

**CITY PLANNING COMMISSION
MINUTES OF MEETING
July 30, 2018 – 4:00 P.M.
TOWN HALL**

Present: Commission Members Mr. Melosky, Mr. Malozi, Mr. Barker, and Mr. Stellato; Staff included Darlene Heller and Tracy Samuelson of the Planning and Zoning Bureau, Amy Rohrbach, Tiffany Wells, Mike Waldron and Ziad Sayegh representing the Engineering Bureau and Attorney Edmund Healy, Solicitor to the Commission. Also in attendance were Andrew Bohl, Kerry Wrobel, Ronald Gawlik, Dan Soos, Rich Thompson, Michael Palmer, Atty. Jim Preston, and Rob de Beer. Representing the press were Louis Gombocz of WFMZ and Nicole Mertz of The Morning Call.

1. DISCUSSION ITEMS

Ms. Heller gave the Planning Commission an update on the Subdivision and Land Development Ordinance.

2. APPROVAL OF MINUTES – July 12, 2018

Mr. Stellato made a motion to approve the minutes of the July 12, 2018 Planning Commission meeting. The motion was seconded by Mr. Barker and passed with a 3 – 0 vote.

3. LAND DEVELOPMENTS AND SUBDIVISIONS

- a. **(18-006LD&S) – #18060862 – 500 Block of E. Market Street – MORAVIAN VILLAGE LAND DEVELOPMENT AND LOT CONSOLIDATION PLAN, Ward 6, Zoned RRC, Plans dated June 21, 2018.** The developer proposes to consolidate two lots and construct 8 twin dwellings at the western end of the Moravian Village Development.

Mr. Ron Gawlik, with The Pidcock Company, explained the location and presented the project. He explained that the project consists of 8 units housing 4 twin homes with access from a new driveway off of Market Street. The proposal includes a lot consolidation of a 1.75 acre lot and a 26.5 acre lot to bring the total lot size to 28 acres. He added the proposal is compliant with the existing RRC Zoning. The parking will be 2 car garages in each unit with additional parking on the driveways and a 4 space overflow lot on the side. The development's sidewalk interconnects along the units with the existing sidewalk on Market Street and they have provided for an interconnection with the existing cottage community to the south. He explained that also provided is a small common area with seating for the residents. The utility services will be the existing water and sewer lines along Market Street with extensions through the cul-de-sac. The traffic in the area is limited, and both LVPC and the City indicated there is no need for a traffic study. He referenced the City's July 23, 2018 review comments, which include minor drafting items along with the LVPC approval letter which they received July 30, 2018.

Ms. Samuelson added the City has no major comments and the developer has no problem with meeting the conditions of the July 23, 2018 letter. There was a discussion pertaining to the trees which would be moved up towards the sidewalk enabling them to be more like street trees as opposed to private property trees. She added that the typical comments are the sewer tapping and recreation fees which are not a problem. She noted that in the Traffic comments, the heavy use at the crosswalk of Wood & Market Streets was discussed. The City is asking that the Wood & Market Streets crosswalks be replaced with thermoplastic. She asked Mr. Gawlik to explain the method of the garbage and recycling pick-up. He explained that it would be an independent hauler and would be curbside pick-up. Ms. Samuelson then recommended conditional approval based upon the July 23, 2018 letter.

Mr. Stellato asked Mr. Gawlik where the project was located in relationship to the YMCA. Mr. Gawlik replied that it is an empty lot just south of the YMCA.

Mr. Barker asked if it was student housing. Dan Soos, the Chief Executive Officer for Moravian Village, introduced himself. He explained where the project is located it is considered the 55 and over independent living part of the community.

Mr. Malozi inquired if there would be any planned pedestrian treatments. Mr. Gawlik remarked there will be ADA crosswalks with pedestrian access along Market Street. Mr. Malozi inquired if the LANTA bus stop would be moved which Mr. Gawlik replied that it would not be moved.

Ms. Samuelson asked Mr. Gawlik to point out Wood Street on the boards and where the thermoplastic would be installed. Mr. Gawlik showed the Commission. Ms. Samuelson added that the City did not want to have a crosswalk at Market and Wood Streets. Ms. Wells explained that it is uncontrolled where the new driveway is located and the City would rather have the pedestrians walk to Market and Woods Streets where there is push buttoned activated flashers.

Mr. Melosky asked Ms. Samuelson if everything was covered in the July 23, 2018 letter. Ms. Samuelson replied yes.

Mr. Melosky asked about the issue with the trees. Mr. Gawlik explained that the existing tree line would be set back a bit from the ROW, but closer to the sidewalk than the existing tree line to the east.

Mr. Malozi made the motion to approve the land development and lot consideration plan in the 500 Block of E. Market Street contingent on meeting the conditions outlined in the City of Bethlehem letter dated July 23, 2018. The motion was seconded by Mr. Stellato and passed with a 4 - 0 vote.

- b. **(18-007LD&S) – #18060883 – Lot 63, 2680 Commerce Center Blvd. & Lot 64, 2500 Commerce Center Blvd. – LAND DEVELOPMENT AND SUBDIVISION PLAN and SIDEWALK DEFERRAL REQUEST, Ward 16, Zoned IN, Plans dated June 12, 2018.** The developer proposes to subdivide Lot 2 of the former LVIP VII -Intermodal Tract plan into Lot 63 and Lot 64, south side of Commerce Center Boulevard. Lot 64 is a proposed parking lot/layout area for truck trailer storage with a small guard shack. A sidewalk deferral is also being requested for Lot 63 only.

Mr. Kerry Wrobel, president of Lehigh Valley Industrial Park introduced himself and Andrew Bohl of Hanover Engineering Associates. He showed an overview of the project which includes subdividing a 36 acre parcel to make it into a 7 acre parcel to be known as Lot 63 and a 29 acre parcel to be known as Lot 64. The lots are located within LVIP VII. He explained the specific location of the project. He noted that across the street from their parcel is a Wal-Mart.com warehouse, and to the south is their Intermodal facility, located on the site of the former coke plant of Bethlehem Steel.

Mr. Wrobel provided an overview of Lot 64 showing that to the right on the board they are proposing a truck staging facility and a container storage yard on Lot 64, the 29 acre parcel. It will be a paved facility, fenced and well lit with a guard booth processing the trucks as they enter and exit the site. He mentioned the great work by the Lehigh Valley Planning Commission as well as the Lehigh Valley Economic Development Corporation who are proposing that the freight traffic will double in the next 20 to 40 years. The developer will be working very closely with Lehigh Valley Rail Management which operates the Intermodal facility. He noted that there are two important items to be considered, with one being the truck parking for warehouses in LVIP VII and their overflow parking which cannot be accommodated on their own parcels. The second item is overflow parking for warehouses in Northampton County. He added that the second focus is adding the capacity for the Intermodal, which is limited by the number of container and truck parking in their lot. The proposed use would allow them to bring in more freight. He noted the developers plan is to move forward upon approval, break ground in late fall and complete the project in the spring of 2019.

Mr. Bohl commented that he is in receipt of the July 25, 2018 letter from the City which he and Mr. Wrobel have reviewed and they feel all the comments will be addressed. He added that Mr. Wrobel stated there would be someone to manage the site for them or they would sell it to someone to be used as a staging area. He noted that it would not be a public oriented tractor trailer facility; there would not be people sleeping at the site. He added that in comment #3 under Traffic is the proposed guard shack, which is to provide security access into the facility. The size has not been determined, but it will be manned on a timely basis. He addressed Traffic comment #4 which relates to the queuing. They are proposing to have at least the minimum 4 spaces for trucks queuing to

come into the facility which they feel are adequate. He addressed the Zoning comments and will comply with them, which are mostly related to the buffer yards and landscaping. He added that the developers have been in touch with the Fire department and their comments will be addressed.

Mr. Melosky noted that the deed shall state there is nothing in the facility in terms of fuel, bathrooms or food. He asked if there is anything that Mr. Wrobel can expand upon about the lighting. Mr. Wrobel noted that it will be well lit with both perimeter and central core lighting. Mr. Wrobel assured that it would not be a truck stop and trucks would not be driving on I-78 and turn off Rt. 412 to come to this facility. Each operator will be entering into lease agreements with individual warehouses and trucking companies. Mr. Bohl showed the proposed 37 pole mounted light fixtures on the perimeter and throughout the site. Mr. Melosky asked about the height of the mounted light fixtures and Mr. Bohl remarked that the height is 30 feet and would meet the zoning ordinance.

Mr. Melosky then inquired about the security shack and if there were any other security plans for the facility to insure the safety of the cargo and items being stored there. Mr. Bohl commented that the site would be enclosed with an 8 foot fence along with the guard shack.

Mr. Stellato asked if there would be 24 hour access. Mr. Wrobel replied that there will be 24 hour access with the guard at the site. Mr. Stellato asked how many spaces the site would have. Mr. Wrobel replied that there are 561 proposed spaces.

Mr. Barker asked if there was curbing around the site. Mr. Bohl replied that there is curbing in portions of the site, but it is limited due to snow removal and drainage. He added that the developer is proposing to install dolly container pads so when the containers are dropped they will not compress into the asphalt.

Mr. Melosky remarked to Mr. Wrobel there would be a need for more security than an 8 foot fence with one guard, perhaps adding security cameras. Mr. Wrobel agreed.

Mr. Malozi asked if there was one access to enter and exit. Mr. Wrobel remarked that there is only the one access with steep slopes around the entire parcel.

Mr. Melosky asked Ms. Samuelson if there was anything which needed to be addressed regarding the July 25, 2018 letter. She replied Mr. Wrobel could further discuss the problem with trucks in miscellaneous neighborhoods parking and if they would be allowed to lease some of the spaces. She asked if there would be a common area on Lot 64 in which the operators' automobiles would be dropped off and Mr. Wrobel agreed to provide an area. She remarked on Traffic comment #4 which addresses the ongoing problem with tractor trailers queuing on LVIP roadways (Spillman & Emery) and whether LVIP would be offering this location as a place for them to wait. Mr. Wrobel replied that it is one business creating the issue with the parking. Ms. Wells agreed with Mr. Wrobel.

Ms. Samuelson asked Mr. Wrobel to explain the operation. Mr. Wrobel explained that a long haul company would arrive at the guarded entry and be assigned a space where they would drop their load after which the truck would leave the facility. He added the next day there would be a dolly which would take the trailer and maneuver it into the Intermodal to be placed onto a flat railcar.

Ms. Samuelson noted that the developer is in agreement with the landscaping issues, the recreation fees and sewer tapping fees. She stated that the City is recommending conditional approval based upon the July 25, 2018 letter. She mentioned the current sidewalk proposed for Lot 64 and it is just vacant Lot 63 that has the sidewalk deferral request.

Mr. Bohl referenced the exhibit showing Lot 64 to the south and Lot 63 to the north, which is an undeveloped lot of about 7 ½ acres. He added that what is being proposed is to provide sidewalks on the Lot 64 frontage and terminate it at the property boundary between the two until Lot 63 is developed.

Mr. Melosky remarked to clarify it is a deferral written in the memo dated July 20, 2018 that a sidewalk will be required once Lot 63 is developed.

Mr. Stellato asked Mr. Bohl what was located on the other side of Lot 63. Mr. Bohl explained that to the north are the Wal-Mart warehouses. Mr. Stellato asked if there was sidewalk on the other side. Mr. Wrobel explained that to the east of Lot 63 is part of the Intermodal which extends to Commerce Center Blvd. and across the street sidewalk was installed by the City of Bethlehem when Commerce Center Blvd. was constructed.

Mr. Malozi wished to clarify that sidewalk would be installed along Lot 64 frontage. Mr. Bohl agreed and referred to the exhibits exactly where the sidewalks were located.

Mr. Malozi mentioned that the deferral is not contingent upon Lot 63 being developed and in the future it could be deemed necessary that a sidewalk would be required. Ms. Samuelson added the request could be put into the motion. Ms. Heller remarked that with Moravian College the sidewalk deferral was for 2 years and with some of the other developments it was 10 years, but without a date on the deferral there would not be anything to trigger a review of the deferral.

Mr. Stellato asked if the tenant for the property or if LVIP would be the owners. Mr. Wrobel replied that LVIP would own the parcel and lease the facility to an operator.

Mr. Malozi made the motion to approve the deferral request for sidewalks at Lot 63 of 2500 Commerce Center Blvd. with an added contingency that sidewalks are installed within 10 years or at the time of development of Lot 63, whichever occurs sooner. The motion was seconded by Mr. Barker and passed with a 4 - 0 vote.

Mr. Malozi made the motion to approve the subdivision and land development plan for Lot 64 2500 Commerce Center Blvd. contingent upon meeting all the criteria outlined in the City's review letter dated July 25, 2018. The motion was seconded by Mr. Stellato and passed with a 4 - 0 vote.

2. WAIVER REQUESTS

- a. The Factory Waiver Requests are for a Roof Sign and Insufficient Front Yard Setback in the IR Zoning District, 315 Columbia Street.

Richard Thompson, the Founder and Chief Partner of The Factory, and Mike Palmer, Director of Operations, introduced themselves. Atty. Jim Preston introduced himself as representing the applicant and explained the memo from Ms. Samuelson which outlines the waiver for signage and a waiver for the setback requirement.

Mr. Thompson informed the Planning Commission that he is the person who developed Fresh Pet, which is a fresh refrigerated pet food company. He explained how he has been nurturing small businesses for many years. He noted that the new project he wants to undertake is called The Factory which is an innovation center for food and beverage companies.

Mr. Thompson referenced boards depicting the building at 315 Columbia Street before and after renovations. He then showed what the proposed sign would look like.

Mr. Stellato asked if the sign would be over the main entrance to the building. Mr. Thompson replied yes.

Mr. Thompson explained the design of the building and the renovations. He added that it is right across from the Charter Arts School. He noted that the required front yard setback is 10' and it is out 5'8". It is about 9'7" above the sidewalk. Mr. Melosky noted that it is at the corner of Polk and Columbia Streets. Mr. Thompson agreed. Mr. Melosky asked if there were any questions from the Planning Commission concerning the waiver request for the roof sign. Atty. Healy added that for the waivers Mr. Thompson is requesting that it would be a reasonable thing to ask for a time limit within which they would complete the improvements. Mr. Thompson replied that in 12 months the renovations would be completed.

Ms. Samuelson added the amount of wall signage that is allowed on the whole front wall is 20 percent and they are proposing less than 2% of the wall sign square footage for the Factory Sign. Mr. Stellato asked if the sign

would be a lighted sign. Mr. Thompson replied the sign itself is not lit, but would have lights on it externally.

Mr. Melosky asked Ms. Heller and Ms. Samuelson about the approvals in the past in the Steel Stacks area for the PBS signs which are much larger than The Factory sign. Ms. Heller replied that Mr. Thompson did show on the boards other examples of signs which the Planning Commission did approve. She added the reason for this review is because the sign is above the roof line.

Ms. Samuelson added that the building projections are above the height for any kind of walking clearance, because a 7' clearance is needed and they have 9'7". She noted that it would also bring color, adding a red element to the area which blends in with the interior and exterior, making it much more interesting.

Atty. Healy asked about the protrusions from the building and if they would be contained within the property boundaries. Mr. Thompson remarked that the protrusions would be within the property boundary.

Mr. Malozi asked if it is a CRIZ eligible property. Mr. Thompson remarked that it is not a CRIZ eligible property.

Mr. Malozi made the motion that the Planning Commission approves the waiver requested regarding the roof sign as requested by The Factory in the letter to the City dated July 23, 2018 and also referenced in the Interoffice Memo from the City dated July 25, 2018. The motion was seconded by Mr. Barker and passed with a 4 - 0 vote.

Mr. Malozi made the motion that the Planning Commission approves the request for a waiver regarding insufficient front yard setback for The Factory as requested in The Factory's letter to the City of Bethlehem dated July 23, 2018 and referenced in the Interoffice Memo from the City dated July 25, 2018. The motion was seconded by Mr. Barker and passed with a 4 - 0 vote.

Mr. Stellato made the motion to add one year as an amendment for the renovations and the waivers meet the one year time period. The motion was seconded by Mr. Malozi and passed with a 4 - 0 vote.

b. Greenway Commons Sign Waiver Request is for a Projecting Wall Sign in the IR-R Zoning District, 510 E. 3rd Street

Mr. Rob de Beer, the developer for the Greenway Commons project, introduced himself. He explained that he is requesting two waivers from the City which are zoning standards for size of the sign. He added the building in question is the residential mixed use building at 510 E. 3rd Street across from the Community College and not far from The Factory. He added that they are looking for a waiver to install a blade sign which would mark the location of Five10Flats. He remarked that the first tenants are moving in this week and hopeful that the building will be finished in the 1st quarter of 2019.

Mr. de Beer stated the developer is seeking two waiver requests. The first being for the protrusion of the sign on the building; the requirement permits the sign to extend 3'6" off the building but in this case the sign extends 4'. The second is for the height of the sign; the standard requires a sign to be 25' high. The developer is exceeding that at 52'; however, because of the nature of the building they will be placing the sign at the second floor of the building, which is about 24' above grade. The sign extends 28' from that point to the total height of 52'. He mentioned that the IRR zoning ordinance was created to have the most flexibility. He noted that if the waivers are approved the developer would pick up the sign permits as quickly as possible and install the sign as soon as possible.

Mr. Melosky advised that the waivers would be addressed separately. Mr. Melosky remarked that the projection out for the sign is 6" more than the 3'6" allowed by the zoning ordinance. Mr. Melosky added that the height is doubled from what the zoning ordinance allows, although if the Planning Commission looks at the packet, the sign is started above the second floor. Mr. de Beer remarked that was correct. Mr. de Beer added that the building height is over 61'. Mr. de Beer noted that the developer wanted to create an environment where there would be seating with outdoor service facilities.

Ms. Samuelson noted the zoning ordinance doesn't adjust the height of a projecting sign based upon higher buildings. She added that it is a flat 25' and if this sign would be 25' above grade, one would not be able to find the building because the building is so much higher than 25'. She added, regarding the width of the sign, a 3'6" wide sign is permitted and the sign is only 3' wide with the connecting bars 1' off of the building. Mr. Melosky noted the height would be 52' and looking at what is in the packet, the pictures show it more clearly.

Ms. Samuelson noted the sign would not be over the ROW, it is on private property. Mr. de Beer added with the 4' extension the sign is within private property.

Atty. Healy mentioned the diagram states the total height of the sign would be 28' but the upper most portion of the sign would be 52' above ground level. Mr. de Beer stated that is correct.

Mr. Malozi made a motion to approve the waiver request per the letter from Bethworks Greenway dated July 19, 2018 which allows a maximum projection of 3'6" as required to 4' as proposed. The motion was seconded by Mr. Barker and passed with a 4 – 0 vote.

Mr. Malozi made a motion to approve the waiver request made by Bethworks Greenway for the property at 510 E. 3rd Street outlined in the July 19, 2018 letter for a maximum allowable height of 52'. The motion was seconded by Mr. Stellato and passed with a 4 – 0 vote.

The meeting adjourned at 5:30 P.M.

ATTEST:

Darlene Heller, Commission Secretary