

Zoning Hearing Board  
700-E Philadelphia Road

Appeal 2010-4089

Application 10120004

The Easton Zoning Hearing Board met on February 22, 2011, to hear the appeal of Bhavna Patel, 1805 Leedum Lane, Quakertown, PA 18951-2189 for a special exception and sign variance for an eating and drinking establishment and to install two 12' x 3' signs at 700-E Philadelphia Road, a SS-SC-A zoning district.

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

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. Fifteen area owners were notified by mail of the hearing date. Witnesses were sworn in. The secretary then read the resolution of the EPC dated January 5, 2011, in which they recommend approval of the proposal.

Attorney Nitchkey explained to the applicant the absence of two board members and the options available. Mr. Subhash Patel, represented by Attorney Joseph Plunkett, chose to proceed with the hearing and be heard by the two members present.

Atty. Plunkett stated Subhash and Bhavna Patel have signed a lease with NIDI to operate a Subway shop in the end unit (store #5) of a newly constructed strip of stores in the CVS complex on Philadelphia Road. The shop will be open seven days a week, 6:00 am to 10:00 pm, and will have three to four employees. There will be seating for 16 and parking is available. He noted the EPC has requested approval and all that is needed is a variance for the signs.

Kevin Wench, Fast Signs, presented App. Exh. A-1, a drawing of the proposed signs. He explained the signs had to first be approved by Subway as they present limited custom signage, unlike the typical Subway signs. The signs will be constructed of high density urethane, sand-blasted and painted and will have goose neck lighting, consistent with the existing signs at CVS and the signage for the Dunkin Donuts at the other end of the strip mall. They will be 30-1/4" x 10' and will not present any detriment to the surrounding neighborhood. The signs were amended in accordance with the EPC recommendations and the lighting will not emanate onto the adjoining properties.

No objectors appeared.

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

The Board reviewed the testimony as presented and a motion was made by Mrs. Panto, seconded by Mr. Edinger, to grant the request, with the stipulation the applicant comply with all conditions of the EPC.

Ayes: Mr. Edinger, Mrs. Panto  
Nays: None

The motion was approved.  
Linda Thomas, Secretary

Zoning Hearing Board

915 Sassafras Street

Appeal 2011-4094

Application 11010027

The Easton Zoning Hearing Board met on February 22, 2011, to hear the appeal of Brain Ahearn, 907 Spring Garden Street, Easton, PA 18042, for a use variance to establish a retail firearms shop in an existing auto repair shop at 915 Sassafras Street, a WW-C zoning district.

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

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-six area owners were notified by mail of the hearing date. Witnesses were sworn in.

Attorney Nitchkey explained to the applicant the absence of two board members and the options available. Mr. Ahearn chose to proceed and be heard by the two members present. He explained he currently operates an auto body shop at the location and was recently granted zoning approval for a firearms refinishing business to operate out of the same space. However, in order to obtain his FFL, he must have approval for a retail business which will allow him to ship and receive guns from his customers. He has no intention of operating a retail business, no plans to stock firearms, and will not have walk-in customers. His only intention is to refinish firearms, but if someone should wish to purchase he would follow all federal and local requirements.

No objectors appeared.

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

The Board reviewed the testimony as presented and a motion was made by Mr. Edinger, seconded by Mrs. Panto, to grant the request with the stipulation that the applicant comply with all testimony given, 90-95% of the business will be internet-based, and there will be no stock of firearms other than to refinish.

Ayes: Mr. Edinger, Mrs. Panto  
Nays: None

The motion was approved.

Linda Thomas  
Secretary

Zoning Hearing Board

1433-35 Pine Street

Appeal 2011-4095

Application 11010064

The Easton Zoning Hearing Board met on February 22, 2011, to hear the appeal of Amine Ghaleb, 2045 Ferry Street, Easton, PA 18042, for a use variance to establish an auto repair/body shop with retail sales at 1433-35 Pine Street, a WW-C zoning district.

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

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. Thirty-one area owners were notified by mail of the hearing date. Witnesses were sworn in.

Atty. Nitchkey explained to the applicant the absence of two board members and the options available. The applicant, represented by Attorney Karam, Jr., chose to proceed with Chairman Edinger acting as the hearing officer. Mr. Ghaleb is an experienced repairman and wishes to open his own business to do repairs, body work, inspections and sales. Operating hours will be Monday through Friday, 8:00 am to 5:00 pm.

Atty. Karam explained the site was most recently used for a construction business, but prior to that it was an auto business similar to what is now proposed. He presented App. Exh. A-1, a two-page CRS real estate listing that notes the use as an auto repair shop.

Violine Karam, Weichert Realtors, 3010 William Penn Hwy, Easton, PA 18045, buyer for the applicant, presented Exh. A-1, a plot plan showing a gated lot that could accommodate 30 vehicles.

John Bentley, 5960 Honey Hollow Rd, Doylestown PA 18902-9471, owner of 1458 Northampton Street LLC, expressed concern with potential parking problems. His lot is accessed by Northampton Street and he is concerned it will become a thoroughfare for customers going to 1433-35 Pine Street. He has 20 spaces in his lot for his residential tenants and two business located in the 1458 Northampton Street building.

William Bianco, 207 North 14<sup>th</sup> Street, Easton PA 18042, explained the parking lot at 1433-35 Pine and noted there is adequate parking to accommodate the proposed business.

Brenda Godown, realtor, noted the lot can be accessed through Pine or Northampton Street.

Zeeshan Khan, Aamco Transmissions, 1458 Northampton Street, stated the rear door of his business opens onto the Pine Street property. He is concerned that the proposed business will interfere with his business, however, if it was just a body shop he would have no objection.

Rigoberto Soto, 1432 Pine Street, stated the traffic is already congested on Pine Street and additional cars from the business will only add to the problem. He is concerned that emergency vehicles will not be able to access the homes in that block.

Ms. Karam informed the Board that they already met with officials from the city and were made clear of all ingress and egress issues.

Attorney Nitchkey questioned the number of parking spaces available. Mr. Ghaleb responded there is room for eight cars inside the structure and more than enough spaces outside. He ships cars overseas and may sometimes have to hold a few on the lot, in addition to what he has for sale, until paperwork clears. If that is the case, he can keep the cars inside. No more than 15 cars will be for sale on the lot at a time.

As there was no other business brought before the Board, the meeting was adjourned.

Chairman Edinger reviewed the testimony and granted the request with the stipulations that no more than 15 cars can be offered for sale on the lot at one time and a minimum of five parking spaces will be designated and posted for customer parking only.

Linda Thomas  
Secretary

Zoning Hearing Board

414 Folk Street

Appeal 2011-4096

Application 10120126

The Easton Zoning Hearing Board met on February 22, 2011, to hear the appeal of Luis E. Maguino, 265 E. Wilkes Barre Street, Easton, PA 18042, for a use variance for an eating and drinking establishment with ten seats at 414 Folk Street, a SS-B zoning district.

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

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. Ten area owners were notified by mail of the hearing date. Witnesses were sworn in.

Attorney Nitchkey explained the absence of two board members and the options available. Harold Figueroa, 834 Reynolds Street, Easton, PA 18042, representing the applicant, chose to proceed with the two members present. He submitted a letter of authority, marked App. Exh. A-1.

Mr. Figueroa explained the applicant would like to establish a small take-out café to serve drinks and light food. No seats are proposed and the application was amended to reflect a food establish, not an E & D. Renovations have been made and there may be plans to install a take-out window in the future.

Michele Volcano-Hall, 418 Folk Street, noted the Mobil Chef business that was there for many years, did not have customers. There are tenants on the second floor and the property is not maintained. There is no dumpster and she is concerned about increased trash and debris. There is a bus stop on the corner and parking and safety could become an issue.

Ryan Hall, 418 Folk Street, noted the landlord is not local and the property is not kept up. The tenants cause problems in an otherwise quiet residential neighborhood. He feels a business will have a negative impact on the area.

Sandra Volcano, 531 Philadelphia Road, stated the property was one small open room with a small bathroom. There is a playground across the street and she is concerned that an increase of traffic will cause a safety concern.

Mr. Figueroa stated the applicant just wants a small neighborhood business. He plans to improve the façade, no grill is required, and no exhaust. Two large garbage cans are all that will be needed for trash.

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

The Board reviewed the testimony as presented and a motion was made by Mrs. Panto, seconded by Mr. Edinger, to deny the request.

Ayes: Mr. Edinger, Mrs. Panto

Nays: None

The motion was approved.

Linda Thomas  
Secretary

Zoning Hearing Board  
123 and 181 S. 3<sup>rd</sup> Street

Appeal 2010-4071

Application 10070004

The Easton Zoning Hearing Board met on February 22, 2011, to hear the appeal of the City of Easton for a special exception and a maximum building footprint variance to combine two lots into one to construct a mixed use building and passenger depot in a flood plain at 123 and 1081 S. 3<sup>rd</sup> Street, a DD-SC-A & B zoning district.

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

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. Fifty-four area owners were notified by mail of the hearing date. The secretary then read the resolution of the EPC dated February 2, 2011 in which they recommend approval. Witnesses were sworn in.

Attorney Nitchkey explained the absence of two board members and the options available. Becky Bradley, Director of Planning and Codes, City of Easton, chose to proceed with the two members present.

Graham Simmons, Esquire, 1611 Pond Road #300, Allentown PA 18104-2221.

Mayor Sal Panto explained the existing buildings are to be demolished to allow for a more urban project. The proposal includes a parking deck; class A office space and an open frame diversity for tenants. The National High School Sports Hall of Fame will be located on the second floor. The Easton Parking Authority, LANTA, the HDC and the EPC have all approved the concept. Demo is slated for April or May. The current garage is outdated and in need of repair. When the new garage opens the old one will be removed to allow for new development. The intermodal project is part of a larger streetscape project that extends from the top of Smith Street to Centre Square. The urban plaza will include green space and is endorsed by city council as well as the EPA.

Ms. Bradley stated the property was properly posted and presented App. Exh. A-1 & 2, photos of the posting. She noted the structure will include a transportation center, a parking garage, common space, retail space, office space, a museum and park space, all of which are permitted by right per the zoning code and consistent with the City of Easton Comprehensive Plan. There will be no adverse effect on the city. There is sufficient sewer and water service to serve the facility and will cause no adverse effect of the public utilities in the area. Impact analysis and land suitability reports have been prepared, also showing no adverse effect. Ms. Bradley explained all exits are outside the 100 yr flood plain and the traffic flow on Bank Street will be reversed for a better flow. There will be adequate screening provided and highly visible landscaping and buffering. The facility will have adequate loading and unloading zones and all signage will be in compliance. The entire project has been designed in accordance with the flood plain ordinance.

Joe Biondo, Spillman Farmer, 1720 Spillman Dr., Ste 200, Bethlehem PA 18015, designers and architects for the building, explained the facility actually has two footprints, one 4,400 sf and the

other 10,400 sf. One that complies and the other just a little over the permitted size. The existing buildings are 24,073 sf and 5,000 sf. The new construction will have no negative impact on the neighborhood and is consistent with other uses in the area.

David Horton, Sr. Engineer, Pennoni Associates, PO Box 827328, Philadelphia PA 19182, design engineer for the project, stated there will be a slight increase in impervious surface, no increase in traffic, adequate access and it was designed with the flood plain ordinance in mind. All structures will be 1.5' higher than the 100 yr flood elevation. There will be no substructures and the building footprint is the maximum required for a parking facility.

Richard Hieshetter, 304 W. Monroe Street, expressed concern about the hardiness of the proposed plantings and submitted Obj. Exh. O-1, a drawing of the facility with a proposed overhang at the entrance.

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

The Board reviewed the testimony as presented and a motion was made by Mr. Edinger, seconded by Mrs. Panto, to grant the request with the stipulation that the applicant comply with all testimony given and all conditions of the EPC.

Ayes: Mr. Edinger, Mrs. Panto

Nays: None

The motion was approved.

Linda Thomas  
Secretary

Zoning Hearing Board

1 S. 3<sup>rd</sup> Street, Rooftop

Appeal 2010-4049

Application 09120028

The Easton Zoning Hearing Board met on February 22, 2011, to hear the appeal of Michael Grab, 327 Locust Street, Columbia, PA 17512, for T-Mobile Northeast, LLC, for a special exception and variance to install non-stealth type communication towers on the rooftop at 1 S. 3<sup>rd</sup> Street, a DD-SC-B zoning district.

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

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. Five area owners were notified by mail of the hearing date. She then read the resolution of the EPC dated February 2, 2011, in which they recommend approval. Witnesses were sworn in.

Attorney Nitchkey explained the absence of two board members and the options available. The applicant chose to proceed with the two members present.

Mr. Grab presented App. Exh. A-1, a copy of the notice posted with a photo showing the posting. He noted there is existing equipment on the rooftop; they are only proposing to add three more antennas and one cabinet. The non-stealth type antennas will match the existing equipment.

Mario Calabretta, 900 S. Lewis Road, Royersford PA 19468, engineer for T-Mobile, stated the application is for new equipment as rooftop co-location. He submitted App. Exh. A-2, plans showing two sleds with one antenna added to each and a 5' x 4' x 3' cabinet similar to the existing cabinets. He then presented Exh. A-3, five photos showing the Alpha Building and the existing equipment. The project has HDC approval and a new structural analysis was submitted. There are still some issues being addressed with the planning staff.

Bassem Iskander, T-Mobile, confirmed the installation is required for increased service capacity only.

No objectors appeared.

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

The Board reviewed the testimony as presented and a motion was made by Mr. Edinger, seconded by Mrs. Panto, to grant the request with the stipulation that the final structural report be completed and submitted to the planning department.

Ayes: Mr. Edinger, Mrs. Panto  
Nays: None

The motion was approved.

Linda Thomas, Secretary