commercial space equaling 5,236 sq. ft. The applicant's proposed landscaping plan includes 2 Kousa Dogwoods, 1 Majestic Serviceberry, 14 American Boxwoods, and flower beds between apartment entrances. The location of the proposed development is on the south side of Northampton Street, mid-block, between Fourth and Fifth Streets.

Mr. Gish said one commercial unit, and all but two of the proposed apartments will be located in the rear portion of the former A&D Tile Building. The commercial space occupies two floors, and faces Northampton Street. Nineteen of residential units will be single-bedroom apartments, and two will be two-bedroom. Nine of the single-bedroom apartments will occupy two floors with the lower floor serving as the general living area and the upper floor containing the bedroom. The remaining apartments will occupy a single floor each, divided evenly between the third and fourth floors. Mr. Gish said the project's two remaining single-bedroom apartments are proposed for the WEST Building.

He said, similar to the A&D Tile building, the portion of the building adjacent to Northampton Street is allocated as commercial space. Throughout the project, residential units range between 654 sq. ft. and 1,378 sq. ft. Proposed rents range from \$700 to \$1,200 for residential units, and \$1,500 (WEST Building) to \$4,200 (A&D Tile Building). The applicant has indicated that should the parcel immediately to the west, 444-448 Northampton Street, become available, he would consider developing the site in coordination with this current project.

Mr. Gish said staff had met with the applicant, Greg Schyler and the applicant's engineer, Robert Toedter, on October 5, 2011, and October 26, 2011. In these meetings, staff was able to work with the applicant to modify original designs, making a variety of improvements to the development's function within this neighborhood. The proposed development is in the Downtown Zoning District, Street Corridor Overlay District, Block Class B, where the proposed Mixed Residential/Business Use is permitted.

The Zoning Administrator has determined that 36 off-street spaces, 13 for commercial portions and 23 for residential, are required to accommodate this development. The applicant has proposed 17 off-street spaces, and 58 spaces are grandfathered under the previous use, for a total of 75 spaces, meeting the required spaces.

The lots associated with this development are located within National Register and Local Historic Districts, requiring approval from the Historic District Commission before any

changes to the buildings visible from a public right-of-way may be made. The applicant is scheduled to present the project to the HDC at their Monday, December 12, 2011 meeting. The project has been reviewed by David Berryman of the Lehigh Valley Planning Commission, who stated, "The subject application does not conflict with the County Comprehensive Plan. We support the renovation and reuse of buildings in downtown Easton."

On the 400 Block of Northampton Street, the uses are mixed, with the most significant presence being the State Theatre. There are fifteen retail establishments along the block, with all but one containing residential rental units on the upper floors. The land uses are rounded out by two office buildings and a vacant lot at 418-26 Northampton Street owned by the Pomfret Club and used for parking.

Ms. Bradley noted the staff is recommending conditional final approval of the plan. The applicant, Greg Schuyler was present, as was his attorney, Dan Cohen and his engineer, Robert Toedter. Mr. Toedter said by taking the three lots and recombining them it is possible to maintain the commercial component on Northampton Street and include residential. He said the plan is more imaginative than most by including two-floor apartments. He added the rear portion of the WEST property has had its rear portion removed. Mr. Shipman asked where the parking was located. Mr. Toedter said 17 spaces are at the rear of the property and accessed from Pine Street. Mr. Lieb asked if the area that is now a bocce court will serve as the pedestrian entrance. Mr. Toedter said it would. Mr. Sun asked if the 17 parking spaces were allocated in any particular way. Mr. Toedter said the spaces are not dedicated to residential or commercial at this time. Mr. Sun asked if there was any plan to lease additional parking. Mr. Schuyler said once the commercial uses are known, there will be a better understanding of the parking needs, and if needed he will look at leasing additional parking. Mr. Sun noted the project was not phased, and asked for the timeline of completion. Mr. Schuyler said the plan is to begin as soon as all approvals are received and the construction should take 14 – 18 months. Mr. Sun asked if the financing is in place. Mr. Schuyler said it is. Mr. Bloom asked if the fire inspector had reviewed the plan. Ms. Bradley said he has, and has no concerns. There is access to the building from both Northampton Street and Pine Street. Mr. Sun asked if a restaurant is proposed for the commercial use, would the plan come back before the commission. Ms. Bradley replied it would not if it were a permitted use.

Michel Hurst and Robert Swope, the owners of 428 Northampton Street were present. Mr. Hurst said he welcomes this improvement to the neighborhood, but is concerned over losing privacy. He said the A & D Tile building is taller, and currently has no windows on the side facing his property. He was concerned with the addition of windows. Mr. Schuyler said he has considered adding some windows, stating the third and fourth floors of the building would contain corridors on that side, not living space. He said he was considering three transom windows along the 85' corridors that would be placed high on the walls to allow natural light in, without creating a situation where anyone would be looking out of them and into the neighboring building and courtyard. The owner of 428 Northampton Street also said he hopes the developer follows the noise ordinance regarding hours of work. He also said parking should not be a reason to deny the plan, but that it is a problem on the block. A motion to approve the resolution recommending conditional final approval was made by Mr. Shipman, seconded by Mr. Heilman, approved by all.

**600 Block of Northampton Street Master Plan Update.** Mr. Gish distributed copies of the draft plan and said he welcomes feedback. He noted there are still formatting issues staff is aware of and the implantation section still needs work. Mr. Elliott said he has never seen a planning document like this, it is engaging and thought provoking and not the typical acres of text.

**Proposed changes to Palmer Township's Comprehensive Plan.** Mr. Elliott questioned whether a letter should be sent from the Commission thanking Palmer Township for the opportunity to review and comment on the proposed changes to their Comprehensive Plan. A discussion followed and it was determined no response would come from the Commission, but individual commissioners could comment as they saw fit.

**Draft Billboard Ordinance.** Mr. Gish said staff is meeting with Adams Outdoor Advertising on December 15 to discuss the draft ordinance.

**EAC Update.** Mr. Elliott said the annual potluck dinner was held the previous evening. He added Ms. Bradley and Mr. Hopkins, Director of Public Works made presentations. He said public discussion determined Easton is a great livable space, and more bicycle racks are needed.

As there was no further business, the meeting was adjourned at 9:55 PM.