

The Easton Planning Commission met on Wednesday, September 3, 2014 at 6:30 p.m. in City Council Chambers, Alpha Building, One South Third Street, Easton, PA 18042. Planning Commissioners Charles Elliott, Bonnie Winfield, Robert Sun, Dennis Lieb, William Heilman, Ronald Shipman, and Mia Hatzis were in attendance. The following Planning Bureau staff members were present: Chief Planner Carl Manges and City Planner Mike Handzo.

Mr. Elliott called the meeting to order at 6:35 p.m.

The agenda was approved as presented.

Mr. Shipman moved, with Ms. Hatzis seconding, that the minutes of the August 6, 2014 meeting be approved as presented. The motion passed unanimously.

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

**Lynn Street, Parcel L9SW3B 14 – Special Exception.** Mr. Handzo read that the applicant, Austin Potter, has proposed to establish a G10 – Salvage Yard use (Scrap Metal Processing Facility) on a vacant property on Lynn Street, parcel L9SW3B 14 4. The site was formerly used by Easton Area Recyclers, which was abandoned approximately nine (9) years ago.

The property is located in the River Corridors and Other Green Areas Zoning District, Block Class B, where the proposed G10 – Salvage Yard use is not permitted per Article XVIII §595-88. A Use Variance will be required from the Easton Zoning Hearing Board with this application. According to the Federal Emergency Management Agency Flood Insurance Rate Map 42095C0286 D, parcel L9SW3B 14 4 is located in the 100- and 500- year floodplains, with a base flood elevation of 195'. Therefore, this application also requires Special Exception approval for Use in the Floodplain per Article XXV §595-143(B)(3).

A fax dated February 13, 2014, from the applicant revealed the intent to open a scrap metal processing facility at the former Easton Area Recyclers site on Lynn Street. The applicant would purchase household and industrial metal junk; process the scrap metal into a marketable form; and pack the resulting material for shipping. Materials to be stored onsite include scrap metal, tools, forklifts, hand carts, cardboard bins, a platform scale, heavy equipment, and shipping containers. An existing office trailer mounted to a steel mezzanine and a drive-on platform scale mounted to a concrete pad would be the only structures onsite. These structures would be in the floodplain, but elevated above the base flood elevation. There would be four (4) employees associated with this business. The applicant's proposed hours of operation are from 8:00am – 5:00pm Monday – Friday, and 8:00am – 1:00pm Saturday.

Junk automobiles would not be salvaged onsite, but the applicant would accept them for immediate transfer to his salvage facility in Ottsville, PA. The applicant intends to reject vehicles containing hazardous fluids, but nevertheless expects to encounter some fluids in the course of work. Oil, gas, and antifreeze would be collected in tanks, and stored inside of shipping containers. Once the tanks reached ¾ full, the fluids would be collected. Batteries would be stacked on a pallet and stored inside shipping containers until removal from the site.

Mr. Handzo reported that the applicant's flood evacuation procedures were satisfactory and the proposal generally 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 Use in a Floodplain be granted.

The applicant, Austin Potter, was present, along with counsel Bill Bolla, Esq. and property owner Gary Diehl. Mr. Shipman asked for information on the applicant's proposed storage of hazardous fluids, with Mr. Potter explaining they would be stored in drums, surrounded by a plastic moat, and kept in metal shipping containers. He stated these containers could be easily loaded by forklift onto a truck. In response to a question by Mr. Elliott, Mr. Potter reported that all oil-based fluids would be stored together in a common drum per DEP-approved practice. Mr. Elliott asked if weekly removal of fluids was

practicable, with Mr. Potter responding affirmatively. Mr. Elliott inquired about management of cracked automotive batteries, and Mr. Potter indicated they would be stored in acid-resistant bags. Mr. Potter confirmed he would have sufficient equipment and staffing onsite to immediately evacuate hazardous materials upon a Flood Warning.

Mr. Sun asked about potential noise associated with the salvage yard. Mr. Potter described truck and chainsaw noise, but indicated that his existing sites in Ottsville, PA and Coopersburg, PA had never received any noise complaints. Mr. Sun inquired how the applicant would receive notice of a Flood Warning / Event, with Mr. Potter explaining he would sign up for direct alerts from the National Weather Service.

Mr. Lieb, Mr. Sun, and Mr. Shipman raised questions about the proposed business' compatibility with the intent of the River Corridors and Other Green Areas Zoning District. The Planning Commission discussed the difficulties of reconciling the concentration of longtime industrial sites in the Lynn Street / Lehigh Drive area with the planning objective of buffering the Lehigh River with a greenway. Mr. Bolla stated that, as the area is developed with less than desirable industrial uses, the site in question would not be feasible for conservation purposes; therefore, he expressed the applicant's interest in receiving nonconforming use recognition. He explained that the site has produced complaints regarding junk, rodents, weeds, and tall grass since its abandonment in the late 1990s, and that the proposed business would remedy these complaints. Mr. Bolla offered assurance that the proposed salvage yard would be operated in a responsible manner cognizant of floodplain concerns. Mr. Sun suggested that the proposed use could potentially replace complaints about rodents and grass with new complaints about noise and odor.

Mr. Elliott asked if the applicant had submitted an impact assessment report. Mr. Handzo replied that no formal report had been submitted, but that staff had received extensive documentation on flood evacuation and hazardous materials storage procedures. Mr. Elliott stated that the proposal creates the potential for environmental impacts and externalities, and that an impact assessment report would allow the Commission to more fully consider the appropriateness of the proposed use at the proposed location. He reported that the applicant had not presented any evidence of irresponsible operation, but that the Commission lacked enough specific information on topics such as dust, noise, and fluid management to condition a potential approval appropriately. Mr. Elliott said that, in the absence of such information, he would likely be inclined to recommend denial of the proposal. Consequently, Mr. Elliott asked the applicant if he would be willing to submit an impact assessment report and defer planning and zoning applications for one month. Mr. Bolla expressed the applicant's willingness to do so.

Mr. Sun asked if the new floodplain maps and ordinance would be applied to the proposal once it returned to the Planning Commission. Mr. Elliott responded that the application would continue to be regulated under the previous floodplain ordinance, as it was submitted prior to the new ordinance's effective date. Mr. Elliott and Mr. Bolla agreed to jointly draft conditions to satisfy concerns of both the Planning Commission and the applicant.

Mr. Elliott declared a recess at 7:40 p.m. to allow the applicant to complete a deferment request form. The meeting returned to order at 7:50 p.m.

Mr. Bolla submitted a deferment request form to the Commission. Mr. Shipman moved, with Ms. Winfield seconding, that Austin Potter's Special Exception application for Use in the Floodplain be tabled until October 1, 2014. The motion passed unanimously.

**222 E. St. Joseph Street – Land Development.** Mr. Manges read that the applicant, Housing Authority of the City of Easton, proposes to demolish an existing warehouse building and construct a residential low-rise with 10 dwelling units located at 222 E. St. Joseph Street. The existing warehouse is currently being used for storage by the applicant. The 24,225 square foot lot would contain 5 semi-detached dwelling units, each containing 2 bedrooms. The applicant has indicated that these dwelling units will be for affordable housing (rental) purposes once constructed. Also, there is a 15 space parking lot for the residents being proposed on this lot with this application.

The proposed A9-Residential Low-rise use is located in the South Side Zoning District, Block Class B, where residential low-rise uses are permitted by Special Exception per Article XIV §595-69. This application received conditional preliminary approval from the Easton Planning Commission on July 2, 2014, and the Zoning Hearing Board granted the Special Exception request at their meeting on August 18, 2014.

Mr. Manges reported that the plans generally met the requirements of §520-36, Preapplication Requirements, and §520-37, Subdivision and Land Development Plan. Therefore, he communicated staff's recommendation that the Planning Commission grant conditional final approval of the plans.

The applicant's representatives, consisting of Housing Authority of the City of Easton Executive Director Gene Pambianchi and Mark Buchvalt of T&M Associates, were in attendance. The Commission had no questions of them. Mr. Lieb praised the design of the development's corner units. Mr. Sun expressed his intent to abstain from voting out of deference to public objections aired at the applicant's July 2014 preliminary approval hearing.

Mr. Lieb moved, with Mr. Shipman seconding, that the Easton Planning Commission grant conditional final approval of the plans. Mr. Sun abstained from the vote, with all other Commissioners voting in favor of the motion. By a vote of 6 – 0 – 1, the motion passed.

**Comprehensive Plan Update.** Mr. Handzo reported that all City residents had received notice of the online Comprehensive Plan survey via a utility bill insert. He shared that feedback received through the website primarily addressed the need for environmentally sensitive development to maximize the waterfront's value, new bike paths within the City, and specific sites with traffic and pedestrian difficulties. Mr. Handzo stated that Urban Matrix was on track to produce a textual draft of the Comprehensive Plan by the end of the month.

**Environmental Advisory Council (EAC) Update.** Mr. Elliott reported that the EAC was planning two tree plantings in collaboration with TD Bank: one employee participation event, and one community event to be held as part of Lafayette College Make a Difference Day on October 25.

As there was no further business, the meeting was adjourned at 7:59 p.m.