

The Easton Planning Commission met on Wednesday, November 6, 2013, at 6:30 p.m. in City Council Chambers, Alpha Building, One South Third Street, Easton, PA 18042. Planning Commissioners Charles Elliott, Ronald Shipman, Dennis Lieb, Bonnie Winfield, William Heilman, Robert Sun, and Mia Hatzis 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 6:36 p.m.

The agenda was approved as presented.

Ms. Winfield moved, with Mr. Shipman seconding, that the minutes of the October 2 meeting be approved as presented. The motion passed unanimously.

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

417 Cattell Street – Special Exception. Mr. Manges read that the applicant, RCG Counseling, proposes to establish a D6 – Professional Service (Counseling Service) use on the second floor of an existing mixed-use (A12) two-story building at 417 Cattell Street. The second floor currently has a Background Check business operated by Peter Melan, and this proposal will share the 650 square foot office space. The Counseling Service will occupy 400 square feet of the office space. The Background Check business does not have any clientele that visits the office and Mr. Melan is the only employee. Mr. Melan is also the property owner of 417 Cattell Street. The first floor is currently used by Kimball Communications, which is an agency that provides public relations for their clientele. The property is located in the College Hill Zoning District; Block Class C where the proposed D6 – Professional Service use is not permitted per Article XII §595-55. However, the property is also located in the Street Corridor Overlay District, where the proposed Professional Service use is permitted by Special Exception per Article XXIII §595-126.

A conversation with the applicant on October 31, 2013, revealed that they intend to establish a Counseling Service on the second floor of the existing mixed-use building located at 417 Cattell Street. This business will share office space with the Background Check business that currently operates from this location. The applicant indicated this business will consist primarily of conducting counseling services to families and individuals. There will be two employees associated with this business. The hours of operation will be Monday-Thursday from 9am – 5pm.

The applicant will need to meet all requirements of the Codes Department before the business may open.

Mr. Manges reported that the proposal was consistent with the criteria for Special Exceptions outlined in §595-251 and the goals of the 1997 Comprehensive Plan. Therefore, he communicated staff's recommendation that the Planning Commission grant a Special Exception request to RCG Counseling for a D6 – Professional Service use at 417 Cattell Street.

The applicant was in attendance. Mr. Shipman requested clarification of available parking facilities. Mr. Manges indicated that the applicant would utilize spaces in a four (4)-car garage behind the building, in addition to one (1) on-street parking space. Mr. Sun asked about signage, with the applicant describing their intent to display a two (2)-square-foot sign featuring the name of the business.

Mr. Heilman moved, with Mr. Lieb seconding, that the Easton Planning Commission recommend to the Easton Zoning Hearing Board that the request for Special Exception for the proposed D6 – Professional Service use be granted. The motion passed unanimously.

Heil Park Expansion – Land Development – Final Approval. Mr. Manges read that the applicant, City of Easton, has proposed to consolidate ten (10) vacant land parcels into one 5.85 acre parcel located adjacent to Heil Park (815 Packer Street) for the creation of a regulation soccer field, a 388 square foot utility building, a walking trail, and thirty-one (31) new parking spaces. The parking spaces will be located along Grant Street. The consolidated parcels also include the vacated Rockdale and Terrace Streets. The utility building being proposed will be used primarily for storage of soccer equipment, and as a covered site for the location of two (2) portable toilet facilities. ADA accessible paths will also be provided to the soccer field and the utility building. The soccer field will be used for the City's recreation program, and its soccer and lacrosse leagues.

This application also proposes the removal of an existing pavilion and playground equipment on a portion of parcel M9NW2C 9 3, so to create a new soccer practice field. This new soccer practice field will be located on the existing Heil Park property, and to accommodate this practice field, an existing pavilion and the playground equipment are to be removed.

Extensive landscaping in the form of 49 new trees is being proposed with this application. These trees will be located around the proposed new large soccer field, and the parking areas. The existing wooded area west of the proposed large soccer field will remain undisturbed.

The proposed park improvements for the consolidated lots are located in the South Side Zoning District, Block Classes A & B. The proposed B3 – Parks use is not permitted in the South Side Zoning District per Article XIV §595-68. However, B3 – Parks uses are permitted by Special Exception in the South Side per Article XIV §595-69.

The proposed soccer practice field is located within the River Corridors and Other Green Areas Zoning District, where B3-Parks uses are permitted uses per Article XVII §595-88.

Mr. Manges indicated that the applicant was generally in compliance with the requirements of Article IV §520-36, Preapplication Requirements and Article IV, §520-37, Subdivision and Land Development Plan. He continued to demonstrate that the proposal met the goals of the 1997 Comprehensive Plan. Therefore, he communicated staff's recommendation that the Planning Commission grant conditional final approval.

Director of Public Works David Hopkins and Mark Gilchrist of Urban Research & Development Corporation were in attendance to represent the applicant. Mr. Gilchrist presented renderings of the proposed improvements to the Commission. He mentioned that the plans reflected extensive community input. Mr. Gilchrist explained that stormwater would be managed through infiltration, with runoff channeled to rock-filled trenches at lower elevations onsite.

Mr. Shipman asked about the rental potential of the proposed facilities. Mr. Hopkins explained that they could potentially be rented to sports leagues unaffiliated with City Parks & Recreation programming, but that the City sought to judiciously use the fields to minimize wear and tear. In response to an inquiry by Mr. Shipman, Mr. Manges and Mr. Hopkins indicated the applicant would seek parking variances from the Zoning Hearing Board.

Mr. Lieb asked the applicant to explain the decision to provide temporary restroom facilities onsite. Mr. Hopkins indicated the decision was budgetary in nature, but infrastructure would be provided to accommodate a future sewer connection for permanent restrooms.

Mr. Sun asked if the site would possess adequate parking to meet the demand generated by games or tournaments. Mr. Hopkins indicated that a path would connect the fields to an existing 80+ space parking lot.

Mr. Elliott asked the applicant to explain the considerations behind infiltrating stormwater, rather than directing it to City sewer facilities. Mr. Gilchrist described recently-developed PA DEP requirements mandating that the first two inches of stormwater must be returned to the earth. Mr. Hopkins added that the site's topography created challenges in connecting to City sewer facilities. Mr. Elliott suggested the City may need to research the requirements described by Mr. Gilchrist, particularly within the context of its stormwater ordinance, which encourages the return of stormwater to receiving streams via City collection facilities.

Mr. Elliott suggested that the receipt of variances be added as a condition to the staff draft resolution. Mr. Shipman moved, with Mr. Heilman seconding, that the Easton Planning Commission grant conditional final approval of the plans titled "Park Improvements Plan Heil Park." The motion passed unanimously.

Simon Silk Mill – Phase II – Land Development – Final Approval. Mr. Manges recused himself from the review due to Planning staff involvement in the project. Mr. David Horton of Pennoni Associates read that the applicant, the Redevelopment Authority of Easton (RDA), has proposed to develop Phase II of Silk Project. Phase I of this project was previously reviewed and received Conditional Final Approval on May 15, 2013.

The Simon Silk Mill site is located along North 13th Street. The applicant is proposing to convert five additional existing buildings (A, B, C, D, and E on the Building Site Plan) into an A12 – Mixed-Use Residential/Business.

The Mixed-Use Residential/Business building includes: Building A (7,448 SF Retail); Building B1 (Mixed, 75 Residential Units and 7,788 SF Office); Building B2 (4,555 SF Retail); Building C (7,200 SF Office); Building D (3,980 SF Office); and Building E (1,253 SF Office). Parking is shared with Phase I Development and combined, the plan proposes a total of 207 parking spaces. New parking proposed within Phase II consists of two new surface parking lots. These proposed changes will take place on both Lot #1 and Lot #2, and are considered Phase II of the project. The applicant does not intend to dedicate any improvements contained within Phase II of this development to the City of Easton.

An underground wet well (Sewage Pump Station), originally designed as part of Phase I, will also serve Phase II of the development. Currently there is no waste water system on the site, and the wet well will pump the wastewater from the proposed project to the Easton Area Joint Sewer Authority line on Bushkill Drive. A generator and a control panel for the wet well will be located above ground within a steel enclosure. The wet well, valve chamber, and control panel will be located on Lot #2.

The site currently contains 18 buildings, with a gross floor area of 306,986 sq. ft. From the late 1800s to the 1970s, these buildings were used for textile manufacturing. The existing buildings are no longer in operation, and currently sit vacant. The overall development plan, as proposed, will be consistent with several related plans including the Bushkill Creek Corridor Initiative.

The project is located in the River Corridor & Other Green Areas Zoning District, Block Class A, where the proposed Mixed-Use Residential/Business (A12) use is permitted by Special Exception. However, the site is also located in the Street Corridor Overlay District where Mixed-Use Residential/Business (A12) uses are permitted by right; therefore, no Special Exception is required for the use. The property is also situated in the Federal Emergency Management Agency (FEMA) defined 100-year and 500-year floodplains, placing it in the Flood Hazard Overlay District per Article XXV §595-140(A), thus requiring Special Exception approval for development in a floodplain.

Mr. Horton indicated that the applicant was generally in compliance with the requirements of Article IV §520-36, Preapplication Requirements; Article IV, §520-37, Subdivision and Land Development Plan; Chapter 475, Sewers; and Chapter 507, Stormwater Management. Therefore, he recommended that the Planning Commission grant conditional preliminary approval.

A contingent of the applicant's project team was present, consisting of RDA Executive Director Gretchen Longenbach, Mark Mulligan of VM Development Group, and Mark Bahnick of Van Cleef Engineering Associates. Mr. Bahnick mentioned that the site would feature three uses: 111 apartment units, 12,000 square feet of retail space, and 20,000 square feet of office space. He described that the peak parking demand of the uses would occur at different times, creating conditions suitable for shared parking facilities per the Zoning Ordinance. Mr. Bahnick explained that the shared parking analysis has been submitted to the Zoning Administrator, but it was unclear if the Zoning Administrator would process the shared parking plan as an official interpretation of the Zoning Ordinance or a Special Exception request. Mr. Shipman questioned the predictive power of the shared parking calculations, noting the lack of nearby overflow facilities if demand was not accurately assessed. Mr. Mulligan explained the calculations were based on a widely-utilized Urban Land Institute best practice, codified in City ordinance as a reliable methodology.

Mr. Manges reported that the Zoning Administrator had finished reviewing the plans, and determined that 165 parking spaces were required. He stated that the plans provided for 133 spaces, so a variance would be necessary. Mr. Manges additionally noted that a Special Exception would be required to establish an H3 – Parking Lot/Structure use in the River Corridor & Other Green Areas Zoning District. Mr. Elliott asked why the parking lot was deemed a standalone use versus an accessory use. Mr. Manges explained that the parking facilities constituted two distinct lots separated by a roadway. The lot requiring Special Exception approval would serve as the principal use, with the second lot to act as its I6 – Accessory Parking Area.

Mr. Mulligan explained that the plans were being submitted to the Planning Commission sooner than expected due to the recent receipt of U.S. Department of Commerce Economic Development Administration (EDA) grant funds for the project. Mr. Shipman asked how the applicant planned to address the questions raised in the Pennoni analysis memorandum, with Mr. Horton indicating he was in conversation with the developer to revise the plans accordingly.

In response to a question by Mr. Sun, Mr. Mulligan communicated his interest in receiving conditional final approval at this meeting. Ms. Longenbach indicated that the infusion of Federal funds had introduced new regulatory requirements to the project. She indicated RDA was preparing to enter into contract with a general contractor for Phase I of the project, and that the Phase II plans would necessitate several changes to Phase I. Ms. Longenbach reported that, per EDA regulations, Phase II final plan approval would simplify the connected Phase I change order process.

Mr. Shipman and Mr. Sun asked several clarification questions regarding the configuration of the project site. Mr. Mulligan and Ms. Longenbach provided satisfactory responses. Mr. Sun asked if the proposed project could generate additional traffic at the already-congested intersection of North 13th, Bushkill, and Lafayette Streets. Ms. Longenbach reported these concerns were addressed in the related PennDOT Highway Occupancy Permit (HOP) approval process, with slated modifications to intersection signal cycles and queuing lanes. Mr. Elliott requested a status update on the process. The project team reported that PennDOT had approved the design in full, and the permit would be issued upon receipt of several pieces of documentation from the City. Mr. Sun inquired about the potential disturbance to Phase I tenants by Phase II construction, with Mr. Mulligan characterizing it as minimal.

Mr. Elliott inquired about the market analysis for retail and office facilities in the proposed locations. Mr. Mulligan reported he was in negotiations with several companies of 30-50 employees apiece seeking an urban campus environment. Mr. Elliott asked about the scope of environmental remediation work, with Ms. Longenbach explaining that asbestos and lead required more remediation than soil conditions. In response to Mr. Elliott's questions about pedestrian access to the Karl Stirner Arts Trail, Mr. Mulligan indicated he was interested in building a footbridge across the Bushkill Creek to the trail.

Mr. Elliott asked if the Lehigh Valley Planning Commission (LVPC) had submitted comments, with Mr. Bahnick responding they were awaiting LVPC input. Mr. Elliott asked the applicant if they needed to obtain a Stream Encroachment Permit from PA DEP, with Mr. Bahnick indicating they were in the application process for an outlet permit.

Mr. Elliott stated that the developer had communicated a need for prompt action, and acknowledged the construction and grant management needs motivating the expedited final approval request. He mentioned that the Planning Commission had accommodated such requests previously, but that the receipt of conditional final approval in one meeting for a plan as complex as the proposal was rare. Mr. Elliott expressed the Commission's responsibility to determine if the circumstance warranted conditional final approval, or if preliminary approval would be more appropriate given the number of items in the Pennoni memorandum requiring resolution.

Mr. Shipman voiced his faith in the applicant to conscientiously respond to the Pennoni comments. Mr. Scheer explained that the Planning Commission would waive its right to inspect the resultant plans if it granted final approval. Mr. Elliott stated that, even in the event of final approval, any fundamental changes would constitute a plan amendment automatically subject to Planning Commission review. Mr. Horton shared his professional opinion that none of the revisions and clarifications requested in his memorandum would be great enough in scope to fundamentally change the nature of the plans.

Mr. Shipman asked if the individual items of the Pennoni analysis memorandum needed to be enumerated in the conditions of a resolution. Mr. Elliott noted this would not be necessary, as broad references to the document could capture the specific details it addressed. He suggested several additional conditions encompassing third-party approvals and zoning variances, and indicated that the resolution should cover the Special Exceptions for both Development in a Floodplain and for an H3 – Parking Lot/Structure use. Mr. Shipman moved, with Mr. Heilman seconding, that the Easton Planning Commission recommend to the Zoning Hearing Board the granting of both Special Exceptions, and grant conditional final approval of the submitted plans titled "Silk Project – Phases One and Two." The motion passed unanimously.

Approval of 2014 Easton Planning Commission Meeting Schedule. Staff provided the Planning Commission with a draft 2014 meeting schedule. Mr. Sun moved, with Ms. Winfield seconding, that the schedule be approved as presented. The motion passed unanimously.

Comprehensive Plan Update. Mr. Manges reported that staff had received proposals from 13 firms, and had narrowed the field to a shortlist of five (5) firms. He indicated that these firms would be interviewed on

Wednesday and Thursday of the coming week, and that one firm would be selected as the Comprehensive Plan consultant.

Discussion of Subdivision and Land Development Ordinance (SALDO). Mr. Manges informed the Commission that they had been asked to review the SALDO and Zoning Ordinance for potential changes, as both ordinances had been in use for some time. He requested that the Commissioners share suggested ordinance revisions with staff. Mr. Elliott inquired about the time frame for consideration, with Mr. Manges responding that staff would receive suggestions throughout the winter.

Environmental Advisory Council Update. Mr. Elliott thanked the Lafayette College Landis Community Outreach Center, and the brothers of the Phi Kappa Psi fraternity, for assisting with a tree planting event on October 26.

As there was no further business, the meeting was adjourned at 8:42 p.m.