



SITE ADDRESS: 402 N. New Street

Office Use Only:

DATE SUBMITTED: 12.16.2019

HEARING DATE: 1.22.2020

PLACARD: \_\_\_\_\_

FEE: 500 --

ZONING CLASSIFICATION: RT

LOT SIZE: 0.1102 ACRES

**APPLICATION FOR APPEAL TO THE CITY OF BETHLEHEM ZONING HEARING BOARD,**  
**10 E. CHURCH STREET, BETHLEHEM, PA 18018**

1. Return one (1) original and seven (7) copies of this application and all supporting documentation to the Zoning Officer, along with the filing fee. Include site plans and/or floor plans as necessary.
2. The application is due by 4PM the 4<sup>th</sup> Wednesday of the month. The hearing will be held the 4<sup>th</sup> Wednesday of the next month.
3. If you are submitting MORE THAN 10 exhibits at the hearing, you MUST place them in an indexed binder and submit at one time.

Appeal/Application to the City of Bethlehem Zoning Hearing Board is hereby made by the undersigned for: (check applicable item(s):

- Appeal of the determination of the Zoning Officer
- Appeal from an Enforcement Notice dated \_\_\_\_\_
- Variance from the City of Bethlehem Zoning Ordinance
- Special Exception permitted under the City Zoning Ordinance
- Other: \_\_\_\_\_

**SECTION 1**

<b>APPLICANT:</b>	
Name	<u>Mary Lopresti and Veg Out</u>
Address	<u>1 E. Church St. Bethlehem, PA 18018</u>
Phone:	[REDACTED]
Email:	[REDACTED]
<b>OWNER</b> (if different from Applicant): Note. If Applicant is NOT the owner, attach written	

authorization from the owner of the property when this application is filed.	
Name	Genevieve Marcon / Church St Market LLC
Address	55 E Church St. Bethlehem, PA 18018
Phone:	[REDACTED]
Email:	[REDACTED]
ATTORNEY (if applicable):	
Name	
Address	
Phone:	
Email:	

**SECTION 2. INFORMATION REGARDING THE REAL ESTATE**

1. Attach a site plan, drawn to scale, of the real estate. Include existing and proposed natural and man-made features.
2. Attach photographs.
3. If the real estate is presently under Agreement of Sale, attach a copy of the Agreement.
4. If the real estate is presently leased, attached a copy of the present lease.
5. If this real estate has been the object of a prior zoning hearing, attach a copy of the Decision.

**SECTION 3.**

**THE RELIEF SOUGHT:**

If the Applicant seeks a dimensional variance for any setback, lot coverage, distance between certain uses, etc., please state the following:

Section of Code	Dimension Required by Code	Dimension Proposed by Applicant	Variance Sought
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If the Applicant seeks a use or other variance, please state the **specific section(s)** of the Zoning Ordinance applicable and describe the variance sought.

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If the Applicant seeks a Special Exception, please state the **specific section (s)** of Zoning Ordinance applicable: \_\_\_\_\_

1304.04

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If the Applicant seeks an appeal from an interpretation of the Zoning Officer, state the remedy sought in accordance with Sec. 1325.11 (b): \_\_\_\_\_

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**NARRATIVE**

A brief statement reflecting why zoning relief is sought and should be granted must be submitted.

**CERTIFICATION**

I hereby certify that the information contained in and attached to this application is true and correct to the best of my knowledge and belief.

I also certify that I understand that any and all federal, state or local rules and regulations, licenses and approvals shall be obtained if the appeal is granted.

  
Applicant's Signature

12/14/19  
Date

\_\_\_\_\_  
Property owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received by

\_\_\_\_\_  
Date

**NOTICE: If the Decision of the Zoning Hearing Board is appealed, the appellant is responsible for the cost of the transcript.**

I was born and raised in the Lehigh Valley, and I'm so proud to have opened a small business in my hometown. I'm grateful for all of the support I've received from the local community, including my family, friends, customers, local media, the Mayor's Office and the Chamber of Commerce. I'm doing something new and exciting that has a proven track record of success and I hope the board will help us grow and continue on this path.

VegOut is the first all-vegan restaurant in the Lehigh Valley. When I started a little over a year ago, I was only open on the weekends for dinner. But after building a good reputation and loyal clientele, and being regularly featured in the Morning Call and winning awards for my food, I outgrew my location very quickly and the demand for me to be open more days and longer hours was evident.

Moving my business to the northside has been a dream so far. My neighbors have been so welcoming and excited about the new café and meeting place with convenient hours that match other local businesses.

For instance, the Bethlehem Police Department across the street is open 24 hours and we're proud to serve officers and precinct staff throughout the day.

Also across the street is the Bethlehem Public Library, which opens at 9a and stays open until 8p several days a week. Staff, students and others come in before, during and after the library's hours for a cup of coffee or a snack.

We offer free WiFi to our customers so they can work and have meetings and so college students can study while they enjoy healthy food and a cup of coffee. We cater to everyone.

I love that I am able to offer breakfast and lunch items, but it is still very important to my business to be open for dinner. My old space was open until 9pm and dinner is what we're best known for and what makes my business as popular as it is.

We are seeking approval for these later hours, but we don't sell alcohol and we don't have a rowdy clientele. I'm a mother to a 1 year old daughter and my restaurant is family-friendly.

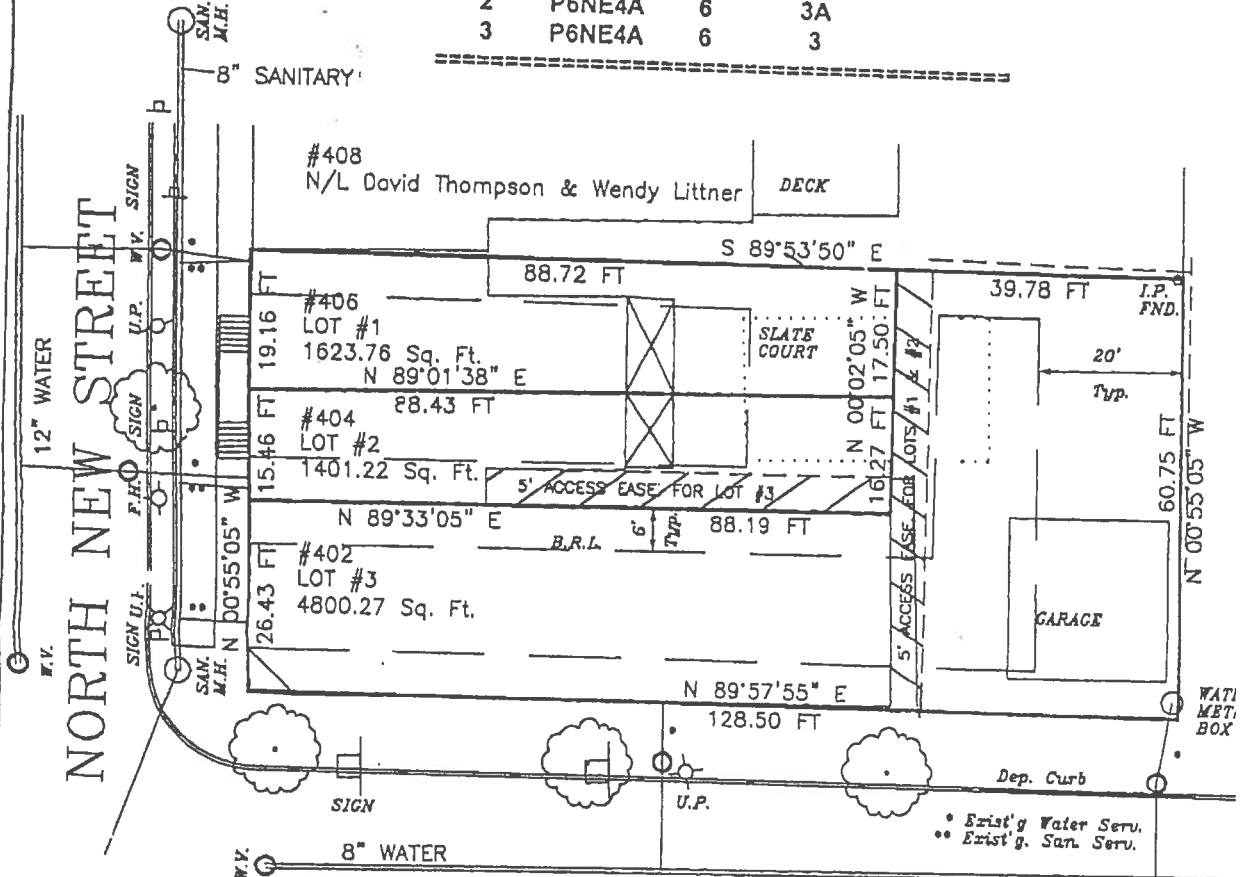
VegOut's Sunday Brunch is also the only one in the Lehigh Valley offering all healthy, plant-based options, which are increasingly in demand in the Valley and beyond.

For the past few weeks, I've been open and operating with the hours that I'm looking to get approved and the feedback has been amazing! I have returning customers, new neighbors, and people traveling from as far as Philly, DC and New York to eat at my restaurant.

I'm so proud of my restaurant and the community's support and respectfully ask that my extended hours be approved so we can continue to meet the growing demand and be successful.

SUBDIVISION NAME: GUTTMAN MINOR  
 DATE: 08/22/01

LOT	MAP	BLOCK	LOT
1	P6NE4A	6	3B
2	P6NE4A	6	3A
3	P6NE4A	6	3



EAST CHURCH STREET



REVIEWED BY THE LE VALLEY PLANNING C

*Samuel A. Guttman*  
 Planner

County - Northampton  
 Ward - 8  
 Scale 1" = 20'  
 Original Subdivision -  
 Plan Title - "GUTTMAN MINOR SUBDIVISION"  
 Applicant - Samuel A. Guttman  
 Date of Plan - May 16, 2001 Rev. - Phone - 610-997-7360  
 Zoning - RT Residential  
 City Block - 3B  
 AUG 07 2001

I (we) the undersigned being duly sworn according to law that I am (we are) the sole owner(s) of the tract show possession of the same and that there are no suits or affecting the same.

*Samuel A. Guttman*

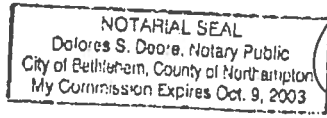
Surveyor's Certification

I hereby certify that this plan has been compiled from a survey actually made on the ground, that it is correct, and at the time the survey was made, there were no easements or encroachments across property lines, other than those shown.

*Thomas J. Morganelli*  
 Thomas J. Morganelli, PLS  
 PA Reg. No. SU-22380-E



Sworn and subscribed to me this 7<sup>TH</sup> day of AUG  
*Dolores S. Doore*  
 Notary Public  
 My commission expires: 10-9-03



## BETHLEHEM ZONING HEARING BOARD

Applicant: **Genevieve Marcon and Church Street Market, LLC**

Property Address: 402 North New Street, Bethlehem, PA

Zoning District: RT

Request for Relief: Special exception to convert an existing non-conforming retail space to a new non-conforming retail space, pursuant to Section 1304.04 of the Bethlehem City Zoning Ordinance.

Date of Hearing: July 19, 2017

### Findings of Fact

At the time of the hearing the Applicant was represented by Attorney James Holzinger. A neighbor, Michael Schweder, was represented by Attorney Chris Spadoni. In addition to testimony presented by the Applicant, Genevieve Marcon, a number of neighbors provided testimony and/or questions including David Thomson, Mark Nebbia, Louis Cinquino, George Haddad, Pat Corpora, and Heather Erdosy.

Based on the testimony presented the Board makes the following findings of fact:

1. The Applicant's property was built in 1865 and is a multi-use facility.
2. At the time of the hearing, the first floor of the property was being used as a beauty salon and for the retail sale of beauty supplies.
3. An attorney's office is also located on the first floor; and the second floor consists of a four bedroom apartment.
4. The current use as a salon employs five to six employees.
5. There is no off street parking available for the current or proposed use.
6. On street parking is available.
7. The proposed use will be as a cafe and minimart/green grocer.
8. The Applicant testified that she proposed to operate on Tuesday through Saturday, serving breakfast and lunch.
9. The on premises seating is limited to three bar stools at each window.
10. The facility will not have a grill, though it will have a stove and oven with induction venting.
11. The customer area is approximately the same size as the customer area utilized by the salon.
12. No outside seating is proposed.
13. No sale of alcohol will be permitted.

14. The maximum number of employees at peak hours will be four.
15. The Applicant testified that there will be no exterior changes due to the fact that the property is located in the historic district.
16. Historically, the first floor of the property has always been utilized for commercial purposes.
17. The testimony provided by the neighbors was generally in support of the Application.
18. The only concern expressed by the neighbors was that expressed by Attorney Chris Spadoni on behalf of his client, Michael Schweder. Attorney Spadoni stated that while his client did not object to the Application, he was requesting that a limit be placed on the hours of operation and the number of employees.
19. Other neighbors who testified, however, did not want to have a restriction placed upon the hours of operation.
20. The existing salon's operating hours extend into the evening on Tuesdays and Wednesdays during the week.
21. The property is located at the corner of New Street and Church Street.
22. The current property has an existing storefront character, including a large commercial window facing New Street and one facing Church Street.
23. The Zoning Officer noted that the required number of spaces for off street parking for the proposed use is less than the required off-street parking spaces for the existing use as a beauty salon.

#### Legal Discussion

Section 1304.04 of the Bethlehem Zoning Ordinance permits a reuse of corner commercial properties in the RT district. Small scale special exception uses include coffee shops, green grocers, or cafés. As such, the proposed use is a permitted use as defined in the Ordinance. This section also requires that the lot be at the corner of two streets. This property is located at the corner of New Street and Church Street. The existing building has an existing store front character as required by the Ordinance, including a large commercial window facing New Street and Church Street.

The Ordinance further requires that a portion of the space must have been occupied at one time by a principal lawful business use. In this case, again, the property has previously been occupied by a lawful business use.

The Ordinance requires that the Board consider the total impact on the neighborhood and parking needs. The testimony provided by the neighbors indicated that there was sufficient parking though there was no off street parking in this area. In fact, the required number of spaces is less for the proposed use than would be required for the existing use.

Section 1304 specifically states that no on site frying of food shall be permitted nor shall alcohol sales be permitted. In this case, the Applicant is not seeking to prepare fried foods nor sell alcohol.

The Zoning Hearing Board is granted the authority to place reasonable conditions upon the use, including limits on the hours of operation, and a requirement that the operator regularly collect litter on the sidewalk (see Section 1304.04(a)(4)).

**Decision**

By unanimous decision of the Board, the Board granted the Applicants' request for a special exception to establish a café/green grocer location at 402 North New Street in the portion of the premises formerly occupied by the beauty salon, subject to the following conditions:

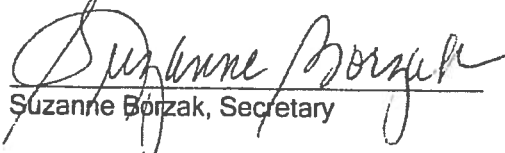
1. There should be no outside venting from the stove and/or oven to be utilized on the premises.
2. The hours of operation shall be limited to 7:30 AM to 4:00 PM Monday through Saturday.
3. No catering shall be permitted from the site during off hours.
4. No frying of foods shall be permitted on the site.
5. No alcohol sales shall be permitted on the site.

Voting in favor of the grant of the decision:

Gus Loupos, Chairman  
William Fitzpatrick  
Linda Shay Gardner  
Michael A. Santanasto  
James H. Schantz

Opposed: None

Certified by Secretary of the Zoning Hearing Board,

  
Suzanne Borzak, Secretary

Prepared by the alternate Solicitor to the Bethlehem Zoning Hearing Board

KING, SPRY, HERMAN, FREUND  
& FAUL, LLC

Date: \_\_\_\_\_, 2017

By: \_\_\_\_\_  
Terence L. Faul, Esquire