

Zoning Hearing Board

650 Northampton Street

Appeal 2012-4156

Application 12050097

The Easton Zoning Hearing Board met on September 17, 2012, to hear the appeal of Sharbel Koorie, 38 S. 9th Street, Easton, PA 18042, for a special exception for an eating and drinking establishment and to re-use an existing sign; parking lot variances to include requirements for canopy trees, lighting, and buffering; and a sign variance to erect two new signs, with one being internally lit at 650 Northampton Street, a WW-SC-C zoning district.

Present: Mr. Edinger, Mr. Brett, Mr. Civitella

Absent: Mrs. Panto, Mrs. Starke

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. Nineteen area owners were notified by mail of the hearing date. She then read the resolution of the Easton Planning Commission, dated September 5, 2012, in which they recommend approval. Witnesses were sworn in.

Attorney Ted Lewis, S 4th Street, requested an amendment to the application to include a variance for 10 parking spaces. He submitted Applicant Exhibits A-1, a photo of the front of the property; A-2 an elevation drawing; A-3 a photo of the existing sign; A-4 a photo of the proposed sign; A-5 the proposed fascia sign; A-6 the existing fascia sign; and A-7 plot plan.

Sharbel Koorie, 38 S. 9th Street, has resided on S 9th Street since 1969. He stated 650 Northampton Street was a glass repair shop. He is requesting approval for a restaurant and retail area. He explained/described the submitted exhibits: A-1 a photo of the property as of September 16; A-2 elevation sketch of the front of the building as proposed; A-7 Mr. Koorie explained parking will remain the same and the front will include a concrete patio for outdoor dining. The parking lot will be resurfaced and relined yielding the current number of spaces. This is the plan approved by the EPC. The restaurant will include a brick oven as the centerpiece of the kitchen, visible inside and out by a glass wall. The menu will lean towards Lebanese, but will include all types of cuisine. They will be making substantial improvements to the building, to include tear-out and total renovating, at considerable cost to the owner. The structure has sustained a lot of water damage due to its location at the bottom of a hillside. Extra measures will be taken to stabilize the soil on the south and west side of the lot. The restaurant will have 30 seats inside and 22 outside (seasonally). The footprint of the structure will not be expanded. There are 12 parking spaces and additional parking cannot be created without demolishing parts of the building. Mrs. Koorie and their son will operator the business. The existing internally lit pole sign (A-3) will be refurbished (A-4). The 160" fascia sign (A-6) will be replaced with new lettering (152") on the right side of the north face of the building. The pole sign is necessary to bring attention to the business for passing traffic and the fascia sign will benefit foot traffic. Mr. Koorie noted the neighborhood is densely populated with both commercial business and

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residential units. He noted very few of the surrounding commercial uses have any off-street parking. He feels the use will be very compatible with the area. They will be making a substantial investment in the City.

Nick Alfero, 47-49 S. 12th Street, will be the contractor on this project and is aware of the requirements for the parking lot. He noted the buffering at the rear of the property might create an unsafe environment. Some of the slopes will not maintain trees because of the steep grade. The rear of the property was overgrown but has been cleared and cleaned.

Mr. Koorie noted hours of operation will be 6:00 am to 10:00 pm, Monday through Saturday with shorter hours on Sunday. The illumination issue was satisfied with the EPC. In addition to the parking lot light, there is a street light and a billboard with lighting that shines on the lot. The requirement for illumination was deleted from the application.

Eric Wenzelberger, 28 S. Locust Street, Easton, lives directly behind the subject property and stated he is glad the property is now being maintained. He questioned if the ZHB notice was visible to passersby. He also noted concern with trees being cut in the rear, noise that may be generated, and an increase in trash. The current sign has not been lit since 1985. The proximity to a food and alcohol establishment may decrease property values. He would like to see a buffer between the business and the residential area.

As there was no other business to come before the Board, the meeting was adjourned.

The Board reviewed the testimony as given and a motion was made by Mr. Brett, seconded by Mr. Civitella, to grant the request with the stipulation that all conditions of the EPC resolution be met.

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella

Nays: None

The motion was approved.

Linda Thomas
Secretary

Zoning Hearing Board

251 W. Milton Street

Appeal 2012-4162

Application 12060140

The Easton Zoning Hearing Board met on September 17, 2012, to hear the appeal of Placido Patti, 4710 Pheasant Run Court, Bethlehem, PA 18020, for variances for area, front and side yard setbacks and parking to convert an existing single family dwelling to a two family dwelling at 251 W. Milton Street, a SS-B zoning district.

Present: Mr. Edinger, Mr. Brett, Mr. Civitella

Absent: Mrs. Panto, Mrs. Starke

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. Witnesses were sworn in.

Placido Patti, 4710 Pheasant Run Court, Bethlehem, PA 18020, stated the building has been a two family for 50 years. Upon investigation by the code office it was noted the property is one unit, however, the physical layout is still a two-unit. There used to be upstairs tenants, but when the unit was vacant for many years, the previous owner tried to lower the refuse bill so the property was reclassified as a single.

Keith George, Assist Zoning Adm., stated in 2001 there was a certificate of de-conversion issued to change it to one. He explained the process for de-converting.

Mr. Patti noted there are still two electric meters and two kitchens. The property is physically a two-unit.

As there was no other business to come before the Board, the meeting was adjourned.

The Board reviewed the testimony as given and a motion was made by Mr. Civitella, seconded by Mr. Brett, to grant the request.

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella

Nays: None

The motion was approved.

Linda Thomas
Secretary

Zoning Hearing Board

825 Lehigh Street

Appeal 2012-4163

Application 12-070107

The Easton Zoning Hearing Board met on September 17, 2012, to hear the appeal of Manuel Rodriguez, 825 Lehigh Street, Easton, PA 18042, for a variance to allow an A-4 two family dwelling in an A Block at 825 Lehigh Street, a WW-A zoning district.

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

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-seven area owners were notified by mail of the hearing date. Witnesses were sworn in.

Manuel A. Rodriguez and Judith Morales, 888 Park Avenue, New York, stated they have they have been unable to rent the first floor commercial space at this location. They have rented the upper floors and they wish to live in the first floor. The first floor used to be a bank but is now an empty shell. They marketed with two commercial realtors, one for two years and the other for one year. When they purchased the property they intended to live there but did not realize a zoning change was required. It was listed to rent and to sell. She noted that an owner-occupied property will be better kept up. She explained the property has been cleaned up and maintained.

Keith George, Assistant Zoning Adm., commented that a two-family dwelling is not permitted in an A block but is permitted in a B & C Block in the West Ward District. The mixed use is NOT a permitted use in this zoning district making the property non-conforming as it is.

Chairman Edinger explained to the appellants that they might want to continue the hearing to a later date and produce documents/proof of their testimony that the commercial space was marketed for three years to no avail.

Atty. Nitchkey questioned why the application was not for a special exception as it is changing from one non-conforming use to another. He recommended the applicants re-apply, submit their proposal to the EPC for review, and return to the ZHB at a later meeting.

As there was no other business to come before the Board, the meeting was adjourned.

The Board reviewed the testimony as given and a motion was made by Mr. Edinger, seconded by Mr. Civitella, to deny the request as presented, without prejudice, and return to the Board after recommendation by the Easton Planning Commission.

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

The motion was approved.

Linda Thomas, Secretary

Zoning Hearing Board

102 E. Lafayette Street

Appeal 2012-4164

Application 12080009

The Easton Zoning Hearing Board met on September 17, 2012, to hear the appeal of Alex Patullo, 4166 Lower Saucon Road, Hellertown, PA 18055, for variances for a rear yard setback and build to line to construct a single family dwelling at 102 E. Lafayette Street, a CH-B zoning district.

Present: Mr. Edinger, Mr. Brett, Mr. Civitella

Absent: Mrs. Panto, Mrs. Starke

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. Eleven area owners were notified by mail of the hearing date. Witnesses were sworn in.

Alex Patullo, 4166 Lower Saucon Road, Hellertown, PA 18055, stated he applied for a subdivision in 2005 to create this lot. All clearances have been obtained from engineering however, variances are required for zoning. He submitted App. Ex. A-1, a plot plan, and A-2, construction plans. He explained the site plan and the surrounding properties. He noted the property to the rear has a 20' front yard setback. Being on a corner lot, he feels the proposed 25' setback would be better aesthetically and keep in with the surrounding properties. If he changes the site to make Paxinosa Avenue his front, he would meet all setback requirements. As proposed, his house would be more in line with the other properties.

MaryAnn

Phil Mitman, 910 Paxinosa Avenue, stated College Hill, in 1991, was named as a National Historic Register District. He is representing Paul Felder as well, and would like to make some suggestions that may benefit Mr. Patullo and satisfy the Board. He questioned whether the Board could appoint an architectural committee to review and revise the plans. He presented National Register info, as well as a letter from Mr. Felder, marked Exhibits O-1, a four-page document noting the National Register of Historic Places and the sections of the City of Easton Zoning Ordinance referring to Selected Historic Provisions; and O-2, a two-page letter signed by Paul Felder, dated September 10, 2012.

Mr. Patullo responded he wants to build a nice house that will fit the neighborhood. He is concerned about building a house that he will be able to market. Mr. Mitman also suggested Mr. Patullo meet with Christine Usler, HDC, for guidance.

Atty. Nitchkey explained it is not within the Board's purview to appoint an Architectural Review Committee.

Attorney Andy Rolsten, Allentown, noted he is appearing on behalf of a neighbor, Shirley Coffey. Mr. Patullo reviewed the site plan with him. He noted at one time Mrs. Coffey offered to buy the lot but did not. The Coffey residence is a 2000 sf two story structure with an entrance on Lafayette St. Mr. Rolsten questioned whether the proposed building could be moved forward to increase the rear yard setback. Mr. Patullo responded he could move the house up 15' and increase the rear yard to 25'. He noted the property would then lose its curb appeal.

Rich Russack, 1 2nd Terrace, is concerned with the site as described as it will impact the view from the house across the street (his daughter's). If the house faces Lafayette Street they will be looking at the side of the house. If it changes to face Paxinosa Avenue, parking will be affected.

Mr. Patullo noted if he moves the house the entire corner will be blocked and there will not be a view at all

Diane Kemp, 625 Mixsell Street, also representing David and Dana Bittner, 101 W. Lafayette Street, stated she understands peoples' concerns about setback distances and parking. She noted there are numerous accidents on that corner raising the concern about reduced visibility. She also noted concern about the value of a new home hurting the value of the existing older homes on the Hill.

Mr. Patullo stated the sight triangle is not affected as much as if it were in compliance. The house will have its own off-street parking and pad.

As there was no other business to come before the Board, the meeting was adjourned.

The Board reviewed the testimony as given and a motion was made by Mr. Brett, seconded by Mr. Civitella, to grant the request.

Ayes: Mr. Edinger, Mr. Brett, Mr. Civitella

Nays: None

The motion was approved.

Linda Thomas
Secretary