

**CITY PLANNING COMMISSION
MINUTES OF MEETING
February 21, 2019 – 4:00 P.M.
TOWN HALL**

Present: Commission Members – Mr. Melosky, Mr. Barker, Mr. Malozi, Mr. Stellato and Ms. Cohen. City staff included Darlene Heller and Tracy Samuelson of the Planning and Zoning Bureau, Matt Dorner, Amy Rohrbach, Tiffany Wells and Ziad Sayegh representing the Engineering Bureau and Attorney Edmund Healy attended as Solicitor to the Commission. Also in attendance were Mr. Ruggiero, John Tallarico, Atty. James Holzinger, Scott Homel, Kate Durso and Jason Engelhardt. Representing the press were Nicole Mertz and WFMZ.

1. ELECTION OF OFFICERS

Mr. Stellato nominated Robert Melosky for the position of Planning Commission Chairman for the year 2019. The motion was seconded by Mr. Barker and passed with a 5 – 0 vote. There were no other nominations.

Mr. Melosky nominated Matthew Malozi for the position of Vice-Chairman of the Planning Commission. The motion was seconded by Mr. Stellato and passed with a 5 – 0 vote. There were no other nominations.

Mr. Melosky nominated Darlene Heller to continue her role as Secretary to the Planning Commission. The motion was seconded by Ms. Cohen and passed with a 5 – 0 vote. There were no other nominations.

2. APPROVAL OF MINUTES – November 8, 2018

M. Malozi made a motion to approve the minutes of the November 8, 2018 Planning Commission meeting. The motion was seconded by Mr. Barker and passed with a 5 – 0 vote.

1. DEFERRAL REQUESTS

- a. 960 E. Market Street. The applicant proposed a deferral of curb, sidewalk, and street trees along its frontage.

Ms. Samuelson explained in 2002 there was a land development which was never constructed. She referenced the January 3, 2018 memo from Matt Dorner which supports the deferral of curb, sidewalk, and street tree installation at this time until such time as the lot is further developed or a pedestrian need is present. She added in the 2nd paragraph the only curb and sidewalk is close to Stefko Boulevard. She noted the deferral request is supported by City staff and the Planning Commission needs to act on it.

Mr. Dorner added it is a very industrial area and there is no curb or sidewalk on either side or across the street. If future development occurs it may be different than the original plan from 2002 which would change the locations of driveways or openings and it is best to wait until another plan comes before us or something else changes and there becomes a greater need for pedestrian traffic.

Pat Ruggiero introduced himself, he noted Ms. Samuelson and Mr. Dorner summed up the request and if further development happens, curb and sidewalk may be needed at that point, but without it being developed he agrees with both Ms. Samuelson and Mr. Dorner.

Mr. Stellato questioned the date on the January 3, 2018 letter and if it was correct. Ms. Heller confirmed the correct date is January 3, 2018. Ms. Samuelson noted this deferral needed to be acted upon.

Mr. Malozi noted the letter requested the deferral be until 6 months following the issuance of a building permit for the subject project.

Mr. Melosky asked Atty. Healy if the Planning Commission moves on the deferment, could they add that time frame. Atty. Healy agreed.

Mr. Malozi made the motion to defer the installation of curb, sidewalk and street trees along the frontage of 960 E. Market Street until 6 months following the issuance by the City of a building permit for a proposed project. The motion was seconded by Mr. Barker and passed with a 5 – 0 vote.

3. LAND DEVELOPMENTS AND SUBDIVISIONS

- a. (18-011LD) (SKETCH PLAN) – #18120147 – Bethlehem Earth Lot 3 – 3700 Commerce Center Blvd. – Ward 16, Zoned IN, plan dated November 29, 2012.

Atty. James Holzinger introduced himself as the attorney for Bethlehem Earth LP. John Tallarico, 274 Wedgewood Road, Bethlehem, PA with Bethlehem Earth LP and Scott G. Homel from Bethlehem Earth LP, 491 Old York Road, Suite 200 Jenkintown, PA 19046 introduced themselves.

Atty. Holzinger indicated lots 2 and 3 of LVIP VII on the boards where the property is south of Commerce Drive on the plan. He noted it is by the Majestic site. He added it is subject to a fill permit issued by the Department of Environmental Protection. He remarked for the permit to remain in force there needs to be conditional plan approval subject to the fill being completed and make provisions to tie into Commerce Center Boulevard.

Ms. Heller asked Atty. Holzinger to indicate to the Planning Commission members where the location of the site is. He remarked it is located off of Route 412 past Four Winds Concrete and are the last two lots on the right. He added they were approved by a subdivision in 2003 and the permit for the fill was acquired in 2013. He noted it is proposed to be warehouse space under the HI zone and the use is not a concern. He noted they would come back for conditional plan approval subject to whatever would be in effect once the fill is complete.

Mr. Stellato asked how large the warehouse would be. Mr. Tallarico replied it would be about 435,000 sq. ft. on Lot 3 and Lot 2 is smaller at 30,000 to 50,000 sq. ft.

Mr. Melosky inquired what Mr. Tallarico thinks is the percentage of progress completed. Mr. Tallarico replied they have brought in about 500,000 tons of material and to get it up to grade in the rear about 7,000,000 tons of material will be needed. He noted it was the former Bethlehem Steel's slag dump and they are cleaning it up, bringing in material to reuse the site. He added they have a general permit from the state to bring in fill material, to reuse the site and put up the building.

Mr. Tallarico indicated on the display boards Commerce Center Blvd. is located in front of the two lots with Majestic being their neighbor. The access is granted off a private road through an access agreement which was recorded, and they use the access easement to get to the site. He explained the site is two separate proposed parcels, Lot 2 and Lot 3, with Lot 3 being landlocked. Mr. Melosky asked if as of now they have only one egress, entrance and exit. Mr. Tallarico replied yes.

Mr. Stellato remarked access seems to be the biggest issue, but referenced the City's letter with the additional comments and asked if Mr. Tallarico has any issues with those comments. Mr. Tallarico stated he is well prepared to deal with all the comments over time.

Mr. Stellato asked if it was the same sketch plan Ms. Heller had seen before. Ms. Heller agreed it is the only sketch plan she has seen. Mr. Melosky asked Ms. Heller if prior to Mr. Tallarico starting the business there was Majestic aware this was going to take place and if Majestic was on board. Ms. Heller replied she did not know if Majestic had any awareness; Majestic owns property on the north side of Commerce Center Blvd. and Mr. Tallarico owns the two properties on the south side of Commerce Center Blvd.

Mr. Tallarico remarked they have a good relationship with Majestic and no issues with filling in the site. He added they clean up the place as they go, bringing in the sweeper at the end of the day. Mr. Melosky added Mr. Tallarico has, with his company, been addressing the street clean up. Mr. Tallarico agreed.

Mr. Homel stated the State's general permits for these fill sites expire December 23, 2019. There could be some new language in the regulations whereby the DEP wants to confirm the beneficial use sites are a viable use that is allowed and they have some type of Planning Commission approval. Perhaps a use approval, because it is a by right use, so when they make their application to the DEP they can include it in their application.

Mr. Melosky noted in the January 7, 2019 letter from the City, Mr. Tallarico is fine with all the comments.

Mr. Melosky asked if there were any questions from the Planning Commission for Mr. Homel, Mr. Tallarico or Mr. Holzinger.

Mr. Stellato commented the approval is for a sketch plan. Ms. Heller remarked with a sketch plan you don't really technically approve it, you agree with the comments that are in the letter, but it is conceptual and not a final approval. Mr. Stellato remarked they were not really voting on anything. Atty. Healy noted they could adopt the letter as their recommendations for the applicant to consider when they file future plans.

Mr. Malozi remarked the ultimate plan is to develop Lot 2 and Lot 3 for new warehouse use. Mr. Homel agreed.

Mr. Melosky asked if there were any comments from the public concerning the sketch plan for Bethlehem Earth Lot 3. Mr. Homel added if the Commission could incorporate into such letter that as it stands today this concept plan is a by right use. Atty. Healy remarked he did not think the Planning Commission should comment on whether this is compliant with zoning. Atty. Healy added this Commission has jurisdiction concerning the SALDO. Atty. Holzinger remarked it is something he could ask the Zoning Officer to issue a letter in conjunction with any approval today. Mr. Melosky's concern is that the relationship between Bethlehem Earth and Majestic continues to grow. He added it is conducive to the applicant's project that the road is available and that should be included as well when moving forward with the sketch plan. Atty. Healy stated the City is not in a position to leverage or do anything concerning Majestic's control over their road. He added if they want to allow this use to be accessed from their private road it is purely between this applicant and Majestic.

Mr. Melosky noted recommendations have been made for that area when it came to an additional road being placed in between some of the lots. There may have been a recommendation from the City as an exit way, especially when it pertains to fire. Ms. Heller remarked these access roads are all on Majestic property, which is hundreds of acres, so the access roads allow them an emergency exit onto Applebutter Road and have nothing to do with Mr. Tallarico's lot.

Mr. Malozi made the motion to adopt the letter dated January 7, 2019 from the City of Bethlehem as a recommendation of conditions upon which to base future planning of Lot 2 at 3700 Commerce Center Blvd. and Lot 3 at 3780 Commerce Center Blvd. The motion was seconded by Mr. Barker and passed with a 5 – 0 vote.

- b. (18-010LD) – #18110576 – 124 E. Morton Street – HEALTH, SCIENCE AND TECHNOLOGY BUILDING LAND DEVELOPMENT PLAN, Ward 3, Zoned INSTITUTIONAL OVERLAY, Plans dated November 20, 2018 and last revised January 18, 2019

Kate Durso from Fitzpatrick, Lentz & Bubba, introduced herself as the attorney representing Lehigh University. Jason Engelhardt from Langan Engineering, introduced himself as the site engineer.

Ms. Durso remarked what is before the Committee is Lehigh University's state of the art Health, Science and Technology Building. She explained the project has been before the Zoning Hearing Board to get variances from the setback requirements relating to the height of the structure. She added land development plans were submitted at the end of last year and they have received a review letter, plans were revised, resubmitted and they are here before the Planning Commission with the most recent review letter.

Mr. Engelhardt remarked they are here for the HST building indicating on the display boards the location of the project at the intersection of Webster and Morton Street, with Morton to the north and Webster to the east. It has frontage on both streets with Asa Drive, a Lehigh street, in the center of the property. He added Whitaker Labs are on the south side of the lot. It is a series of smaller lots which have not been consolidated. It is in the Institutional Overlay district with high density residential to the east, which is basically student housing. Neighborhood Commercial zoning is located to the northeast, the central business district is located to the north/northwest and south and west is all Lehigh property zoned Institutional Overlay.

Mr. Engelhardt added the topography rises from north to south with about 10' of grade change from Morton and Asa Drive; and from Morton to Packer is about 30' of grade change. He noted the street address is 124 E. Morton Street and the proposed building is 5 stories plus a basement. The footprint is 30,500 sq. ft. with the total building area at 192,000 sq. ft. It will house faculty and student laboratories, with offices and research the main purpose for this building. He added this location was chosen because it is adjacent to both Whitaker and Sinclair Labs. He noted as part of the plan an existing parking lot dedicated to faculty and staff with 120 parking spaces will be removed. The parking will be relocated to the Farrington Garage. He stated they were in front of the Zoning Hearing Board for a variance concerning setbacks as they relate to building height. The total building height is 105' with the highest occupied floor being 79'. He noted the difference between the two is mechanical space. The requirement was the setback had to be increased one foot for every 3 feet of additional height and they held the setback at the 20' setback lines. Mr. Stellato asked if the Zoning Hearing Board approved their request. Mr. Engelhardt replied yes. Mr. Engelhardt referenced the site plan board and explained it is a corner lot, with two city streets, Morton and Webster. They held the 20' setback and are replacing all the curb and sidewalks along the frontages and proposing new ADA curb ramps; adding thermoplastic crosswalks. There are extensive new pavers and walkways on the project which will be functional and student gathering spaces. It will act as a hub and connect all the other science buildings. The loading area will be from Asa Drive. He added part of the plan is a pedestrian walking bridge to connect the HST building to Whitaker. There will be bicycle storage underneath the pedestrian bridge which will house 49 enclosed spaces with an additional exterior 6 bicycle racks. He noted part of the City's comments were to mill and overlay where they are disturbing for utility connections. They will mill and overlay half of Webster and will coordinate with the City's engineer. He added with regard to the utilities; water, sewer and gas, will be connected through Asa and Webster. He remarked a very limited additional impervious surface will be proposed. He noted there was a comprehensive parking study prepared that accounted for inventory throughout the campus and complied with the zoning ordinance regarding off street parking.

Mr. Stellato asked if the main entrance to the building will be on the corner of Morton and Webster. Mr. Engelhardt replied yes, there will be multiple entrances, but the rendering on the board is from Morton.

Mr. Engelhardt referenced the review letter from the City dated February 13, 2019 and noted the developer will comply with all the items in the letter.

Mr. Melosky thanked Mr. Engelhardt and asked Ms. Samuelson if there were anything else concerning the February 13, 2019 letter. Ms. Samuelson replied no, Mr. Engelhardt covered all the comments in the letter.

Mr. Melosky asked if there were any questions from the Planning Commission concerning 124 E. Morton Street. Mr. Stellato asked if the parking they are taking away is going to utilize a garage, indicate where the garage is located. Mr. Engelhardt informed Mr. Stellato the garage is roughly 300' away, the Farrington garage. Ms. Cohen asked if Asa Drive is a Lehigh Street and if it is private. Mr. Engelhardt remarked it is a private street. Ms. Cohen asked if the parking affiliated with the new building is accommodated in the Lehigh comprehensive parking plan. Mr. Engelhardt replied that it is. She asked about the internal Lehigh lighting which Mr. Engelhardt is referring to between buildings is walkway lighting. Mr. Engelhardt replied he could pull out the lighting plan, but there are a number of lights throughout the rest of the site associated with the walkways that is different than City lighting.

Mr. Melosky asked if there were any other questions from the Planning Commission. There were none. He asked if there were any comment from the public for 124 E. Morton Street.

Ed Gallagher, 49 W. Greenwich Street introduced himself. He wanted to talk about the parking situation in the Lehigh parking study. He stated Mr. Engelhardt said that this building will displace 127 parking spaces. He added we all know that Lehigh is involved in a major construction campaign and elements of it are coming to you in pieces. He stated the South Side Commons displaced 243 parking spaces; Bridge West displaced 104 parking spaces and altogether from a report he saw from Lehigh, 518 parking spaces are displaced by Lehigh's decision to build these new buildings on existing parking spaces. He noted when he first heard about the program back in the fall, he understood in testimony here, that the Lehigh parking study showed that all of those displaced parking spaces could be handled on campus. He added later in a couple of meetings this year we learned there is now a north side commuter lot which Lehigh has leased, $\frac{3}{4}$ of a mile from the bottom of campus, a good 15 minute walk from the bottom of campus and his concern is that the lower class workers; lower paid workers, will be forced to park in that lot. He added Lehigh is instituting a program in which faculty and staff will pay \$500.00 a year to park on campus, a location based parking. He added it seems like not everyone can be accommodated on campus, so there is this free north side commuter lot. His concern is who will be forced to park there. Will they be the lower paid Bethlehem citizens and taxpayers, the cafeteria workers and the maintenance workers? He has been asking for a more specific response from Lehigh in regard to that comprehensive parking study, about who would be bumped into that lot. He stated he is a retired faculty member from Lehigh and the teaching assistants and research assistants, people who do work for Lehigh, they get tuition reimbursement and they do work literally teaching classes, running labs and so forth, also may be bumped into that lot. He added he does not think it is good for the City, and the Planning Commission works under the mandate of public good, promoting public health safety and general welfare, to be approving a system that may not be fair to our lowest paid status workers. He noted he simply asks for Lehigh to be a little more visible in what their study shows about who would be bumped off and whether that is fair or not. He reiterated that the 127 spaces here is only a piece of it. He remarked 500 plus spaces are 80 or 90% of the New Street garage. That is a lot of parking spaces that Lehigh has decided to remove and build upon. This is a new system which needs to be looked at carefully. He added the worst case scenario of a lower class worker parking across the bridge might put 1½ hrs. more on their work day; 45 minutes to get from the parking space over by the Wooden Match, to their work space on campus and 45 minutes back. He added to just think of somebody on an hourly rate, adding 1½ hrs. to their day, a working mother for instance; with kids to be picked up at school. He would like to hear more from Lehigh about who is going to utilize that free lot.

Mr. Melosky thanked Mr. Gallagher.

Ms. Durso responded that Lehigh is doing comprehensive projects throughout the campus, which is why they engaged a consultant to do a campus wide parking assessment to confirm and prove to the City with all these projects that would be coming there is adequate parking throughout the campus for those uses based on the Zoning Ordinance requirements. She added that is why a comprehensive study was submitted. She noted that is public record here in the City; so whether or not Mr. Gallagher took the opportunity review it, she did not know. She stated that regarding whether Lehigh has some lease of this City lot, it does not exist. She added the comments about lower income, lower whatever he is trying to describe, parking in that lot; there is no leasing of that City lot. She added that it is not part of the parking study. The study took into account existing parking that is available as well as the projects that are proposed.

Mr. Melosky asked if anyone else from the public had a comment at this time.

Mr. Melosky then asked Mr. Gallagher. Mr. Gallagher stated the north side commuter lot is owned by the Bethlehem Parking Authority. Ms. Durso said there is no leasing of a lot with the City. Mr. Gallagher stated in the documents that are on line at Lehigh that the lot is mentioned; 140 spaces in the north side commuter lot. He asked if that has changed. Ms. Durso added all she could tell him is that the lot you are saying, that you are claiming Lehigh is leasing is not under lease. Mr. Gallagher reiterated Lehigh has that lot in its comprehensive plan. Ms. Durso stated it is not in the comprehensive plan; it is not in the parking study the City reviewed.

Mr. Melosky asked if there were any other questions from anyone in the audience at this time. He added seeing none; we have a motion on 124 E. Morton Street. He asked if Mr. Stellato had a question. Mr. Stellato remarked we had a meeting a couple projects back, in which we talked about that north side parking and it was included at that time; at least in our thinking; and Lehigh was going to bus the people across the river. Ms. Heller responded it is true that Lehigh did submit to us for our review a master parking analysis, which was reviewed in the Planning and Zoning Bureau and also in Traffic and Engineering. She added we took a close look at the policies and reconfiguration of parking. She noted it was necessary because of this project and the dorms under construction, which are being built on prior surface parking lots and the City needed to have some confidence there would be ample parking available. She added Lehigh is revamping the shuttle system and the bus system that they're providing so there will be some satellite parking spaces, none she knows of on the north side, but over on the south side of the mountain; and other areas people would be shuttled. She added there are opportunities for shared parking; they are making changes to policies about the students that can bring automobiles to campus and where long term parking would be and things like that. She added the City does feel confident that the parking they have meets the Zoning Ordinance requirements. She noted it is going to be a big change for some because they are trying to tighten up on who can bring a car to campus and where people can park. She remarked that as we are in the City trying to make the downtown more walkable, more bike friendly, that is what the University is trying to do with the campus as well. She added the City felt that the parking requirements were met. She noted there are other University representatives at the meeting, but to let them know it was gone through with a fine toothed comb, to take a look at what those policy changes are and what the solutions might be for future parking.

Mr. Stellato asked if we could include that in the letter. Ms. Heller remarked if Lehigh would continue to meet all of the provisions within the study could be added as a condition of the letter. She noted it could be put into a motion as you move forward.

Mr. Malozi mentioned there is also a revenue sharing agreement with LANTA whereby students and staff ride for free, that the University and LANTA have an agreement about that. He noted the service is being expanded on campus as part of the residential dormitory project.

Mr. Melosky asked where the closet LANTA drop off/pick up in reference to the 124 E. Morton Street project is located. Mr. Malozi replied the 105 and 103 stop is at 4th and New Streets.

Mr. Melosky noted it is evident that public transportation is also an option available to

employees or students in the University. Ms. Durso added as Mr. Engelhardt stated there is a lot of bike parking being provided as part of this project.

Mr. Melosky asked if there were any other questions. There were none. He asked if there is a motion for 124 E. Morton Street, and to keep in mind if there were any conditions to add to do so in the motion.

Mr. Malozi made the motion to approve the land development plan for 124 E. Morton Street, the Health, Science and Technology Building contingent upon meeting the conditions outlined in the February 13, 2019 letter from the City of Bethlehem and also adding to the letter that the University continue to update the comprehensive parking plan as development continues and meet the goals of the overall parking study. The motion was seconded by Ms. Cohen and passed with a 5 – 0 vote.

4. PRESENTATION OF THE 2018 ANNUAL REPORT

Ms. Heller presented the 2018 Annual Report. This report gets sent to City Council and is an overview of the activities of the Planning & Zoning Bureau over the past year. Ms. Heller pointed out significant land development reviews and special projects. The report also offered a summary of activity by the Zoning Hearing Board and the Historic Boards.


Mr. Stellato added the blighted properties might be added to the Annual Report and others agreed.

3. DISCUSSION ITEMS

There were no discussion items for this meeting.

The meeting adjourned at 5:30 P.M.

ATTEST:



Darlene Heller, Commission Secretary