

Zoning Hearing Board

501 W. Berwick Street

Appeal 2012-4140

Application 12020090

The Easton Zoning Hearing Board met on April 16, 2012, to hear the appeal of Pedro Lebron, 721 Northampton Street, Easton, PA 18042, for a special exception for a food establishment at 501 W. Berwick Street (SS-SC-C).

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke

Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Seventeen area owners were notified by mail of the hearing date. The secretary then read the resolution of the EPC in which they recommend approval. Witnesses were sworn in.

Attorney Danser informed the Board he represents the applicant in another matter. Chairman Edinger requested Atty. Danser remain as counsel for this hearing.

Pedro Lebron stated he did not post the property as required. He chose to continue the hearing to the May 21, 2012 meeting.

As there was no other business to come before the Board, the hearing was adjourned.

A motion was made by Mr. Civitella, seconded by Mrs. Panto, to grant the continuance.

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke

Nays: None

The motion was approved.

Linda Thomas  
Secretary

Zoning Hearing Board

91 Larry Holmes Drive

Appeal 2012-4141

Application 12020036

The Easton Zoning Hearing Board met on April 16, 2012, to hear the appeal of Revival Fire Ministries, Inc, 137 Northampton Street, Easton PA 18042, for a special exception to establish a church at 91 Larry Holmes Drive, Suite 100 (DD-A).

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke  
Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Seventeen area owners were notified by mail of the hearing date. Witnesses were sworn in. She then read the resolution of the EPC in which they recommend approval.

Misty Holmes, 91 Larry Holmes Drive, Suite 100, stated they are proposing to relocate their congregation from 137 Northampton Street to the Larry Holmes Drive location. They are familiar with the SE criteria. In the event of flooding they will move all materials to an upper floor. The church is very active, to include a Tuesday food bank, Monday evening services, Wednesday evening services, Sunday services, men's groups, women's groups, bi-lingual service, book store, clothing drive, referrals from NC aging, etc. To her knowledge, flood waters have never entered the building, just the parking lot.

Larry Holmes, father of the applicant, 228 Canal Street, noted he wants her to have a place where she can focus on her ministry without having to spend time and money on maintaining a building. He noted there is ample parking and they hope to share parking with 101 Larry Holmes Drive. There is no basement in the building which was constructed 8' above the flood zone.

Matt Munsey, 101 Northampton St., a member of democratic committee which has a space in the building, noted they have always been good neighbors, there has never been a problem. He supports the SE request.

John Gross, representing Riverstar Properties, stated they are not objecting. He noted they just request some information on the SE process and the effect the use may have on the neighborhood. He noted there is a shared parking agreement and presented Objectors Ex. O-1, a site plan of the two properties. He questioned the parking requirements for the proposed use. Atty. Danser noted the requirement for the church use (46) is less than the previous restaurant use (54).

Robert Haver, owner of 101 Larry Holmes Drive, stated he just wants information on the proposed use and requirements. He noted the church will be a benefit to the area.

Cindy Cawley, Zoning Administrator for the City of Easton, explained the parking calculations and noted the proposed use requires eight fewer spaces. She also stated

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the church has been a fixture in the downtown for five years without ever having a problem. She is in favor of granting the appeal.

Mr. Haver stated that after receiving the information he requested, he has no objections to the establishment of a religious worship service use at this site.

As there was no other business to come before the Board, the hearing was adjourned.

A motion was made by Mrs. Panto, seconded by Mrs. Starke, to grant the request with the stipulation that the applicant comply with all conditions of the EPC.

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke  
Nays: None

The motion was approved.

Linda Thomas  
Secretary

Zoning Hearing Board

161B W Berwick Street

Appeal 2011-4139

Application 12020019

The Easton Zoning Hearing Board met on April 16, 2012, to hear the appeal of Shaikira Figueroa, 151 E Nesquehoning Street, Easton PA 18042, for a special exception to establish an insurance company at 161B W. Berwick Street (SS-SC-B).

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke

Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Thirteen area owners were notified by mail of the hearing date. Witnesses were sworn in. She then read the resolution of the EPC in which they recommend approval.

Shaikira Figuero stated she would like to establish an insurance office in a vacant barbershop. She was located at 136 W. St. Joseph St for two years, however, she felt the location was not safe for herself or her clients. The proposed location is very visible, safer and more easily accessed. Hours of operation will be Monday through Friday, 9:00 am to 5:00 pm, Saturday, 10:00 am to 1:00 pm. The business is appointment based with just her and her assistant at the site. They rarely have walk in traffic. In a typical business day they have two to three appointments. There are five parking spaces available.

As there was no other business to come before the Board, the hearing was adjourned.

A motion was made by Mr. Edinger, seconded by Mr. Civitella, to grant the request.

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke

Nays: None

The motion was approved.

Linda Thomas  
Secretary

Zoning Hearing Board

34 N. Warren Street

Appeal 2012-4142

Application 12030027

The Easton Zoning Hearing Board met on April 16, 2012, to hear the appeal of Robert S. Vitko, 4301 Glover Road, Easton, PA 18040, for a sight triangle variance for a parking pad at 34 N. Warren Street (WW-C).

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke

Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Twenty nine area owners were notified by mail of the hearing date. Witnesses were sworn in.

Robert Vitko, 4301 Glover Road, Easton, PA 18040, stated he purchased the property last year as a rental but didn't realize there is a serious parking problem. He noted there is only parking on one side of the street and there are also a lot of h/c spaces in the neighborhood. He would like to accommodate his tenant and feels without parking it will be difficult to keep a tenant. He submitted and explained photos A (1-8): A-1 h/c spaces looking north; A-2 the spot he is proposing; A-3 one way street heading south showing how a car would enter the spot; A-4 taken from 34 N. Warren attic looking down at the proposed pad; A-5 two adjacent lots next to his property (100 and 106 N. Warren); A-6 neighbor across the street with a parking space; A-7 (duplicate); A-8 placed a car in the spot to show what can be seen on the street when entering or exiting the space. He purchased the property during a year without much snow fall and noted he foresees major issues with neighbors during a snowstorm. He noted there is no way to eliminate or decrease the need for a sight triangle but he would be willing to decrease the width of the spot to decrease the relief requested. He amended his application as such to reflect a 9.5' wide by 20' long space.

Cindy Cawley, City of Easton Zoning Administrator, noted he will not be eliminating any on-street parking as his side of the street is already posted no parking.

As there was no other business to come before the Board, the hearing was adjourned.

A motion was made by Mrs. Starke, seconded by Mr. Brett, to grant the request.

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke

Nays: None

The motion was approved.

Linda Thomas  
Secretary

Zoning Hearing Board

424 Schaffers Court

Appeal 2012-4143

Application 12030064

The Easton Zoning Hearing Board met on April 16, 2012, to hear the appeal of Maria Diaz for an impervious surface variance to construct an enclosed deck at 424 Schaffers Court (SS-C).

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke  
Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Twenty seven area owners were notified by mail of the hearing date. Witnesses were sworn in.

Maria Diaz, 524 Valley Street, owns 424 Schaffers Court and her mother lives there. She would like to build an enclosed deck 16' x 11'. She wants to build the deck for privacy and to protect her mother against the elements. It will just be used as a sitting area, not heated, just for seasonal use. The adjacent property has the same size deck and they would like this size to conform. All water run-off will be properly directed so as not to drain onto neighboring properties.

As there was no other business to come before the Board, the hearing was adjourned.

A motion was made by Mr. Civitella, seconded by Mr. Brett, to deny the request as the applicant failed to show hardship.

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke  
Nays: None

The motion was approved.

Linda Thomas  
Secretary

Zoning Hearing Board

329-31 Folk Street

Appeal 2012-4144

Application 12030032

The Easton Zoning Hearing Board met on April 16, 2012, to hear the appeal of Kumash Patel, 1522B Johnson Drive, Bethlehem, PA 18017, for a use variance to establish a food establishment at 329-331 Folk Street (SS-C).

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke  
Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Twelve area owners were notified by mail of the hearing date. Witnesses were sworn in.

Attorney Thomas W. Houser, 345 Gaffney Hill Road, Easton, PA 18042, stated Mr. Patel would like to operate a food establishment. Mr. Patel wants to open a convenience store for the neighborhood. Hours of operation will be 8:00 am to 8:00 pm, however, hours may change if the need arises. The store will carry paper products, plastics, pet foods, cleaning supplies, hba products, snacks, packaged goods, frozen foods, breads, as well as an ATM machine and may have lottery in the future. The property was a convenience store for many years in the past. The building is currently being used as storage and he anticipates having to install equipment and do renovations as needed. In 2008 there was a store at the site but it closed soon after. He will install coolers, freezers, sinks. There is no off-street parking but parking should not be a problem as there is a vacant lot directly across Wilkes Barre Street (no residences). The property is a mixed use with residential and a commercial space. He will not sell alcohol, however, there will be tobacco products sold. Hours will be determined by demand. He may even decrease hours but will definitely never be open later than 9:00 pm. He will not have large deliveries. There is a rear entrance that can be used. The building has a garage entrance on Folk Street and storefront on Wilkes Barre St.

Penny L. Border, 116 W. Nesquehoning Street, stated the previous store-owner had many problems and she is concerned that a food establishment in the neighborhood may create problems.

Donald Border, 116 W. Nesquehoning Street stated he has the same concerns as his wife.

Atty. Houser stated the previous owners were quite elderly and may have been an easy mark. Mr. Patel stated he as owned Ricky's Tobacco at 601 Northampton for 3 years and is not concerned with and is familiar with, security issues. They will sell baby food/formula, which is a concern of Mrs. Border. The outside of the building will not be changed. If approved, he will comply with all zoning, building, and health codes.

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As there was no other business to come before the Board, the hearing was adjourned.

A motion was made by Mr. Edinger, seconded by Mrs. Starke, to grant the request with the stipulation that the business is established in accordance with testimony given.

Ayes:

Nays:

The motion was approved.

Linda Thomas  
Secretary