

The Easton Planning Commission met on Wednesday, October 3, 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, William Heilman, 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.

A motion to approve the minutes of the September 5th, 2012 meeting was made by Mr. Heilman, seconded by Ms. Winfield, approved by all.

Privilege of the Floor. None

Special Exception – 91 Larry Holmes Drive. Mr. Manges said the applicant, Rover Entertainment, Inc. & Champ's Corner, on behalf of Larry Holmes Enterprises, Inc., has proposed to establish an Eating & Drinking Establishment at 91 Larry Holmes Drive, Suite 100. The location is the former site of the Ringside Restaurant, which had vacated in the past year. In March 2012, Revival Fire Ministries had submitted an application to operate a Religious Worship / Retail Specialty Establishment that was approved the following month. The proposed use would reestablish a use that was active at the location within the past year.

Mr. Manges added 91 Larry Holmes Drive is located in the Downtown Zoning District, Block Class A, where the proposed use is permitted. However, 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 before the proposed use may become active. The property is also located in the Downtown (Local) Historic District, which requires all external alterations, including signs, visible from a public right-of-way be approved by the Easton Historic District Commission.

Mr. Manges said a site plan was previously provided to staff, and information is available regarding measures to be taken in the event of a Flood Warning and/or Emergency. The site plan indicates that the 1st floor of 91 Larry Holmes Drive is at an elevation of 193.8 feet, and according to the FEMA flood map, the base flood elevation is 195 feet. There is no basement in this building, and no hazardous materials of any kind will be stored at this site. In the event of a Flood Warning, all operations in the building will cease, and the premises will be evacuated until the flood warnings and watches have been cancelled by the national weather service or other government authority. No flood waters have reached the building during the last four flood events that have occurred in the City.

A conversation with the applicant on September 27, 2012, revealed that the Rover Entertainment, Inc. & Champ's Corner on behalf of Larry Holmes Enterprises, Inc., desires to re-establish a restaurant use at 91 Larry Holmes Drive. The restaurant is proposed to have 130 seats for the patrons. The proposed hours of operation upon opening are Wednesday & Thursday from 3pm to 11pm, and Friday & Saturday from 12pm to 2am. The restaurant will be closed Sunday-Tuesday. According to the applicant, these hours of operation are subject to change depending on how the business does. The applicant anticipates 8-12 employees to be associated with this business.

Mr. Larry Holmes and representatives of the applicant were present. Mr. Sun asked if the prior application for Revival Fire Ministries had been approved by the Zoning Hearing Board. Mr. Manges said it had been approved, but have since vacated the site. Mr. Elliott questioned whether the existing other uses at 91 Larry Holmes Drive had evacuation plans. Mr. Manges said they did. Mr. Scheer questioned if there was an easier way to review these types of special exceptions for development in the floodplain when the use was reverting to an identical previous use. Mr. Shipman said the same use classification could still create a different impact and feels at least a cursory review is required. A motion to approve the resolution recommending approval to the Zoning Hearing Board was made by Mr. Shipman, seconded by Mr. Heilman, approved by all.

Special Exception - 825 Lehigh Street. Mr. Manges said the applicant, Manuel Rodriguez, desires to convert an existing Mixed-Use building to a Two-Family Detached dwelling at 825 Lehigh Street. Currently, the 1724 s.f. first floor of this building is vacant, and there is a tenant residing on the second floor. The previous use of the first floor was a daycare service. The property is located in the West Ward Zoning District; Block Class A, where the proposed use is not permitted. However, the use is permitted by Special Exception in that it is changing from one nonconforming use to another nonconforming use.

Mr. Manges said a conversation with Judith Rodriguez, the applicant's wife, on September 25, 2012, revealed that they want to convert the vacant 1st floor commercial area of their mixed-use building to a residential use. Mrs. Rodriguez informed staff that the 1st floor will be owner-occupied should they receive their approvals. Mrs. Rodriguez also indicated there are seven (7) off-street parking spaces in the rear of the property that would be for residential use at 825 Lehigh Street. The Code Administrator determined three off-street parking spaces were required for the residential use. Neighboring properties on the north side of Lehigh Street are predominately residential. St. Anthony's school and an attorney's office are located opposite the property on the south side of the 800 block of Lehigh Street.

A nonconforming use may be changed to another nonconforming use only by Special Exception of the Zoning Hearing Board.

The applicants were present. Ms. Rodriguez said she and her husband had attempted to sell the property, and, when it didn't sell, decided to convert and occupy it as their principle residence. Mr. Bloom asked if the three required parking spaces were for this application only. Mr. Manges said the requirement of three spaces was inclusive of both residential units.

A motion to approve the resolution recommending approval to the Zoning Hearing Board was made by Mr. Heilman, seconded by Mr. Shipman, approved by all.

Determinations of blight. Mr. Elliott said staff has provided the Commission with documentation on the contributing factors which determine the properties as blighted.

- 717 W. Wilkes Barre Street
 - A motion to determine the property as blighted was made by Ms. Winfield, seconded by Mr. Heilman, approved by all.

- 28 S. Locust Street.
 - A motion to determine the property as blighted was made by Mr. Sun, seconded by Mr. Bloom, approved by all.
- 831 Walnut Avenue
 - A motion to determine the property as blighted was made by Mr. Shipman, seconded by Ms. Winfield, approved by all.
- 683 Prospect Street
 - A motion to determine the property as blighted was made by Mr. Heilman seconded by Mr. Bloom, approved by all.
- 22 N. Sixth Street
 - A motion to determine the property as blighted was made by Mr. Bloom seconded by Mr. Shipman, approved by all.

Certifications of blight. Mr. Elliott said staff has provided the Commission with documentation on the contributing factors which certify the properties as blighted.

- 56 S. Fifth Street
 - A motion to certify the property as blighted was made by Mr. Bloom seconded by Mr. Sun, approved by all.
- 617 Ferry Street
 - A motion to certify the property as blighted was made by Mr. Bloom seconded by Mr. Heilman, approved by all.
- 616 Northampton Street
 - A motion to certify the property as blighted was made by Mr. Bloom seconded by Mr. Shipman, approved by all.
- 680 Pine Street
 - A motion to certify the property as blighted was made by Mr. Bloom seconded by Ms. Winfield, approved by all.
- 48 N. Delaware Drive
 - A motion to certify the property as blighted was made by Mr. Bloom seconded by Mr. Heilman, approved by all.
- 809 W. Berwick Street
 - A motion to certify the property as blighted was made by Mr. Bloom seconded by Mr. Sun, approved by all.
- 428 Filbert Street
 - A motion to certify the property as blighted was made by Mr. Bloom seconded by Mr. Heilman, approved by all.

Comprehensive Plan Re-write Update. Mr. Gish said the task force would not be meeting in October, instead staff would be engaging in public outreach with the four neighborhoods and key individuals and organizations.

FEMA Map Update. Mr. Gish distributed a draft letter in response to FEMA's response on the City's appeal of preliminary flood insurance rate maps for the City of Easton. He requested the Commission review the letter, and offer any comments to him before Friday.

EAC Update. Mr. Elliott said the EAC had met the previous day and the next meeting was being moved from November 6 to November 8 because of election day. He said the EAC hopes to meet with the Community Fellow at their November meeting to

discuss their role in the Comprehensive Plan re-write. He added there was a lengthy discussion regarding the Riverside park de-vegetation and a committee has been formed on herbicide use and restoration of the buffer area. He said there was a discussion on his RTK request from PennDot regarding there tree removal and herbicide use policy. He informed the Commission that Northampton County has scheduled a household hazardous waste disposal day for October 6. He said the annual potluck dinner which is normally held in December will be held in February instead.

As there was no further business, the meeting was adjourned at 7:40 PM.