

The Easton Planning Commission met on Wednesday, November 7, 2012 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, James Bloom, Robert Sun, Dennis Lieb, Bonnie Winfield and Ronald Shipman. Also in attendance were staff members Becky Bradley, AICP; Director of Planning and Codes, Carl Manges; City Planner and Tina Woolverton, Secretary. Solicitor Joel Scheer was also present.

The agenda was approved.

A motion to approve the minutes of the October 3, 2012 meeting was made by Mr. Shipman, seconded by Mr. Sun, approved by all.

Privilege of the Floor. None

Special Exception – 350 Larry Holmes Drive. Ms. Bradley said the applicant, Smokes 4 Less, LLC, desires to establish a Check Cashing Facility use within a currently established Retail Specialty Store located at 350 Larry Holmes Drive. The existing one-story retail/commercial building accommodates up to five (5) stores, and currently every store within this building is being occupied by businesses. The property is located in the Downtown Zoning District; Block Class A, where the proposed Check Cashing Facility use is not permitted, requiring a Use Variance from the Zoning Hearing Board. The property is also situated in a FEMA defined 100-year floodplain, placing it in the Flood Hazard Overlay District and requiring Special Exception approval for use in a floodplain.

Additionally, the property is located in the Downtown Historic District, which requires all external alterations, including signs, visible from a public right-of-way be approved by the Easton Historic District Commission.

A conversation with the applicant on October 23, 2012, revealed that they want to establish a Check Cashing Facility within their existing store at 350 Larry Holmes Drive. The applicant indicated that no hazardous materials will be associated with this proposed use, and no hazardous material will be stored on site. The store is closed during flood warnings/events, and is only reopened after the flood warning/event has been cancelled. The applicant also stated they want to change the existing “Smoke” sign to “Smokes 4 Less”, and add “Check Cashing” if they receive their approvals.

The hours of operation for the proposed Check Cashing Facility will be the same as the existing Smokes 4 Less business, and the applicant indicated that there could be an additional employee hired with this proposal depending on how well the business does.

Ms. Bradley said staff has many concerns about this proposal in the Downtown Zoning District where it is not a permitted use. The proposed Check Cashing Facility is being proposed within an established business, located in an existing building in the floodplain. The Zoning Hearing Board is responsible for the determination of whether the Use Variance required for this proposal is granted. Per Article XXV §595-137(B)(2), redevelopment in this district shall comply with the Context Sensitive Design Standards, particularly standards for uses. The Flood Hazard Overlay District supersedes any zoning provisions currently in effect in flood zone areas. However, any underlying zoning shall remain in full force and effect to the extent those provisions are more restrictive than provisions contained herein. With the proposed Check Cashing Facility use not permitted in the Downtown Zoning District, it is not consistent with the Context

Sensitive Design Standards or with the provisions of the Downtown Zoning District which are more restrictive than those of the Flood Hazard Overlay. The staff advocates Planning Commission recommendation to the Zoning Hearing Board for denying the Special Exception request to Smokes 4 Less for Use in a floodplain at 350 Larry Holmes Drive.

Keene Jabbour of 701 Washington Street was the attorney representing the applicant. He said when the Use Variance was applied for they were told they would need to go before the Planning Commission for a special exception for Development in a flood plain. He added the use would add minimal impact. He also said without the addition of the check cashing use, his client feels his business is not feasible, citing the strong competition in the tobacco industry. Mr. Shipman questioned whether the larger issue was the use, not the floodplain. Mr. Lieb questioned where the proposed use was permitted. Ms. Bradley said ordinance revisions in 2008 allowed the use in the Adaptive Re-use District. Mr. Lieb questioned the reference to context sensitive design standards. Ms. Bradley explained it is a reference to signage and the global nature of how a business impacts an area and the downtown. Mr. Sun asked the applicant if they had considered moving to a location where the use is permitted. The applicant said he is stuck in his lease, and other available properties he looked at did not have parking. Mr. Sun asked if the applicant had considered other sources of additional revenue that were permitted. The applicant said his lease expressly forbids him from selling food.

The applicant said the proposed check cashing activities would take place in a completely secure and bulletproof kiosk.

Mr. Elliott said it was an odd occurrence to have a special exception for a non-permitted use, which normally would not come before the Planning Commission, except for a location in a flood plain. He added staff review of the special exception criteria does include consistency with the comprehensive plan. A motion to approve the resolution recommending denial of the special exception to the Zoning Hearing Board was made by Mr. Lieb, seconded by Mr. Bloom, approved by all.

Special Exception – Glendon Borough Pump Station. Mr. Manges said the applicant, Glendon Borough, has proposed to establish a Utility Service (Sanitary Sewer Pump Station) use on two vacant parcels located along Glendon Avenue, within the City of Easton near the border of Glendon Borough. The proposed Pump Station will provide public sanitary sewer to approximately 20 residential dwellings within Glendon Borough. Glendon Borough has an agreement with the City of Easton and the Easton Area Joint Sewer Authority to discharge public sanitary sewer to the Authority's conveyance lines and Wastewater Treatment Plant. The proposed pump station will be located underground. A generator for the pump station will be located above ground at the site, and will be stationed on a 3,200 square foot concrete pad. The pump station and generator will be enclosed by a 6' high wooden fence, and secured with a lockable gate with a Knox Pad Lock. Landscaping in the form of two Blue Spruce trees and three burning bushes will provide buffering around the proposed fence. A gravel driveway is also proposed that will traverse both parcels. The proposed pump station will be maintained by Glendon Borough.

The properties are located in the River Corridor and Other Green Areas Zoning District; Block Class B, where the proposed Utility Service use is permitted by Special Exception. The site also is situated with steep slopes, and some of the disturbance is proposed for

steep slopes in excess of 35%. The steep slopes being disturbed will be reinforced with erosion control blankets and replanted. However, no area shall be altered, regraded, cleared, or built upon on slopes greater than 35%. Therefore, a variance is required to be obtained from the Zoning Hearing Board for disturbance of steep slopes.

The applicant has indicated that they are in the process of purchasing these properties, and construction on this site will begin after Glendon Borough becomes the owner. The applicant has provided an agreement of sale for purchasing these properties contingent on receiving the necessary approvals from the City of Easton for their sanitary sewer pump station proposal.

Mr. Elliott said he needed to recuse himself from the determination, as Glendon Borough was being represented by an Attorney from the same law practice. Attorney Tom Elliott and Justin Coyle, Engineer were present on behalf of the applicant. Mr. Elliott explained this is the last part of the Borough's effort to supply sanitary sewer for the residents. Mr. Coyle showed plans for the pump station and site. He said the Borough has been providing sanitary sewer and currently has three existing pump stations and this the last phase of the residential sewer plans. He added the topography of the site dictates where the station needs to go. He said it will be a small pump station serving 20-25 homes and will be a 24 hour monitored system. Mr. Shipman questioned how close to the river the proposed site is. Mr. Coyle said approximately 600 feet. Mr. Shipman asked if the site had suffered previous flooding. Mr. Coyle said it has not, as it is elevated. Mr. Lieb asked for clarification that this proposal is an extension of the existing system. Mr. Coyle said it is. Mr. Lieb asked the cost and life expectancy of the system. Mr. Coyle said estimated cost is \$300,000 and pumps last 10-15 years. Mr. Shipman asked if the other three pump stations were located within the Borough of Glendon. Mr. Coyle said they are. Mr. Sun questioned the impact on taxes for the parcels. Mr. Elliott said the site would be tax exempt, but the current assessment is only \$1,000 per lot, as the lots are not buildable, so the impact on the tax base is minimal. Mr. Bloom asked if fumes from the system were possible. Mr. Coyle said the system would have a carbon filter to minimize odor. Mr. Bloom asked if overflow into the canal was possible. Mr. Coyle said it is not. Mr. Sun asked staff if this use could be expanded on this approval. Ms. Bradley said an expansion of the system would require a land development plan before the Commission. A motion to approve the resolution recommending approval to the Zoning Hearing Board was made by Mr. Shipman, seconded by Mr. Lieb, approved by all except Mr. Elliott, who was recused.

Special Exception – Communication Tower 311 E. Paxinosa Road. Mr. Manges said the applicant, Pegasus Tower Company, LLC, has proposed to construct a 195' Communications Tower (Monopole) at 311 E. Paxinosa Road. The property is owned by the City of Easton, and the applicant is proposing to lease the land for the installation and operation of a Communications Tower. The current design is for an 80' x 80' area surrounding the Communications Tower that will be protected by an 8' chain link fence. The current Communications Tower located approximately 150' east of the proposed monopole is owned by Service Electric, and is proposed to be removed once approvals are received for this proposal and the monopole is built. All the in-service dishes, whips, and panel antennas from the existing tower will be relocated to the new monopole. Current carriers include Nextel, Service Electric, City of Easton, NJ State Police, Northampton County 911, Forks Township, Easton Area Schools, T-Mobile, and WFMZ. New proposed communication antennas for T-Mobile, Sprint, and MetroPCS are being

proposed with this application. The monopole will have additional space left for future carriers.

The carrier's equipment cabinets are proposed to be located on the ground within the fenced area on 10' x 20' and 10' x 16' concrete pads. Landscaping in the form of 15 eight-foot Blue Spruce evergreen trees are being proposed to be located on the site. Mr. Manges said the trees will be located along the eastern property line to provide a buffer between the Communications Tower and residential property. The site is located in the College Hill Zoning District, Block Class A where Communications Facilities are not permitted. However, the Communications Facility use is permitted by Special Exception in that it is changing from one nonconforming use to another nonconforming use. A variance for antennas that are not stealth in nature is also required to be obtained from the Zoning Hearing Board.

Mr. Manges said in the previous application in 2011, the proposal was for the existing tower to remain on the site. Staff concluded it was preferable to have a single tower on the site as opposed to two. Given the age, and structural constraints of the existing tower, it would not have been a practical, long-term alternative. The construction of a new tower, carrying antennas outlined in this proposal, in addition to those currently on the existing tower, is an ideal solution. This proposal now limits the number of towers on the site to one, increases the safety of equipment being used, and provides for greater signal coverage for the City and surrounding areas.

Attorney Mike Grab, representing Pegasus Tower, was present as was Mr. Mario Calabretta, engineer for Pegasus Tower. Mr. Calabretta said the major change, other than the removal of the existing tower, since the previous submission was to move the location of the monopole tower the rear of the compound so the fall radius would not encompass the roadway. Mr. Scheer questioned what would happen to the shed-like structures that surround the existing tower. Mr. Grabb said they would be moved to the new location, as they house necessary equipment for the carriers. Mr. Lieb questioned the construction of the tower and what the ice bridge shown on the plan was. Mr. Calabretta explained the tower is made of tubular steel which is sleeved together. The ice bridge is a carrier for the co-axial cable, to keep it off the ground and out of harm's way. Mr. Bloom asked how many additional carriers the tower could handle. Mr. Calabretta said the wireless carriers needed a certain amount of separation in order to operate, but the new tower will be able to handle at least five wireless carriers, while the existing tower can only hold three.

A discussion was held on revisions to the draft resolution that would add conditions of a developer's agreement to assure the removal of the existing tower and equipment and adding language necessitating the execution of leases prior to construction. A motion to approve the revised resolution recommending approval to the Zoning Hearing Board was made by Mr. Shipman, seconded by Ms. Winfield.

Plan Amendment Karl Stirner Arts Trail – 56 N. Third Street Parking Lot. Ms. Bradley recused herself as she is the project manager for the trail. Mr. Manges said the applicant, the City of Easton, has proposed a plan amendment to improve an existing 62-space parking lot along N. 3rd Street, as a component of the Karl Stirner Arts Trail. The 27,086 square foot parking lot will be reduced from 62 spaces to 55 spaces, and landscaping will be provided on the site. The existing parking lot currently does not have any landscaping. The parking lot currently serves as a parking area for the public, and

City personnel. The proposed improvements to the parking lot will enhance this area for the public to park their vehicles safely while enjoying the amenities the trail and the City's downtown. The lot will be paved, and the parking spaces will be delineated. Brick piers and 4'- high black ornamental fencing will be located at the entrance of the parking lot.

A solar operated pay kiosk will be provided to make it easier for visitors to pay for parking. Visitors can either pay for parking with coinage or credit/bank cards. A shelter will also be provided around the pay kiosk for protection from weather conditions. Extensive landscaping is provided in the plans for this proposal.

The Zoning Administrator has determined that variances for parking spaces not located 4 feet from a side yard, the number of canopy trees, and buffering are required with this application.

Mr. Manges said the Karl Stirner Arts Trail plans received conditional final approval from the Easton Planning Commission on November 4, 2009, and the Zoning Hearing Board granted a Special Exception for development in the floodplain on December 21, 2009. The trail was officially opened to the public in September 2011.

Mr. Dave Horton of Pennoni Associates, the City's alternate engineering firm, was present. He said the existing lot has substandard size parking spaces and drive aisles. The new configuration would allow for the City's largest fire truck to access the site. The new design will also conform with current ADA requirements. He added HOP approval has been granted by PennDot.

Mr. Lieb asked if the entrance would be on Third Street and the exit through the alley. Mr. Horton said that was correct. Mr. Sun questioned the relationship of the lot with the arts trail. Ms. Bradley explained that intermittent parking lots connect the riverfront parks portion of the trail to the naturalized area. Mr. Elliott asked when construction would begin. Ms. Bradley said early spring. A motion to approve the resolution granting conditional final approval of the amendment was made by Mr. Sun, seconded by Mr. Bloom, approved by all.

Solar Ordinance Adoption. Ms. Bradley said versions of the draft ordinance had been before the Commission previously, and the comments of the Commission had been incorporated into this version. A conversation was held about various components of the document, and revisions were made to the draft resolution. A motion to approve the revised resolution recommending adoption of the amendments to the ordinance was made by Mr. Shipman, seconded by Mr. Bloom, approved by all except Mr. Lieb.

Comprehensive Plan Re-write Update. Ms. Bradley said public meetings are being planned in conjunction with Envision Lehigh Valley who is working on the regional Sustainability Grant. She added an RFP for data services would be released from the grant funds that had been received toward the Comprehensive Plan re-write.

EAC Update. The EAC meeting was changed to Thursday, November 8th because of election day.

As there was no further business, the meeting was adjourned at 9:10 PM.