

Zoning Hearing Board

1458 Northampton Street

Appeal 2011-4118

Application 11040008

The Easton Zoning Hearing Board met on October 17, 2011, to hear the appeal of Jim Ayoub, 3933 Lehigh Drive, Northampton, PA 18067, for a special exception for a food establishment at 1458 Northampton Street, a WW-SC-C zoning district.

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke

Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Eighteen area owners were notified by mail of the hearing date. The secretary then read the resolution of the EPC, dated September 21, 2011, in which they recommend approval. Witnesses were sworn in. It was noted that the zoning permit application was signed by the property owner, Randy Bentley.

James Ayoub stated he would like to establish a farmers market to sell all-natural meats that he raises himself. He will also be supporting other local vendors' products. Hours of operation will be Wed thru Sat 10:00 am to 6:00 pm. The products will be delivered to the side loading dock by small, individual vehicles. There will not be a drive-thru window and no first floor residential use with the commercial use. Mr. Ayoub will have varied vendors (produce, salsa, baked goods, etc.) and would like to provide product during the winter months when the Easton Farmers Market is not open.

As there was no other business to come before the Board, the meeting was adjourned. The Board then reviewed the testimony as presented during the hearing after which a motion was made by Mr. Civitella, seconded by Mrs. Panto, to grant the request with the stipulation that all conditions of the EPC be met and all deliveries be made to the side loading dock only (per testimony).

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke

Nays: None

Findings of Fact will be submitted by the attorney.

Linda Thomas
Secretary

Zoning Hearing Board

542 Northampton Street

Appeal 2011-4119

Application 11080052

The Easton Zoning Hearing Board met on October 17, 2011, to hear the appeal of Vagabond Properties, 1815 Ironwood Drive, Easton, PA 18040, for a special exception and off street parking variance to establish a first and second floor restaurant, third floor conference room and museum, fourth floor offices, and rear brewery at 542 Northampton Street, a DD-SC-C zoning district.

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke

Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Twenty area owners were notified by mail of the hearing date. The secretary then read the resolution of the EPC dated September 21, 2011, in which they recommend approval. Witnesses were sworn in.

Troy Reynard, 1850 Ironwood Drive, Easton, PA 18040; Cathleen Reynard, 1850 Ironwood Drive, Easton, PA 18040; Judy Nelson 136 2nd Street; and Brad Nelson, 136 2nd Street.

Atty. Nitchkey advised Mr. Reynard that a variance is also needed to allow a food processing use in the street corridor overlay district and the application was amended accordingly.

The applicant is proposing to establish a brewpub with restaurant, where he will brew on site and hold some wholesale accounts. No bottling or production facility is proposed. He may sell to local restaurants by kegging the product only. Fermenting will be done on the second floor and appropriate ventilation will be installed, venting through the roof. Mr. Reynard is proposing a small, seven-barrel brew system and will probably only brew twice a week. The frontage of building is 25'. He is still in negotiations with Dykes Lumber for leasing 20 parking spaces. There are no local public parking lots immediately adjacent to the site, but the property is located 2 ½ blocks from the city parking garage.

Brian Gish, Chief Planner, stated the planning department supports the application as a positive for the city.

As there was no other business to come before the Board, the meeting was adjourned. The Board then reviewed the testimony as presented during the hearing after which a motion was made by Mrs. Panto, seconded by Mrs. Starke, to grant the request with the stipulation that all conditions of the EPC be met.

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Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke
Nays: None

Findings of Fact will be submitted by the attorney.

Linda Thomas
Secretary

Zoning Hearing Board

311 Paxinosa Road East

Appeal 2011-4108

Application 11030081

The Easton Zoning Hearing Board met on October 17, 2011, to hear the appeal of Pegasus Tower, 139 Steelsburg Hwy., Cedar Bluff, VA 24609, for a special exception and variances to construct a communication tower with non-stealth antennas in an A Block at 311 Paxinosa Road East, a CH-A zoning district.

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke
Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Twenty-eight area owners were notified by mail of the hearing date. The secretary then read the resolution of the EPC, dated October 5, 2011, in which they recommend approval. Witnesses were sworn in.

Mike Grab, 327 Locust St., Columbia PA 17512, attorney representing Pegasus Tower, stated they are before the Board to request a special exception and two variances. The use is permitted by SE but located in an A block.

Ted Lewis, 46 S. 4th Street, representing Thomas Walters, owner of property to the east of the site.

Theresa Hogan, 340 Spring Garden Street, representing Ed Shaugnessy, Delma Jackowitz, and Mr. & Mrs. Hogan.

Thomas Zolna, Velocitell Inc. 200 N. Warner Rd., King of Prussia, PA 19406, site acquisition person. Want to co-locate so he looks for existing towers or high structures. Tower on site is not tall enough and already holds a number of antennas, would not suit the purpose nor was it structurally feasible. Large parcel with mature trees to screen the use from view. There is an existing tower on the site, water tank and other structures that service the community. Property is owned by the city and a lease has been signed that will filter some of the proceeds to the city, A-1. A-2, a site lease with Metro PCS showing co-location.

Mrs. Panto recused herself due to her relationship with the mayor, whose signature appears on the copy of the lease.

Noted a letter of intent by T-Mobile to co-locate towers with Pegasus (A-3). Copies of Metro PCS FCC license (A-4), T-Mobile FCC license (A-5); (A-6) Aeronautical Evaluation prepared for this site noting the proposed tower is not close enough to an airport or in flight path of planes so it does not need to be lighted. (A-7) Determination of No Hazard to Air Navigation issued by FAA noting no lighting or marking is required for proposed tower. (A-8) Certificate of Liability showing adequate coverage. (A-9) State Historic Preservation Office stating no adverse effect by this project.

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James Shelton, 1713 Walton Rd., Blue Bell, PA engineer for V-Comm Radio Frequency, has worked on several hundred sites. RF map (A-10) and explained topography of the area.

Mario Calabretta, 900 S. Lewis Rd., Royersford, PA , structural engineer (A-11) revised zoning drawings , June 29, 2011, showing property issues and construction details. Fenced compound, 80' x 80', stone ground covering. Only need electric and telephone on the site, no proposed generators. Existing vegetation surrounding complex and proposed plantings on the east border of the site. He then explained the make-up of the proposed monopole and noted there will be no lighting. AC units will not generate noise. Technicians visit the site every 6 to 12 weeks. No flammable liquids stored on site.

(A-12) structural analysis report regarding the existing Service Electric tower noting there is no capacity for any additional equipment on that tower. (A-13) two sealed reports explaining how the structure needs to be designed to comply with current codes. (A-14) 18-page photo array simulating the look of the erected structure in the surrounding area.

(A-15) FCC NEPA report – no issues.

Proposed tower is approximately 150' from the existing tower. The overstressed condition of the existing tower does not concern Mr. Calabretta.

Brian Gish, Chief Planner, submitted a write-up dated 9/29, presented at the 10/5 EPC meeting (Obj Exh. O-1). he explained co-location on the existing SE tower was not a viable option due to the engineering report regarding the stress on that tower. He noted the EPC recommendation was for a special exception use if/after the applicant obtained the required variances.

Thomas Walters, 403 Paxinosa Road East, has lived in his home since 1985 (Forks Twp.) immediately east of the subject property. His property is surrounded by residential properties in Forks and City of Easton, with the exception of the water tower and the reservoirs. The proposed use would be out of character with the existing neighborhood and the zoning district. Mr. Walters objects as the proposed tower is fully visible from his home and the drop zone creates a danger to his property. He also feels the proposal is inconsistent with the zoning ordinance. He submitted O-2, seven photos of the surrounding area where the existing tower is clearly visible, noting an additional tower will be just as visible. Mr. Walters stated he feels there are alternate sites that have not been explored by the applicant.

Delma Jackowitz, 409 Paxinosa Road East, stated her house is SE of Mr. Walters' property and the existing tower is visible from her house 6 mos. of the year.

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As there was no other business to come before the Board, the meeting was adjourned. The Board then reviewed the testimony as presented during the hearing after which a motion was made by Mr. Edinger, seconded by Mr. Civitella, to deny the requested variance and special exception.

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Starke
Nays: None

Findings of Fact will be submitted by the attorney.

Linda Thomas
Secretary

Zoning Hearing Board

1563 Ferry Street

Appeal 2011-4120

Application 11-080117

The Easton Zoning Hearing Board met on October 17, 2011, to hear the appeal of Metro PCS, 510 Virginia Drive, Ft. Washington, PA 19034, for a special exception and variance to install non-stealth antennas on an existing water tank at 1563 Ferry Street, a WW-C zoning district.

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke

Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Twenty-four area owners were notified by mail of the hearing date. The secretary then read the resolution of the EPC, dated September 21, 2011, in which they recommend approval. Witnesses were sworn in.

Nicholas Cuce, Jr., Attorney for the applicant submitted pre-marked exhibit packets to the Board. He then further described the applicant's proposal and noted exhibits A-1, A-2, A-3, A-4

Christine Johnson lease has been executed A-5, A-6

Radio Frequency Eng. A-7 A-8, A-9, A-10 lack of coverage, green sites on air. A-11 proposed site on-air. Facility complies with towers, minimal exposure, A-12 EMF report, levels are within FCC standards. Height is minimal relief to supply reliable coverage. The proposal complies with all federal and state regulations. A-13 no interference with surrounding site equipment.

John Wolstenholme, A-14 CV, A-15 site plan gap in coverage in this area. Cabinets to be located in base of water tank. Access parking existing. Water tank can structurally support proposed antennas. Monthly maintenance visits, no lighting, no signage, water sewer, noise. No negative impact to city. No impact on traffic.

Amend application to reflect need for a variance for the height.

John Wolstenholme referenced sheet A-1 detail, and noted the structure will be painted to match the existing water tank.

As there was no other business to come before the Board, the meeting was adjourned. The Board then reviewed the testimony as presented during the hearing after which a motion was made by Mrs. Starke, seconded by Mr. Brett, to grant the request

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Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke
Nays: None

Findings of Fact will be submitted by the attorney.

Linda Thomas
Secretary

Zoning Hearing Board

1325E Lynn Street

Appeal 2011-4121

Application 10030095

The Easton Zoning Hearing Board met on October 17, 2011, to hear the appeal of Hans-Christian Ertl, 147 S. 4th Street, Apt. #1, Easton, PA 18042, for a special exception for a new use in a flood plain and a use variance to establish an auto repair shop at 1325 E Lynn Street, a RC-FH-A zoning district.

Present: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke
Absent: None

The secretary read the call of the meeting and announced same had been advertised in the local press and notice sent for posting on the property. Ten area owners were notified by mail of the hearing date. The secretary then read the resolution of the EPC, dated October 5, 2011, in which they recommend approval. Witnesses were sworn in.

Due to the previous hearing running late, the applicant requested a continuance until the December meeting. A request for continuance/waiver of time was signed and submitted to the secretary.

As there was no other business to come before the Board, the meeting was adjourned. A motion was made by Mr. Edinger, seconded by Mr. Civitella, to grant a continuance to the December 19, 2011 meeting.

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella, Mrs. Panto, Mrs. Starke
Nays: None

Findings of Fact will be submitted by the attorney.

Linda Thomas
Secretary