

## MINUTES OF ZONING HEARING BOARD MEETING

The Zoning Hearing Board of Palmer Township met on Wednesday, September 7, 2016, at 7:00 P.M. in the Palmer Memorial Library, One Weller Place, to hear the following appeals. In attendance Nick Noel, Esq., Zoning Board Solicitor, Charles Roseberry Board Chairman, Mike Mancino Vice Chairman, Cherie Kavanaugh Board Member, Peg Kennedy Board Member, James Raudenbush Zoning Administrator and Court Reporter Ted Rewak. Board Member Emilio DeNisi was absent.

Cherie Kavanaugh made a motion to approve the minutes of August 2, 2016. The motion was seconded by Peg Kennedy and the minutes were approved by a vote of 4-0.

**16-11 7:00 p.m.** Leeman St. Parcels M9NW4-6-16 and M9NW4-6-17 Christian Scheuermann is seeking relief to modify a Zoning Board decision from October 14 2014. In the October 14 decision letter a paper alley along the Northern edge of the lot was supposed to be paved, but due to the existing conditions it is not physically possible to use the paper alley. This property is located in a Medium Density Residential Zoning District.

**Witnesses:** Chris Scheuermann, Applicant, Joe Locicero, Property Owner, Chad Difelice, Applicant Atty., Jane Race, 2608 Freemansburg Ave, Michael Vargo Mrs. Race Atty., Teri Sottosanti, 1109 Keane St.

**Action:** Mike Mancino made a motion to not amend the previous zoning board decision form 10/14/14 and that an agreement is to be entered into between the applicant and Ms. Race for the improvement and maintenance of the paper alley off of Leeman St. The motion was seconded by Cherie Kavanaugh with the motion passing by a vote of 4-0.

**16-13 7:10 p.m.** 3143 William Penn Hwy, Charles Chrin, 400 South Greenwood Ave., Easton Pa 18045 is seeking a use interpretation whether a Planet Fitness franchise is a health club listed under section §190-76 S.(permitted by right use) or is an exercise club listed under §190-77 C.(conditional use).

An interpretation for the required parking is also being requested. Parking for a Membership/Exercise club listed in Table 17.1 requires 1 space per 250 square feet of floor area, plus parking required for any additional use, plus 2 spaces per racquetball court/ 1 Space for every 1.2 employees. The parking calculation specific to an exercise club under §190-210C (17) (d) requires no less than 1 space for each 5 persons of total design capacity of the facility or at least 1 parking space for each 50 square feet of area intended to be used for service to customers, patrons, clients, guests or members, which ever requires the greater number of spaces, plus 1 additional space for each employee.

The applicant is requesting an interpretation from section §190-191 A, that the building on the property is appropriately classified as a multiple occupancy commercial building that can be occupied by more than one tenant, alternatively a variance is being requested form section §190-192C to have up to three uses in the building.

The applicant is also requesting a sign interpretation and variance form sections §190-183, §190-184 and §190-267 in order to have a freestanding sign that would exceed the maximum allowable height and square footage. This property is located in a General Commercial Zoning District within the William Penn Highway Overlay District.

**Witnesses:** Jim Chrin, Chrin Companies, Thomas Schlegel, Esq., Greg Elko, Langan Engineering, Charles Bruno, Palmer township Atty., Milan Dalsania, Planet Fitness, Thomas Lisetski, 325 Dalton St., James Velekei, 329 Dalton St.

**Action:** At the beginning of the hearing Atty Bruno stated he spoke with Atty Schlegel and they agreed that the sign portion of the application would be continued until the October hearing so the Board of Supervisors could see a more detailed rendition of the proposed signage.

The applicant requested that a vote be taken to determine if the proposed use is a health club or an exercise club so they would know how to proceed with the hearing. The hearing was paused for deliberations. Mike Mancino made a motion that the proposed use is a Health Club. The motion was seconded by Charles Roseberry with the motion passing by a vote of 3-1. Cherie Kavanaugh voted against the motion. With the vote, the parking requirements for a health club are to be figured out using Table 17.1. The applicant then finished presenting the remaining testimony.

Cherie Kavanaugh made a motion to approve up to three uses in the building. The motion was seconded by Peg Kennedy with the motion passing by a vote of 4-0.

**16-10 7:00 p.m.** 3100 Charlotte Ave. (Parcel L8-25-2), Jeff Acopian from the Acopian Technical Company is seeking a substantive challenge to adoption of ordinance No. 2016-444, which changed the zoning of Parcel L8-25-2 from Light Industrial to High Density Residential. The applicant feels the amendment to the zoning map constitutes reverse spot zoning, spot zoning, or hybrid thereof, creating a Light Industrial island of the applicants property located at 131 Loomis Street.

**Witnesses: DELIBERATIONS ONLY**

**None:** Cherie Kavanaugh made a motion to deny the appeal of the Acopian Technical Company Application since the Palmer Township Board of Supervisors acted legally, appropriately and took all the proper considerations when changing 3100 Charlotte Ave. (Parcel L8-25-2) from Light Industrial to High Density Residential. The motion was seconded by Mike Mancino with the motion passing by a vote of 4-0.

Having no further business to discuss, the meeting was adjourned at 10:30 p.m.

James F. Raudenbush  
Zoning Officer