

Zoning Hearing Board

1313 Liberty Street

Appeal 2012-4154

Application 12050021

The Easton Zoning Hearing Board met on August 20, 2012, to hear the appeal of Dario Sanchez and Julieta Frey for a special exception for a small family day care in the first floor apartment at 1313 Liberty Street, a WW-C zoning district.

Present: Mr. Edinger, Mr. Civitella, Mr. Brett, 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. Witnesses were sworn in. The secretary then read the resolution of the EPC dated July 18, 2012, in which they recommend approval with conditions.

The applicants propose to operate a small day care center to supplement their income. The couple only has one child who will be starting school soon so will not be there during the daytime hours. They do not have family in the area so there will not be other relatives' children. They agree to limit the care of children to three and two of their own. Hours will be no earlier than 6:00 am to start and no later than 6:00 pm to close. They agree to comply with all five EPC conditions. Mr. Sanchez stated he owns the property at 1313 Liberty Street.

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 with the stipulation that the applicants comply with all conditions of the EPC, limit hours of operation to 6:00 am to 7:00 pm, and no more than two additional children, ie, their own children, family members, friends, etc. be present during operating hours.

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

The motion was approved.

Linda Thomas
Secretary

Zoning Hearing Board

637 Northampton Street

Appeal 2012-4157

Application 12-060154

The Easton Zoning Hearing Board met on August 20, 2012, to hear the appeal of Jennifer Jones for a special exception to establish a general merchandise store at 637 Northampton Street, a WW-SC-B zoning district.

Present: Mr. Edinger, Mr. Civitella, Mr. Brett, 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. Seven area owners were notified by mail of the hearing date. Witnesses were sworn in. The secretary then read the resolution of the EPC dated August 1, 2012 in which they recommend approval.

Jennifer Jones, 1352 Ferry Street, proposes to operate a clothing consignment shop. The property previously housed a nail salon. There will be a sign installed. No large items will be sold, no tractor trailers for deliveries. All conditions of the EPC will be met. Hours of operation will be Tuesday, Thursday, Friday 9:30 am to 5:30 pm, Wednesday 9:30 am to 7:00 pm, and Saturday 10:00 am to 4:00 pm, closed Sunday and Monday. There is no residential unit below the commercial space. Consignment drop-offs will be made by appointment. Currently she will be the only employee; however, if the business grows she will need to hire additional help.

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 with the stipulation that the applicant comply with all conditions of the EPC.

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

The motion was approved.

Linda Thomas
Secretary

Zoning Hearing Board

2750 Hugh Moore Park Road

Appeal 2012-4153

Application 12040147

The Easton Zoning Hearing Board met on August 20, 2012, to hear the appeal of Henry Meeker for special exception for a new use in a flood plain and to establish a personal service use at 2750 Hugh Moore Park Road, a RC zoning district.

Present: Mr. Edinger, Mr. Civitella, Mrs. Brett, 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. One area owner was notified by mail of the hearing date. Witnesses were sworn in. The secretary then read the resolution of the EPC dated June 6, 2012, in which they recommend approval if the applicant complies with all EPC conditions.

Henry Meeker, 60 Wottring Mill Road, Easton, PA 18042, proposes to operate a bicycle rental business from the Emrick Center at Hugh Moore Park. In the event of the applicant is giving tours, the workers at the concession stand of the museum have agreed to “mind the store” for Mr. Meeker. April through October would be his operating time however, if the demand is there, he would like the option to rent year round. In the event of a flood, the bikes will be locked up either in the Emrick building or locked on the patio on the exterior of the building. There will only be nine bikes – no difficulty to move them quickly. He would like the flexibility to increase the number of bikes in the future to possibly 40 bikes. If the number of bikes increases he will look towards making other arrangement for storage, possibly a separate structure. He agrees to comply with the EPC conditions. Other equipment might include child trailers, as well as required helmets. All equipment will be stored in the building in the event of a flood.

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 Mrs. Panto, to grant the request with the stipulation the applicant comply with all conditions of the EPC and the business will not expand beyond 40 bikes.

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

The motion was approved.

Linda Thomas
Secretary

Zoning Hearing Board

TP# K9SE3C 8 9B, Parker Avenue

Appeal 2012-4158

Application 12050198

The Easton Zoning Hearing Board met on August 20, 2012, to hear the appeal of Mary Ann Dwyer, 115 Parker Avenue, for a total lot area, build to line, side yard setback and rear yard setback variance to convert an existing garage to a single family detached dwelling at TP# K9SE3C 8 9B, a CH-A zoning district.

Present: Mr. Edinger, Mr. Civitella, Mr. Brett, 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. Witnesses were sworn in.

Mary Ann Dwyer, 115 Parker Avenue, and her husband Robert Coe, are proposing to convert an existing three-bay, nine window garage (originally a 1900 carriage house) to a single family detached dwelling. They have lived at 115 Parker Avenue for 40 years, but just purchased the adjacent lot with garage ten years ago. There is a full basement in the garage that they would like to renovate and also construct a second floor living space. Their objective is to have their daughter and son-in-law move into 115 Parker Avenue and Ms. Dwyer and Mr. Coe would occupy the little house (garage) or sell the large house and they would still move into the little house. Mr. Coe noted the rear yard setback was measured in error and would like to amend the application to reflect no rear yard setback variance required. The building has electricity and old utility lines. The water/sewer lines are not in service at this time. They will be inspected, repaired as needed, and hooked up upon approval of the project. Ms. Dwyer explained the photos and drawings contained in the Board's packets. She would like to maintain two garage bays. No increase in footprint other than decks. 115 Parker does not have off-street parking.

Dan McPeck, 108 E. Wayne Avenue, stated the rear of his property borders Parker Avenue and he questioned the side yard setbacks. Ms. Dwyer responded the only change in the side yards will be the construction of a wooden deck on the west side of the property, which has the larger setback. Her original application/narrative noted a 12' wide deck but she would like to change that to a 10' wide deck on the west side. The application was amended to reflect only one (1) side yard setback variance required (the east side).

Ms. Dwyer submitted Applicant Exhibit A-1, a photo showing the west side of the building.

Some digging may be done for plumbing lines. All utilities are on the east side closer to 115 Parker Avenue and will not impact on surrounding properties.

Christina Helms, 110 E. Wayne Avenue stated her house is directly behind the garage and wondered if the footprint would be expanded and if there will be a change in water run-off. Mr. Coe stated the flat roof has gutters and downspouts that direct the run-off into the ground. Any change in water run-off will be addressed so as not to interfere with neighboring properties. He also noted the electrical service was relocated to their property (115 Parker) when they purchased the garage. No electric for the garage is hooked up to 110 E. Wayne Avenue. The private sidewalk will be removed. The water/sewer lines connect on Parker between the garage and 115 Parker. All utilities are separate.

Patricia Price, 113 Parker Avenue, lives to the east of the property. She questioned whether there is a true hardship so as not to set a precedent in granting variances to sub-divide, increase density.

Ms. Dwyer stated the decks will be wooden, ten feet wide, therefore, there will be no increase in the impervious surface ratio. The decrease in size of the deck (from 12 foot deck) will eliminate the need for the side yard setback. According to testimony no rear yard setback variance is required. If a rear deck is to be constructed the applicants must re-submit zoning and will be required to return to the board for a rear yard setback variance.

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 stipulations the applicants maintain two garage bays for off-street parking and any change in water run-off will be addressed so as not to encroach upon neighboring properties.

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

The motion was approved.

Linda Thomas
Secretary

Zoning Hearing Board

342 Northampton Street

Appeal 2012-4159

Application 12060180

The Easton Zoning Hearing Board met on August 20, 2012, to hear the appeal of Barbara Kowitz, 342 Northampton Street, for a size and length of time variance to install a temporary sign at 342 Northampton Street, a DD-SC-B zoning district.

Present: Mr. Edinger, Mr. Civitella, Mr. Brett, 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-five area owners were notified by mail of the hearing date. Witnesses were sworn in.

Barbara Kowitz, Executive Director of the Sigal Museum, 342 Northampton Street, proposes to erect a banner that illustrates who they are at the Sigal Museum in the 300 block of Northampton Street.

Randy Galliato, Spillman Farmer Architects, 1710 Spillman Drive, Bethlehem, PA 18015, noted it is a temporary banner, not a permanent sign, to display *History Here Now*, but they would like the option to change the wording/banner in the future by approval of the HDC. The banner is a thin fabric with fasteners that will be bolted to the side of the building for easy installation and removal. He submitted Applicant Exhibits A-1 a photo of the front of the building showing the proposed banner, and A-2 a schematic of the banner.

Ms. Kowitz stated the museum is a wonderful attraction but foot traffic doesn't know what it is. They have the need to advertise with proper signage to bring attention to the facility. The banner will hang 12 months a year, however, the proposal calls for a banner that can be replaced, as needed, due to wear and tear or the need to bring attention to events or happenings at the museum. Any new banner will be presented to the Historic District Commission for approval prior to installation.

Attorney Nitchkey recommended the application be amended to reflect a permanent sign as there will be a banner hanging 12 months a year. The appellant agreed to amend the application to reflect a variance for size of sign and number of permitted signs (595-204).

The banner will withstand high winds – an engineer designed the installation of the brackets and the bungee cord like straps that will fasten the banner. Wind will pass through the fabric. The exact sq ft is 3' by 22' 6" high. The anchoring mechanism will be bolted through existing steel. The application will also be modified to reflect the change in size from the original application not to exceed 92 sf.

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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 Mrs. Panto, seconded by Mrs. Starke, to grant the request.

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

The motion was approved.

Linda Thomas
Secretary

Zoning Hearing Board

156 W. Nesquehoning Street

Appeal 2012-4160

Application 12070023

The Easton Zoning Hearing Board met on August 20, 2012, to hear the appeal of Vincente DeLaCruz for a use variance to for a food establishment at 156 W. Nesquehoning Street, a SS-C zoning district.

Present: Mr. Edinger, Mr. Civitella, Mr. Brett, 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-six area owners were notified by mail of the hearing date. Witnesses were sworn in.

Georgina Ricca, 3273 Vista Drive, Danielsville, PA 18038, owner of property said Vincente DeLaCruz plans to open a deli and grocery store. He will sell cold sandwiches (maybe hot) and groceries. All items will be take-out only and there will be no inside seating. Hours of operation will be 6:00 am to 9:00 pm seven days a week. He does not anticipate hiring any employees at this time, just himself and his wife. Deliveries will be made in the front, however, he will be purchasing and transporting most supplies himself. The neighborhood is mostly residential. The building is a mixed use, first floor commercial space, upstairs residential, with parking in the rear for the upstairs tenant. The first floor could only accommodate a studio apartment as it is not large enough for a full apartment.

An Ansul system will exhaust on the side or to roof level, if required.

Michael Grohlman, 152 W. Nesquehoning Street, lives on the east side of the property. He noted there are three apartment buildings across the street. There is limited parking in this block that has to deal with street cleaners and is also a snow emergency route. It is a poorly lit, tree-covered street. Any night time business will attract loitering and an increase in litter/garbage.

Gail Grohlman, 152 W. Nesquehoning Street, stated the parking and access to Cooper Street is very limited. Cars that park in Cooper overflow into the alleyway. Trucks cannot get through.

Keith George, Assistant Code Administrator, 1 S. 3rd Street, requested that if the variance is granted the Board place conditions that all code/fire/health requirements are met.

Ms. Ricca stated the exhaust for the previous business was out the front window. She also noted all fire separations between the commercial and residential spaces have been done and a fire alarm system has been installed.

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Trash will be properly contained in the basement until pick up day.

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 deny the request.

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

Nays: Mr. Edinger

The motion was approved.

Linda Thomas
Secretary

Zoning Hearing Board

5-7 Lehn's Court

Appeal 2012-41161

Application 12-070027

The Easton Zoning Hearing Board met on August 20, 2012, to hear the appeal of DJM Realty Holdings, LLC for a parking variance to increase the number of seats from 36 to 120 at 5-7 Lehn's Court, a DD-SC-B zoning district.

Present: Mr. Edinger, Mr. Civitella, Mr. Brett, 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-nine area owners were notified by mail of the hearing date. Witnesses were sworn in.

Attorney Ted Lewis, 46 S. 4th Street, representing the applicants, stated DJM Realty Holdings, LLC would like to open a new establishment and are requesting the required parking relief. David Madochick and Matthew Cochran noted there is a third partner, John Ruppel. Mr. Cochran noted the property is under agreement of sale. They wish to establish a sports bar/restaurant. The property was vacant for two years and needs upkeep. They are proposing investing \$200,000 in the building. The building is 4300 sf on first floor and has a basement that will be used for storage only. The property, which was used a several different businesses over the past 20 years is locked in, and there is no parking available. There will be twenty total employees, with only ten on site at a time. The applicants currently run a successful sports bar in Allentown. David, who resides at 251 Northampton Street, stated Club Beyond, the previous occupant, was a nightclub and did not require the amount of seating as the proposed use. Directly behind the building is Jay Miller's parking lot but all spaces are currently rented out. Beyond that is Sherwood's building, however, the Masons did not respond regarding their parking request. There are several city parking lots and the parking deck in the vicinity. Hours of operation will be 11:00 am to 2:00 am. They anticipate peak hours to be dinnertime and later, after Crayola parking is done. A parking variance is requested to increase seating as the proposed business could not operate with only 36 seats.

Roshni DeSai, 222 Northampton Street, questioned where deliveries will be made. All local distributors pull up in the quadrant area and deliver to all bars at the same time. She noted patrons will be using parking for a longer period than other downtown businesses. She also expressed concern with DUI's.

Jagdish DeSai, 222 Northampton Street is concerned with parking and safety.

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 Mrs. Panto, to grant the request with the stipulation the applicants comply with all conditions of the EPC.

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

The motion was approved.

Linda Thomas
Secretary