

The Easton Planning Commission met on Wednesday, January 15, 2014, 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, and Mia Hatzis were in were in attendance. The following Planning & Codes staff members were in attendance: Chief Planner Carl Manges and Planning Executive Secretary Mike Handzo. City Solicitor Joel Scheer was also present.

Mr. Elliott called the meeting to order at 6:32 p.m.

The agenda was approved as presented.

Reorganization of the Easton Planning Commission. Mr. Scheer requested nominations for the position of Chair for calendar year 2014. Mr. Shipman nominated Mr. Elliott, with Mr. Heilman seconding the nomination. No other nominations were received. A vote was taken on Mr. Elliott's nomination as Chair, which passed unanimously.

Mr. Elliott requested nominations for the position of Vice-Chair for calendar year 2014. Mr. Heilman nominated Robert Sun, with Mr. Shipman seconding the nomination. No other nominations were received. A vote was taken on Mr. Sun's nomination as Vice-Chair, which passed unanimously.

Approval of Minutes. Mr. Heilman moved, with Ms. Winfield seconding, that the minutes of the December 4, 2014 meeting be approved as presented. The motion passed unanimously.

Privilege of the Floor. No members of the public wished to address the Commission.

709 Wood Avenue – Special Exception. Mr. Manges read that the applicant, Wayne S. Gayle, has proposed to establish a D6 – Professional Services (Music Studio) use in a presently-vacant retail storefront located at 709 Wood Avenue. The applicant seeks to open a music studio and associated office space, to be used for composition and recording activities. This location was previously a C6 – Retail Specialty Establishments use (Clothing Store). Cycl-X-Press, a motorcycle shop, operates in the adjacent storefront of this building.

This property is located in the West Ward Zoning District, Block Class A, where the proposed Professional Services use is not permitted per Article XV §595-75. However, this property is also located in the Street Corridor Enhancement Overlay District where Professional Services uses are permitted by Special Exception per Article XXIII §595-126.

A conversation with the applicant on December 31, 2013 revealed that he intends to establish a studio space dedicated to multiple creative activities, including the composition of R&B, reggae, hip-hop, and film screenplays. A soundproofed booth onsite will host music recording sessions. The applicant will be the only employee associated with the business, but may invite collaborating musicians to share the space for specific projects. He does not expect more than 2-3 individuals to use the facility at any given time. The studio will not be open to walk-in business by the general public. As such, the applicant does not intend to maintain rigid operating hours; however, the studio will primarily be utilized during daytime hours on weekdays.

Mr. Manges reported that the proposal met the criteria for Special Exceptions outlined in Article XXXVIII §595-251. Therefore, he communicated that staff advocates Planning Commission's recommendation to the Zoning Hearing Board that the request for Special Exception for the proposed D6 – Professional Services use be granted.

The applicant, Wayne S. Gayle, was present. Mr. Shipman asked him to describe his plans to convert the space into a studio. Mr. Gayle explained that no renovations were necessary beyond the construction of a recording booth. Mr. Shipman requested clarification on the applicant's proposed soundproofing measures, with Mr. Gayle indicating that the booth would provide appropriate soundproofing. In response to Mr. Lieb's inquiry, Mr. Gayle confirmed he did not intend to host live performances.

Mr. Lieb moved, with Mr. Shipman seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board that it grants a Special Exception request with conditions to Wayne S. Gayle for a Professional Services use at 709 Wood Avenue. The motion passed unanimously.

637 Northampton Street – Special Exception.

Mr. Manges read that the applicant, Teflorne Fitzgerald, has proposed to establish D3 – Personal Services use (Hair Salon) in a first-floor commercial space at 637 Northampton Street. The hair salon would share a space with an existing C2 – General Merchandise use (Thrift Shop), permitted by Special Exception at the same address. The proposed business is located in a mixed-use building that additionally houses Marymar Travel, a tax preparation/auto tag/notary multiservice, Flow Factory Barbershop, and apartment units.

This property is located in the West Ward Zoning District, Block Class B, where the proposed Professional Services use is not permitted per Article XV §595-75. However, this property is also located in the Street Corridor Enhancement Overlay District where Personal Services uses are permitted by Special Exception per Article XXIII §595-126.

A conversation with the applicant on December 31, 2013 revealed that they plan to open a hair salon with three (3) styling stations in a space in the mixed-use building at 637 Northampton Street. Initially, the applicant will be the only employee of the business, but the applicant eventually plans to hire stylists to staff the remaining two stations. The applicant intends to operate from 9:00am – 7:00pm, Monday through Saturday.

Mr. Manges reported that the proposal met the criteria for Special Exceptions outlined in Article XXXVIII §595-251. Therefore, he communicated that staff advocates Planning Commission's recommendation to the Zoning Hearing Board that the request for Special Exception for the proposed D3 – Personal Services use be granted.

The applicant, Teflorne Fitzgerald, was present. She expressed her intent to hire local residents. Mr. Lieb inquired if the applicant's proposal required any Health Bureau approvals. Mr. Manges replied that the Chief Health Officer had determined none were necessary.

Mr. Lieb moved, with Mr. Heilman seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board that it grants a Special Exception request with conditions to Teflorne Fitzgerald for a Personal Services use at 637 Northampton Street. The motion passed unanimously.

321 S. 10th Street – Special Exception.

Mr. Elliott stated that his partner in legal practice was representing the applicant. He recused himself from discussion and voting on the proposal, but indicated he would continue to chair the proceedings.

Mr. Manges read that the applicant, Food Street, LLC, has proposed to establish C4 & C5 – Food Establishments and Eating and Drinking Places (Deli/Grocery Store) uses on their property at 321 South 10th Street. The applicant's intent is to convert five (5) garages onsite into an establishment selling restaurant and grocery items. The business would also provide seating for eight (8) dine-in customers.

This property is located in the West Ward Zoning District, Block Class C, where the proposed Food Establishments and Eating and Drinking Places uses are not permitted per Article XV §595-75. However, the proposed use is considered a Special Exception since it involves changing from one nonconformity to another nonconformity per Article X §595-50.

A conversation with the applicant's representative, Khalid Chohan, on January 2, 2014 revealed that they intend to renovate the garages onsite to open a deli and grocery store. The establishment would offer a selection of prepared restaurant foods for on-and-off-premises consumption, a butcher shop, and general grocery items. Deliveries would be made by van once or twice weekly, and received in front of the business on South 10th Street. There would be two employees associated with this business. The applicant's proposed hours of operation are from 9:00am – 11:00pm, seven days a week.

Mr. Manges reported that the proposal met the criteria for changing a nonconforming use to another nonconforming use outlined in Article X §595-50, as well as the criteria for Special Exceptions outlined in Article XXXVIII §595-251. Therefore, he communicated that staff advocates Planning Commission's recommendation to the Zoning Hearing Board that the requests for Special Exceptions for the proposed C4 & C5 – Food Establishments and Eating and Drinking Places uses be granted.

The applicant's representative, Khalid Chohan, and the applicant's attorney, Tom Elliott, Esq., were present. Mr. Chohan provided the Commission with architectural renderings of his proposed business. He discussed the property's existing poor state of repair, and presented several photos depicting current site conditions. Mr.

Chohan expressed his intent to improve the condition of the property and open a business to benefit the neighborhood.

Mr. Shipman asked why the garages were considered a nonconforming use. Mr. Manges explained they were used commercially, and Mr. T. Elliott further clarified they did not serve as an accessory use to another permitted residential use. Mr. Lieb asked the applicant how long they had owned the property, with Mr. Chohan indicating several months. In response to Mr. Lieb's inquiry about lot size, Mr. Manges reported the lot would be too small to accommodate apartments per the Zoning Ordinance.

Mr. Lieb suggested that painted diagonal parking spaces along South 10th Street, in the vicinity of the applicant's property, would improve the functionality of the street. Mr. Manges responded that he would discuss the matter with the Director of Public Works. Mr. Shipman asked Mr. Manges if he expected any objection from Zoning Hearing Board regarding the applicant's requested parking variance; Mr. Manges deemed this unlikely.

Mr. Scheer suggested that a condition mandating the receipt of all necessary variances be added to the staff draft resolution. Mr. Shipman moved that the that the Easton Planning Commission recommend to the Zoning Hearing Board that it grants Special Exception requests with conditions to Food Street, LLC for Food Establishments and Eating and Drinking Places uses at 321 South 10th Street. In his motion, he incorporated Mr. Scheer's suggested condition. Mr. Lieb seconded the motion. Mr. Elliott abstained from the vote; with the remainder of the Commission voting in favor, the motion passed.

916 Northampton Street – Special Exception. Mr. Manges read that the applicant, Jonathan Washington, proposes to establish a C3 – General Merchandise use on the first floor of a (A12) Mixed-Use three-story building at 916 Northampton Street. The first floor at this location is currently vacant. The previous use at this location was a Retail Specialty store (Exquisite Fashions). The property is located in the West Ward Zoning District, Block Class C, where the proposed C3 – General Merchandise use is not permitted per Article XIV §595-75. However, the property is also located in the Street Corridor Enhancement Overlay District, where General Merchandise (C3) uses are permitted by Special Exception per Article XXIII §595-126. This application was before the Planning Commission on October 2, 2013, where the applicant failed to appear. The Commission elected to make a no recommendation to the Zoning Hearing Board at this meeting. The applicant again failed to appear at the Zoning Hearing Board and the application was denied.

A conversation with the applicant on December 16, 2013, revealed that due circumstances beyond his control he was unable to appear at either the Planning Commission or the Zoning Hearing Board in October. Mr. Washington informed staff that he is proposing to establish a convenience store at 916 Northampton Street. Items to be sold in the store would include beauty supplies, hair products, including shampoo and hair grease. The applicant indicated he would be the only employee with this business. The hours of operation are proposed to be Monday thru Saturday from 9am – 8pm, and Sunday from 10am - 5pm. The applicant indicated that there is no off-street parking located at the site. According to the applicant, deliveries would be made in a UPS van, and no tractor-trailer deliveries would be associated with this business.

Mr. Manges reported that the proposal met the criteria for Special Exceptions outlined in Article XXXVIII §595-251. Therefore, he communicated that staff advocates Planning Commission's recommendation to the Zoning Hearing Board that the request for Special Exception for the proposed C3 – General Merchandise use be granted.

The applicant's mother was present as a representative of the applicant. Mr. Shipman and Mr. Lieb requested information on the applicant's intended merchandise. The applicant's representative listed various sundry items, including diapers, toiletries, cleaning supplies, soaps, lotions, stationery, and cigarettes. Mr. Lieb voiced concerns regarding the proliferation of cigarette and lottery sales in the neighborhood. The applicant's representative described the applicant's intent to sell beauty products and hair extensions, as neighbors had requested a convenient retailer of such items in the area.

Mr. Heilman moved, with Ms. Winfield seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board that it grants a Special Exception request with conditions to Jonathan Washington for a General Merchandise use at 916 Northampton Street. The motion passed unanimously.

Governor Wolf Building – 45 N. 2nd Street – Land Development. Mr. Manges read that the applicant, Wolf Building Development Group, proposes to redevelop an existing 5-story office building into a residential mid-rise located at 45 N. 2nd Street. This approximately 55,000 square foot building is proposed to contain a 50

residential units with a total of 67 bedrooms. The 1st floor is proposed to contain 3 one-bedroom and 2 two-bedroom units. The 2nd Floor would contain 5 one-bedroom and 3 two bedroom units. 12 one-bedroom and 3 two-bedroom units would be on the 3rd Floor. On the 4th Floor would contain 12 one-bedroom and 1 two-bedroom, and the 5th Floor would contain 1 one-bedroom and 11 two-bedroom units. The basement would be utilized for storage, containing lockers for the tenants residing in the building. The applicant anticipates the redevelop to be completed by the fall of 2015. The current approximate 6,000 square foot building located in the parking area will remain a warehouse for the County. This application requires that 50 off-street parking spaces be provided, and there a total of 166 off-street parking spaces provided in the parking lot associated with this building. The applicant is not proposing to change the exterior of this building or add any additions to the property.

The proposed A9-Residential Mid-rise use is located in the Downtown Zoning District, Block Class A, where the proposed use is permitted per Article XVII §595-108.

The Zoning Administrator has determined variances are necessary with this application. These variances include maximum building footprint, 60% of primary façade shall be windows, a first floor commercial component, and build to line not being 5 ft. All these variances are pre-existing conditions at the site.

Mr. Manges reported that the plans met the criteria outlined in Article IV §520-36, Preapplication requirements, Article IV §520-37, Subdivision and Land Development Plan, and the 1997 Comprehensive Plan. Therefore, he communicated staff's recommendation that the Planning Commission grant conditional final approval of the plans.

The applicant's representative, Mark Mulligan, was in attendance. He indicated that he did not plan to make any significant exterior alterations, and that all changes would maintain the historic integrity of the Wolf Building's front façade. Mr. Mulligan reported that his plans received approval from the Historic District Commission, and that he was making rapid progress toward receipt of Historic Tax Credits. He detailed his intent to replace the gym building's windows in-kind and replace an HVAC cooling tower with a courtyard area.

Mr. Mulligan suggested that the Governor Wolf Building's design did not lend itself readily to office use, stating that residential use would more readily preserve the building's historic features. He indicated that the site's topography created obstacles to first-floor commercial use. Mr. Mulligan reported that residents of the building would receive the tax breaks of the site's Keystone Opportunity Zone (KOZ) status. He stated that 183 parking spaces were available onsite, and confirmed his intent to make the facilities available for City needs upon request. Mr. Mulligan said that Northampton County would continue to lease its onsite warehouse space for at least five (5) years.

Mr. Shipman requested an explanation of the City's decision to waive requirements to show sewer sizes and inverts on the plans. Mr. Mulligan replied that the area surrounding the Governor Wolf Building was dense with utility infrastructure, creating challenges in tracing distinct lines to meet the requirement. He explained that the City Engineer was satisfied that existing sewer, water, and gas facilities would serve the proposal following a general examination of the infrastructure. In response to a follow-up question by Mr. Shipman, Mr. Mulligan assured that the exact location and nature of all lines would be specifically determined prior to construction.

Ms. Winfield asked if the applicant intended to maintain the Penny Arch as-is. Mr. Mulligan indicated the Penny Arch was protected by deed restriction, and expressed his intent to restore both it and the bell tower. Mr. Lieb expressed his interest in seeing the onsite tablets restored, with Mr. Mulligan reporting that he would consider if maintenance or repair would best preserve their integrity. Mr. Elliott asked if work would be completed to the Secretary of the Interior's Standards for Rehabilitation, which Mr. Mulligan confirmed.

Mr. Lieb inquired if staff had compared anticipated tax revenues from the project to predicted demand increases on City services. Mr. Elliott and Mr. Manges noted that the applicant's Impact Analysis Report satisfied this purpose. Mr. Scheer asked which taxes residents would be exempted from during the KOZ period. Mr. Mulligan indicated that Commonwealth taxes and local Earned Income Taxes would be waived. He reported that low taxes would incentivize non-Easton residents to move to the building and the City. For the ten-year KOZ period, the building would generate no tax benefit, but would also generate no additional infrastructure maintenance needs. Mr. Mulligan predicted many residents would become attached to Easton during the KOZ period, leading to significant tax revenues upon the KOZ expiry.

Mr. Elliott inquired about floodplain considerations onsite. Mr. Mulligan responded that the parking lot, located in a floodplain, had flooded in 2004, 2005, and 2006; however, no residences were proposed in the floodplain. He described plans to evacuate residents' vehicles and safeguard elevator infrastructure in the event of flooding. In response to Mr. Elliott's inquiry, Mr. Mulligan shared his intent to provide rental units for a target market of young professionals. Mr. Elliott suggested that the applicant consider including dedicated bicycle parking facilities and increased landscaping in the parking lot. Mr. Mulligan expressed he was amenable to Mr. Elliott's suggestions, and that landscape improvements were included in long-term plans for the site.

Mr. Shipman moved, with Mr. Lieb seconding, that the Easton Planning Commission grant conditional final approval of the submitted plans to Wolf Building Development Group, LP. The motion passed unanimously.

Comprehensive Plan Update. Mr. Manges reported that consultant Urban Matrix held an initial meeting with the Comprehensive Plan Rewrite Task Force the prior Thursday, and indicated the work was on schedule. He stated that the group had chosen a URL of www.VisionEaston.org for a project website.

Director of Planning & Codes Hiring Update. At Mr. Scheer's request, Mr. Manges indicated the City had made an offer to the chosen candidate. Mr. Manges reported the selected candidate was undergoing a City background check, and was anticipated to begin employment in late February.

As there was no further business, the meeting was adjourned at 7:50 p.m.