

Zoning Hearing Board

350 Larry Holmes Drive

Appeal 2012-4166

Application 12090012

The Easton Zoning Hearing Board met on November 19, 2012, to hear the appeal of Smoke-4-Less for a special exception for a new use in a flood plain and a use variance to establish a check cashing facility within an existing retail store at 350 Larry Holmes Drive, a DD-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. Four area owners were notified by mail of the hearing date.

As the applicant failed to appear, a motion was made by Mr. Edinger, seconded by Mr. Civitella, to continue the hearing to the December 17, 2012 meeting with the stipulation that the applicant sign and submit a waiver to the City zoning office by December 15, 2012. Failure to do so will result in an automatic denial.

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

TP# M9NW2C-10-12, Glendon Avenue

Appeal 2012-4167

Application 12-090071

The Easton Zoning Hearing Board met on November 19, 2012, to hear the appeal of Glendon Borough for a special exception for a utility service use and steep slope variance to install a gravel driveway and underground sanitary sewer pump station at vacant lot #M9NW2C-10-12, a River Corridor Block B 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. She then read the resolution of the EPC dated November 7, 2012, in which they recommend approval. Five area owners were notified by mail of the hearing date. Witnesses were sworn in.

Attorney Nitchkey noted he also serves as solicitor for Glendon Borough – no objection from the applicant.

Thomas Elliot, representing Justin Coyle, the Borough of Glendon Engineer, presented App. Exh. A-1 – a three-page set of plans for the project and App. Exh. A-2 - Agreement of Sale between property owner and Glendon Borough.

Justin Coyle, RKR Hess Associates, Inc., 112 Courtland Street, East Stroudsburg, PA 18301, stated this is an extension of an existing sanitary sewer system to serve the borough of Glendon's 20-25 dwellings along Main Street, which slopes away from the sewer. Therefore, the pump station will pump sewage back into Glendon which will ultimately discharge into the City sewer system. This is the final stage of the sewer extension project. The pump station is actually in the City of Easton on vacant property adjacent to the borough boundary line. The intention is to disturb as little of the slope as possible to install an underground pump station (10 X 15) with an automatic generator, sub-service station. A wooden fence will be installed around the station as well as spruce trees/burning bushes and a locking gate. The facility will be 10 ft from right-of-way, with the driveway parallel to Glendon Avenue. The steep slope starts 10-15' from Glendon Avenue. They cannot develop the project without disturbing some of the slope. Mr. Coyle noted there is a CDGB grant in place with the county for project. The residences that this system will service are on very small lots, with very small footprints and little area for septic systems/cesspools. The current system is antiquated and the needs to be replaced for improvements to the quality of life for the local residents. The existing system generates odor complaints, however, the proposed facility will be a fully enclosed system with carbon filters to minimize gases and odors. The project will require a 20 ft cut into the slope. They will be following DEP guidelines for restoring the slope after construction is completed. Mr. Coyle presented an aerial view of the project as App. Exh. A-3, showing the driveway, the pump station, and the slope to be disturbed. He explained the diagram. He noted the project could not be developed in strict compliance with the Steep Slope zoning ordinance. The layout of the land is a

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pre-existing condition and the development of the utility use will not alter the character of the neighborhood.

Ronnie Shaffer, borough Treasurer, supports the project.

Becky Bradley, Director Planning and Codes, stated the City of Easton feels strongly that this is a needed utility service and will ultimately benefit the city.

Ron Clark, 100 Main Street, asked to review a plan and asked questions regarding the project. It was explained that the sewer connection fee will be \$3,000 plus plumber fees for an individual property hook-up to the system. There will be no odor under ordinary operations. The pumps are submersible 15' underground and occasionally there will be minimal noise from a small generator in an enclosure. It would not be feasible to construct a brick building to house the pumps as the bulk of the facility is underground. Atty. Elliot cannot speculate as to the effect on property values.

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 the applicant meet all conditions of the EPC.

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

TP# M9NW2C-10-13, Glendon Avenue

Appeal 2012-4168

Application 12100102

The Easton Zoning Hearing Board met on November 19, 2012, to hear the appeal of Glendon Borough for a steep slope variance to install a gravel driveway at vacant lot #M9NW2C-10-13, a River Corridor Block B 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. Five area owners were notified by mail of the hearing date.

Attorney Elliot, representing the Borough of Glendon, stated he wishes to incorporate prior testimony into this record.

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.

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 Avenue

Appeal 2012-4169

Application 12090199

The Easton Zoning Hearing Board met on November 19, 2012, to hear the appeal of Pegasus Tower for a special exception and variances for non-stealth type antennas and to allow a 195' monopole to accommodate communication antennas in an A Block at 311 Paxinosa Avenue, 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. She then read the resolution of the EPC dated November 7, 2012, in which they recommend approval. Twenty-eight area owners were notified by mail of the hearing date. Witnesses were sworn in.

Attorney Michael Grab, 327 Locust St. Columbia, PA 17512, representing Pegasus Tower Company, LLC, stated an almost identical application was presented to the Board last year. He noted Pegasus has reached an agreement with Service Electric to provide removal of the tower upon approval of the plan and prior to the start of construction. The nature of the zoning application is now a special exception, the prior application (2011) was for a use variance. This will be a single pole structure to substitute for the Service Electric tower on the same property. Atty. Grab presented a copy of the lease between Pegasus Tower and the City of Easton dated December 30, 2010, App. Exh A-1; an agreement dated June 6, 2012, between Pegasus Tower and Service Electric, App. Exh. A-2; a copy of a memo dated October 26, 2012, from the Easton planning department submitted to EPC, App. Exh. A-3. He also presented a copy of an agreement that was reached with an adjacent property owner regarding additional screening between site and the Walters' property.

Thomas Walters, 403 Paxinosa Road E, stated there were documents in the EPC presentation regarding screening. The removal of the Service Electric tower will open up a view of the proposed tower. He noted that Pegasus agreed to install and maintain additional screening. He requests the agreement be attached as a stipulation, should the application be approved.

Mario Calabretta, PE, SDG, LLC, 900 S. Lewis Road, Royersford, PA 19468, presented plans/drawings as App. Exh. A-4. He explained page 2 as a plan of the property survey depicting existing conditions as well as proposed area. The project will use the existing access road off of Paxinosa Road. The proposed pole has been moved roughly 25' south from the previous application. Sheets C-2 and C-2.3 show a 65' fall zone. Sheet C-2 shows a large site plan and compound plan showing the layout of the facility with a chain link fence 8' high and concrete pads for equipment. He noted there is ample space for additional carriers in the future. 80' x 80' square area at grade. C-3 shows an elevation view with panel-type antennas placed in the upper portion of the tower, as well as space for expansion. The tower is designed to accommodate all

existing and proposed antennas. The monopole is a narrow structure 5' at the base 24" at the top. No noise, dust, odor, or fumes will be created by structure. The maintenance schedule usually requires a quarterly visit.

App. Exh. A-5 - photos showing the results of a balloon test as well as a radio tower in the area.

App. Exh. A-6 - Service Electric structural report. The 160' lattice structure does not have sufficient capacity for any future carriers and the existing structure is over-stressed. The proposed new monopole is necessary as the existing structure cannot be used.

App. Exh. A-7 - structural design report for proposed Pegasus monopole. Letter addresses possible modes of failure. The radius of a potential failure would be 65'. Letter regarding ice build up and wind – states winds would more of an issue than ice for this particular structure. Both letters sealed by professional engineer.

App. Exh. A-8 - geo-technical report for site. Explains what was found when a boring was done on the site.

App. Exh. A-9 - FAA Aeronautical Evaluation states lighting will not be necessary for this structure.

App. Exh. A-10 - Letter from PA Historical Museum Commission states project will have no adverse effect on the College Hill Historic District.

James Shelton, VComm, LLC, 903 E. Lincoln Hwy, Exton, PA 19431, stated it is his responsibility to determine what existing coverage is available and what proposed coverage will be after the installation of the monopole. He presented and explained App. Exh. A-11 - radio frequency maps showing coverage for different carriers. He noted this is an ideal site for radio frequency coverage to the area.

App. Exh. A-12 - T-Mobile license; App. Exh. A-13 - Metro PCS license

App. Exh. A-14 - letter prepared by Mr. Shelton noting radio frequencies are well below FCC limits.

Atty. Grab stated it is not possible to meet the non-stealth requirement as it applies to towers/structure on buildings, not free-standing structures.

Thomas Walters submitted a photo showing the existing tower as seen from his property, marked Objectors Exhibit O-1.

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Becky Bradley, Director of Planning and Codes, stated the city supports the project for emergency and semi-utility services. She noted the proposed monopole is far less intrusive than the existing lattice tower.

Cindy Cawley, Chief Code Administrator, stated a new tower is needed.

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. Brett, seconded by Mrs. Starke, to grant the request with the stipulation that the applicant meet all conditions of the EPC, that they are in full compliance with the agreement with Thomas Walters regarding screening, and that notification detailing the proposed development is given to Bradens Airport within thirty (30) days prior to the start of the project.

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

56 N. 3rd Street

Appeal 2012-4170

Application 12100232

The Easton Zoning Hearing Board met on November 19, 2012, to hear the appeal of the City of Easton, 1 S. 3rd Street, for a side yard setback variance and a variance from canopy and buffering tree requirements at 56 N. 3rd Street, a DD-SC-B 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. Fifteen area owners were notified by mail of the hearing date. Witnesses were sworn in.

Becky Bradley, Director of Planning and Codes, stated there is a public parking lot on North 3rd Street that has been undeveloped for years. The city has conducted a downtown parking study and was advised to improve that lot to make it more visible and accessible to visitors and downtown residents. They did receive a high occupancy permit from PennDOT to narrow the entrance and create an exit into the alleyway in the rear. The Lehigh Valley Planning Commission has given approval for the project. She submitted App Exh. A-1 - four photos of the lot and App. Exh. A-2 – a site improvement plan dated July 10, 2012. They want to open the entire lot up to permit customers and install a kiosk for payment for hourly visitors. They are also proposing to reduce the number of spaces from 62 to 55. The lot is narrow and with required drive lanes there is no room for the required buffering without losing many spaces. They also did not want to shade adjacent apartments so landscaping will be kept low in that area.

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. Brett, seconded by Civitella, to grant the request.

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