

The Easton Planning Commission met on Wednesday, January 16, 2013 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, Dennis Lieb, Bonnie Winfield and Ronald Shipman. Also in attendance were staff members Brian Gish; Chief Planner, Carl Manges; City Planner and Tina Woolverton, Secretary. Solicitor Joel Scheer was also present.

The agenda was approved.

The first agenda item was the reorganization of the Planning Commission. A motion to nominate Charles Elliott as chair was made by Mr. Shipman, seconded by Ms. Winfield, approved by all.

A motion to nominate Mr. Sun as vice-chair was made by Mr. Shipman, seconded by Mr. Lieb, approved by all.

A motion to nominate Mr. Heilman as vice-chair was made by Mr. Sun, seconded by Ms. Winfield, approved by all.

A vote was taken for the nomination of Robert Sun as Vice-Chair. Four votes were received.

A vote was taken for the nomination of William Heilman as Vice-Chair. One vote was received.

The nomination of Robert Sun for Vice-Chair passed by majority vote.

A motion to approve the minutes of the December 5, 2012 meeting was made by Mr. Lieb seconded by Mr. Shipman, approved by all.

Privilege of the Floor. None.

Special Exception 50 S. Delaware Drive – City of Easton. Mr. Manges said the applicant, the City of Easton, has proposed to establish a Business Service use (Dog Kennel), located at 50 S. Delaware Drive. This proposal is located on the Easton Wastewater Treatment Plant property. There are 4 kennels on the property to house stray dogs temporarily until their owners are found or other long term arrangements can be made with other shelters. A dog's average stay in the kennel is approximately 3-5 days. The dogs are brought to the kennels by the Police Department and by animal control officers.

The property is located in the River Corridor and Other Green Areas Zoning District; Block Class A, where the proposed Business Services use is permitted by Special Exception. The property is also located in the Flood Hazard Overlay District, requiring Special Exception approval for use in the floodplain. According to FEMA, 50 S. Delaware Drive is located in a Federal Emergency Management Agency defined 100 and 500-year floodplains.

The applicant has indicated no hazardous materials of any kind will be stored at this site in association with the dog kennels. Dog food is the only material stored on site, and it is in a locked storage facility. In the event of a Flood Warning, the applicant indicated that

the dogs will be left in the kennels. This is due to the fact that the kennels are located approximately 24 feet above the base flood elevation for this area. According to the FEMA map, the Base Flood Elevation for this area is 191 feet, and the kennels are located at an elevation of 215 feet. The applicant indicated that no flood waters have reached anywhere close to the area of the kennels during the last four flood events that have occurred in the City.

Mr. Manges said staff feels this type of use will have substantially less of an impact to the floodplain than other uses that currently operate in a floodplain. Therefore, staff advocates Planning Commission recommendation to the Zoning Hearing Board for granting the Special Exception requests to the City of Easton, for a Business Services use and Use in a floodplain at 50 S. Delaware Drive with conditions.

Mr. Glenn Steckman, City Administrator, was present. He explained the Center for Animal Health and Welfare, who the City previously contracted with for these services, is no longer able to take in stray dogs on a regular basis. He said the City has purchased the kennels as suggested by the Center for Animal Health and Welfare and which are the same kennels used by the canine officers. He added this proposed facility is mandated by the State, and a kennel license has been reviewed and granted by the State. Mr. Shipman asked if the building as shown on the plan was built for this purpose. Mr. Steckman said the building is an existing, unused building which has been cleaned and retro-fitted for the use. He added it is a secured site with no public access. A motion to approve the resolution recommending approval to the Zoning Hearing Board was made by Mr. Sun, seconded by Mr. Lieb, approved by all.

Special Exception – 103 N. 7th Street. Mr. Manges said the applicant, Eugene Giunta, Jr., desires to convert an existing Mixed-Use building with one commercial space on the first floor and three apartments to a Multifamily dwelling with four apartments at 103 N 7th Street. The three current apartments are registered with the City's Licensing Rental Program. The owner has already converted the 795 s.f. first floor commercial area to an apartment, and is attempting to go through the approval process to make this use legal. A barber shop was the previous commercial use at this location. The property is located in the West Ward Zoning District; Block Class C, where the proposed use is permitted by Special Exception.

Mr. Manges said a conversation with the applicant on January 9, 2013, revealed that he converted the previously vacant 1st floor commercial area of his mixed-use building back to a residential apartment in July 2012, and now he is going through the process to make it a legal use. Mr. Giunta, Jr., stated he was unaware that he had to go through the approval process to convert the previous commercial use back to a residential use. He also stated that once he receives his approvals, the apartment will be registered with the City's Rental Housing Licensing Agency.

The Zoning Administrator has determined variances for lot width, lot area per dwelling unit, side yard setback, and off-street parking are required from the Zoning Hearing Board.

Attorney Dan Cohen was present to represent the applicant. He said the commercial space was an apartment prior to being converted to a barber shop. He added the current owner has owned the building for close to 40 years.

Staff stated the proposed Multifamily use is permitted by Special Exception in the West Ward Zoning District, and, given the residential nature of the neighborhood, feels this proposal is acceptable in this location. Staff advocates Planning Commission recommendation to the Zoning Hearing Board for granting a Special Exception request to Eugene Giunta, Jr., for a Multifamily use at 103 N. 7th Street with conditions.

Mr. Lieb said he is leery of not having any off-street parking in a densely populated residential neighborhood. He added the neighborhood has some problems. Mr. Sun asked Mr. Lieb how he would use space, if not for residential. Mr. Lieb said he would combine two of the upper floor apartments into one, thereby keeping the number of apartments in the building to three. Mr. Sun questioned the size of the other three apartments. Mr. Manges said it was unknown, as only the proposed use for the first floor space was being reviewed. Mr. Sun commented that the proposed apartment, at almost 800 s.f., was a large apartment. Mr. Elliott questioned if the previous apartment use had been permitted. Mr. Manges said it was, and Mr. Giunta, Jr. had all the necessary permits when he changed it to the barber shop.

A motion to approve the resolution recommending the Zoning Hearing Board grant the special exception request was made by Mr. Shipman, seconded by Mr. Sun, approved by all but Mr. Lieb, who abstained from voting.

Land Development – The Easton Home – 1022 Northampton Street. Mr. Manges said the applicant, Presbyterian Senior Living, has proposed to consolidate eleven parcels for the creation of Lot #1 (located at 1022 Northampton Street), and consolidate two additional parcels for the creation of Lot #2 located at 40 S. Warren Street (Lot #2).

Lot #1 is proposed to create one 4-story residential mid-rise apartment building, a new 4-space handicap accessible parking lot, and a new 15-space parking lot. The proposed new mid-rise apartment building will add 52 new low to moderate income independent living units.

With the proposed expansion, it is anticipated the residential population will increase approximately to 103-116. Currently there are 51 residents living in the 53 residential units that are in the existing historic Easton Home. The proposed residential mid-rise building is proposed to be attached to the existing Easton Home building. The existing parking area located on Lot #1 is proposed to be altered from 16-spaces to the 4-space handicap accessibility parking area. The new 15-space parking lot will be located on the southwest portion of Lot #1 along Pine Street. Lot #2 will consist of a new 17-space parking lot to be used by the employees, residents, and visitors. In total, there will be 36 off-street parking spaces available with this application.

Mr. Manges said the Easton Home has been an active care facility for over 120 years, and serves low to moderate income residents ranging in age from 77 to 98. The proposed new mid-rise apartment building will add 52 new low to moderate income independent living units. The existing building has 53 extended care units, with 51 residents living there. With the proposed expansion, it is anticipated the residential population will increase approximately to 103-116. There are currently 25 full-time and 29 part-time employees at the Easton Home, and the total full-time employees will increase to 27 with this proposal.

The proposed improvements for Lot #1 are located in the West Ward Zoning District, Block Class B, where the proposed use is not permitted. However, the site is located in the Street Corridor Enhancement Overlay District where Residential Mid-rise uses are permitted by Special Exception. The proposed Accessory Parking Lot is a permitted use.

The proposed Parking Lot use on Lot #2 is not permitted in the West Ward Zoning District, and will require a Use variance from the Zoning Hearing Board.

The Zoning Administrator has determined that variances for 20 dwelling units per acre, square footage of the apartments, front yard setback, off-street parking, and required site triangle are required for Lot #1. Also, variances for rear yard setback and required sight triangles are required for Lot #2.

Mr. Manges said Earth Engineering, Inc. conducted a Carbonate Assessment of the proposed site, and in a report dated March 20, 2012, found a moderately sized sinkhole within the eastern portion of the project site that is described as an open depression sinkhole with an elliptical shape. The depression was measured to be approximately 5.5 feet in length, 4 feet in width, and approximately 2 feet in depth. Earth Engineering, Inc. strongly recommends that the sinkhole be thoroughly investigated and repaired prior to construction of the building.

In a conversation with Jason Best, the Project Manager for the Easton Home, on June 29, 2012, it was stated to staff they are aware of the situation, and the depression will be repaired prior to the construction of the building. A note shall be added to the plans indicating how the sink hole will be repaired.

Staff noted the submitted plans indicate a proposed expansion to the Easton Home for senior living located at 1022 Northampton Street. The Comprehensive Plan supports for the expansion of needed services while minimizing the fiscal impacts to the City's tax base. The proposed expansion of the senior care facility will provide needed services for the elderly, and will provide more tax revenue for the City. The Plan further promotes orderly growth consistent with the established character of the City's neighborhoods. A critical issue in the Comprehensive Plan is to create opportunities for construction of affordable housing. The proposed residential mid-rise building will be for low to moderate income senior citizens, providing affordable housing for the elderly, and therefore, meeting the goal of this critical issue. The Comprehensive Plan also encourages the development of off-street parking. The applicant will create a new 17-space parking lot and two accessory parking areas with this application. Mr. Manges said staff is supportive in principle of this plan; however, until approvals from outside agencies are obtained, the best staff can recommend at this time is for conditional preliminary approval.

Representatives of the project were present. Mr. Shipman asked if vehicular access was available to the rear of the building. Mr. Rodney Fenstermacher of Presbyterian Homes said there is access from Pine Street. Mr. Shipman asked if the proposed building would be fire accessible. Mr. Manges said the fire inspector has reviewed and approved the plans. Mr. Lieb questioned why the plans had changed so drastically since the Commission had seen them as a draft plan in August of 2012. Mr. Fenstermacher explained that one of their investors had given them a grant to take the original design

before architects and engineers from around the country, and after the reviews of what could be improved in respect to comfort and modern design of the building, they had a new architect revised the plans. Mr. Sun questioned if the cost of the project changed as well as the design. Mr. Fenstermacher said the cost structure is very defined and did not change. Mr. Sun asked, where in the existing facility, the ambulance loads. Mr. Fenstermacher said he believes in the rear, as that is where the double doors are located. Mr. Sun asked if the construction would interfere with access of emergency vehicles. Mr. Fenstermacher said the parking lot to the rear of the building is not being developed. Mr. Sun asked if the streets would need to be dug for the new water service required. Mr. Jason Best, Project Manager, said the streets would be affected when a new tap off the 16" main on Northampton Street was run.

Mr. Elliott questioned if state licensing was required for the facility. Mr. Fenstermacher said no state licensing would be required for the proposed independent living facility. Mr. Sun questioned the criteria for acceptance to the facility. Mr. Fenstermacher said the proposed facility will have age and income restrictions. Mr. Sun asked if the existing residents are low income. Mr. Fenstermacher said it currently is, but Presbyterian Homes have a mix of facilities, some income producing, some not. Mr. Shipman asked if the bulk of the residents would be local. Mr. Fenstermacher said generally 70-80% of residents are from the area. Mr. Elliott asked if the proposed facility would be operated by the same entity that currently operates the Easton Home. Mr. Fenstermacher said it would.

Mr. Elliott questioned the height and bulk of the building and if it fit the neighborhood. Mr. Manges said the proposed building is within the height requirements of the Street Corridor Enhancement Overlay District.

Mr. Scheer said he is surprised to hear the parking calculation from the Zoning Administrator. Mr. Manges said he would double check the figure. Mr. Scheer also noted that if the proposed use, a residential mid-rise, is approved, and another party purchases the property, approval of the use is grandfathered, without the need for the property to remain as age and income restricted housing. Mr. Elliott agreed with the concern and added that there may be some issues to look at prior to approvals. He asked the applicant if there were any specific timing issues. Mr. Fenstermacher said the funds have been filed for and there is a point system for funding based upon a shovel-ready project. Mr. Manges said the proposal is not scheduled to go before the Zoning Hearing Board until the meeting of February 18, and that the project could be back before the Planning Commission on February 6th.

Mr. Elliott said he is wrestling with the adequacy of the parking and tying the use of the parking to this proposal only.

James Flagg of 20 S. 10th Street was present. He lives across the street from the proposed expansion. He said the Easton Home is a very good neighbor, but he is concerned the building height is out of scale and will limit natural light to the neighborhood. He added the corner of 10th and Northampton Street is a very busy intersection, and some flooding problems exist. He said he has some concerns over future parking, even though it is not currently a major issue.

Mr. Elliott said he would like further clarifications on the explanation of the parking calculations, whether the use of parking for lot 2 can be restricted for age and income

limit, and the future implications if the proposed use is granted for lot 1. A motion to table action on the proposal until additional information could be furnished was made by Mr. Shipman, seconded by Mr. Lieb, approved by all.

Discussion – Definition of Land Development. Mr. Scheer said he has offered a preliminary opinion when a plan is received as to whether it is a land development. He distributed a letter that cited determinations of the courts in specific circumstances. Mr. Elliott asked that the Commission review the document and make comments at February's meeting. Mr. Lieb said he would like to see the Land Development process streamlined.

Comprehensive Plan Re-write Update. Mr. Manges said three neighborhood meetings, and one with the EAC have been held to date, and the one with the College Hill Neighborhood Association is tomorrow evening. He said during the meetings, the participants have broken off into group discussions on various issues. He said interviews are scheduled to be completed by the end of March.

Mr. Gish said the 2012 Comprehensive Plan Review would be getting underway as well.

EAC Update. Mr. Elliott said the EAC had met with the Comprehensive Plan re-write group. He added the EAC has been working on their document for some time, so it was a very effective meeting.

As there was no further business, the meeting was adjourned at 8:55 PM.