

**CITY PLANNING COMMISSION  
MINUTES OF MEETING  
March 14, 2019 – 4:00 P.M.  
TOWN HALL**

Present: Commission Members – Mr. Melosky, 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, and Tiffany Wells representing the Engineering Bureau and Attorney Edmund Healy attended as Solicitor to the Commission. Also in attendance were Atty. Nicholas Talvacchia, Julia Corwin, Matt Carson, Kerry Wrobel, Matthew Nunn, Tom Dredge, Ed Klimek, Austin Siboni, Gary Lader and Karl Leitner. Representing the press were Nicole Mertz and Sara Satullo.

**1. APPROVAL OF MINUTES – February 21, 2019**

Mr. Stellato made a motion to approve the minutes of the February 21, 2019 Planning Commission meeting. The motion was seconded by Mr. Malozi and passed with a 3 – 0 vote.

**2. SIGN WAIVER REQUEST**

- a. (19-001 Waiver) – #19020009 – Consideration of Wind Creek Sign Waiver Request package dated January 14, 2019.

Atty. Nick Talvacchia, with Cooper Levenson, introduced himself. Matt Carson with City Sign Service and Julia Corwin from the Sands were also present. Atty. Talvacchia stated the applicant recognizes they are still subject to licensure by the Pennsylvania Gaming Control and wanted it to be added to the record. Atty. Talvacchia noted there are eight signs which exist today and are changing the name to Wind Creek. He noted the wall signs may be subject to a 20% of wall requirement and may not need relief from the size requirement. He explained the monument signs are larger for two reasons: one being there are more letters and the second being the way the measurement is computed with a box or rectangle which allows for a lot of dead space. He added, for the wall signs, they are proposing to be individual letters, the same as they are today. He noted the difference in what is there today, besides the name, is their proposal to put a brushed aluminum backing behind the signs. He noted it will add a good contrast and works well with the gray and the red lettering.

Atty. Talvacchia introduced Mr. Carson for the record and noted his company is City Sign Service, which designed the sign package. Mr. Carson indicated the display boards and noted his company fabricated and installed the complete Sands Casino package in 2009. He noted no components existing will be reused. Atty. Talvacchia added the monuments signs got larger and they will need to obtain a waiver. Mr. Carson noted they are trying to maintain the same impact that the Sands has, knowing they have twice as many characters and the logo, which is how they came up with the calculations for the size. He noted the three main entrances each have an existing monument sign with the Sands verbiage on them which would be removed and replaced with the Wind Creek logo. He added existing illumination will remain, which means everything is being done exactly as it exists now. Atty. Talvacchia added the monument signs at the three entrances are all the same. Mr. Carson agreed. Ms. Cohen asked what the height of the proposed monument signs are. Mr. Carson replied the height is 102". Mr. Carson indicated on the display boards the height of the Wind Creek sign at 102". Ms. Cohen asked how high the Sands sign is. Mr. Carson replied the existing Sands sign is 36". Mr. Stellato remarked the height to the top of the logo is 102". Mr. Carson agreed. Mr. Carson indicated on the display board the next sign, which is at the mall entrance, is the Outlet sign. It will be composed of the same manufacturing process with brushed aluminum background, and the individual channel letters will be internally

illuminated. Atty. Talvacchia noted the letters will be mounted on the aluminum base 3 1/2" in the front. Mr. Carson agreed. Mr. Carson then indicated on the display boards the Hotel entrance, where there is a small placard adjacent to the entrance, which will be replaced with the Wind Creek logo and is a non illuminated sign. He noted adjacent to that is the Hotel sign existing on the wall, with the only thing that lights up at night is the verbiage on the sign. Atty. Talvacchia showed the Planning Commission members a sample of the brushed aluminum backing. Mr. Carson noted the Sands entertainment sign, which is located in the back, will be replaced with the Wind Creek Event Center verbiage. He reiterated it will be the same identical manufacturing process and internally illuminated. Atty. Talvacchia noted the Outlet signs, the Hotel signs and the Event Center sign will all have the aluminum backing with freestanding raised letters. Mr. Carson agreed. Mr. Carson noted the package is 8 signs. Mr. Stellato noted the Outlet sign itself, which was the Sands, will be illuminated and the same size. Mr. Carson agreed.

Mr. Melosky asked if there were any other questions from the Planning Commission concerning the design and layout of the new Wind Creek signage at the casino. Mr. Malozi confirmed the Outlet signs, Hotel signs and Event Center signs are brushed aluminum with 3 1/2" raised individual letters. Mr. Carson agreed.

Mr. Melosky asked if there were any comment from the public concerning the waiver request for consideration of the Wind Creek signage at the casino. He added, seeing none, was there a motion for consideration of the waiver. Ms. Cohen mentioned the monument sign height seems significantly higher than the existing sign, and have there been any studies of sight visibility of someone entering or exiting those entrances with the logo on the top. Atty. Talvacchia remarked he drove there today and he feels they are well clear of the sight lines at that height.

Mr. Malozi remarked they are all internal roads to the entrances. Atty. Talvacchia indicated on the display boards the three entrances. Mr. Malozi asked if there were any concerns from the Engineering staff on the site distance. Ms. Heller added the Engineering staff does not have to weigh in on this and when those signs were originally placed the clear sight triangle would have been checked at that time.

Mr. Melosky asked for a motion for the sign waiver request for the new Wind Creek casino.

Mr. Malozi made the motion to approve the sign waiver request for Wind Creek signage with the understanding the Outlet, Hotel, and Event Center signage will be 3 1/2" deep raised lettering on brushed aluminum backing. The motion was seconded by Ms. Cohen and passed with a 4 – 0 vote.

### **3. LAND DEVELOPMENTS AND SUBDIVISIONS**

- a. (18-001S) (Permit #18120307) LVIP VII Saucon Tract Lots 22 – 28  
PRELIMINARY/FINAL MAJOR SUBDIVISION AND LOT LINE  
ADJUSTMENT PLAN – 1540 E. 4th Street, Ward 16, Zoned IR, Plan dated  
November 30, 2018.

Kerry Wrobel, president of LVIP introduced himself. He noted he is here to talk about the subdivision of Lots 22 through 28 of LVIP VII. He mentioned the Lots are part of the first phase which they call Saucon Tract named after the Saucon Division of the Bethlehem Steel. He added it dates back to 2004 when they began to do the subdivision of this tract. He indicated on the display boards where the lots are located. He explained the lots could not be subdivided to the condition they ask for today, because back in 2004 & 2005 PennDOT had not started their improvements to Route 412. He noted they did their very best to outline what would be six lots that could be used for commercial purposes, more service and retail users than office, hotel and industrial uses that occurred on the north side of Route 412 in the first phase of LVIP VII.

He explained since PennDOT completed their improvements, and indicated on the display boards, they now have definition of roads, showing Emery Street south and Shimersville Road with improvements including curb cuts and a back ROW which was constructed by PennDOT. He noted LVIP completed HOP's into the site and also constructed a reverse frontage road on the south side which goes into the commercial lots to allow access to all of the lots without having to go back onto Route 412 once the site is entered. He explained they are asking for a subdivision which would take those 6 original lots and create 9 individual lots, with lot sizes which are more appropriate for fast food and fast casual restaurants, as well as banks and other potential service retail uses. He noted they accepted all of the conditions/comments in the letter from the City and their engineering staff is already responding and will be submitting the response in the next few weeks. He noted there were questions from staff in regards to the reverse frontage road adding it will be the maintenance responsibility of the end users. They will be creating an association which would manage the snowplowing, landscaping and other maintenance issues regarding the road structures, including Emery south and Shimersville south. He noted another question from City staff was once these lots are occupied with individual uses, what is the assurance of a single point of ingress and egress per lot so there would not be 10 parking spaces egressing along the reverse frontage road. He is fairly certain it will be one ingress and egress.

Mr. Melosky asked if there were any questions for Mr. Wrobel from the Planning Commission in reference to the subdivision and lot line adjustment plan. Mr. Stellato mentioned on the original approved subdivision has anything been done on this property. Mr. Wrobel remarked yes, improvements have been made in the 2004 & 2005 time frame of all utilities, including storm and sanitary lines. He noted the City has installed major water lines, telephone and power lines along with UGI's major line off of Route 412 relocated to the rear of the lots. Mr. Stellato remarked the proposed subdivision is actually an overlay for the original six. Mr. Wrobel agreed and added they would like to just divide it into smaller parcels.

Mr. Melosky asked Ms. Samuelson if she had anything to add from the letter. Ms. Samuelson replied Mr. Wrobel covered the letter, but she wanted to note under general comment #2, access to all lots shall only extend off of the those major roads with a common exit from each lot along the access to the rear, so it would be orderly. Mr. Malozi added the nature of these developments would be more of a traffic generator. Mr. Wrobel agreed. Mr. Melosky stated the 9 lots would have to be in agreement with the association to make sure and maintain the access roads. Mr. Wrobel agreed.

Mr. Melosky asked if there was any comment from the public concerning the subdivision and lot line adjustment plan at 1540 E. 4<sup>th</sup> Street LVIP VII. There were none.

Mr. Malozi made the motion to approve the major subdivision and lot line adjustment plan as presented to the Commission for LVIP VII Saucon Tract Lots 22 through 28 at 1540 E. 4<sup>th</sup> Street. The motion was seconded by Mr. Stellato and passed with a 4 – 0 vote.

Mr. Melosky added that before the Commission moves to the next agenda item, Mr. Malozi's motion should have included a condition that all the items that were addressed in the review letter and discussed in the presentation would be met. Mr. Wrobel agreed.

- b. (18-012LD&S) – #18120586 – LVIP VII Lots 83 & 85 – LAND DEVELOPMENT and SUBDIVISION PLAN and DEFERRAL REQUESTS, 1145 Hellertown Road, 1198 and 2020 Feather Way, Ward 16, Zoned IR, Plans dated December 21, 2018 and last revised February 2, 2019.

Atty. Jim Preston, the attorney for the applicant, Matt Nunn with Trammell Crow Company, and Tom Dredge with Langan Engineering all introduced themselves. Mr. Dredge gave an overview of the project. He stated the concept plan for the site was developed June of 2018 and noted after discussions with city staff the developer submitted a Zoning Hearing Board application. They were in front of the Zoning Hearing Board in September 2018 for a special exception use for

warehousing on the property and received approval for that special exception use. He noted they then submitted the subdivision and land development application in December 2018. He added they received comments from the City staff and addressed and responded to those comments in February 2019. He noted they are here tonight to respond to the March 6, 2019 letter received from the City's staff. He indicated on the display board where the site is located. He added Route I-78 runs east to west across the bottom half of the plan, Route 412 runs north to south, so when you get off of Route I-78 onto Route 412 you make a right onto Commerce Center Boulevard into the Industrial Park with the first right onto Gilchrist Avenue then another right onto Feather Way. He showed Feather Way ends in a cul-de-sac at a building which is occupied by Curtis Wright. He indicated the property outlined in yellow and indicated as part of this development Feather Way would be extended into the subject property. He stated the site today is currently known as Lot 3 within LVIP containing about 55 or 56 acres. He advised with this application they propose to subdivide it into 3 separate lots; Lot 89 would be about 9 ½ acres with frontage on Hellertown Road, Route 412 and Feather Way. This lot would remain with LVIP and be undeveloped at this time. He indicated on the display boards Lots 83 & 85; showing Lot 83 is adjacent to the off ramp from Route 78 at about 19 acres and Lot 85 adjacent to Easton Road is a little over 27 acres. He said Lots 83 & 85 will be sold to Trammell Crow Company who would develop those two properties.

He reiterated in detail the location and need for the special exception explaining the 1<sup>st</sup> warehouse building would be approximately 189,000 sq. ft. He showed Lot 83 and indicated the car parking areas with 90 spaces on the north end of the building and 30 additional spaces banked for future use. He stated with both buildings they have located the truck courts, and all truck activity would take place at the rear of the buildings, away from the adjacent streets. He mentioned Lot 85's building is also away from Easton Road. He explained Lot 83 has 27 trailer spaces with 29 dock doors along the rear of the building, and at Lot 85 there are 39 trailer spaces with 44 dock doors and parking for vehicles around the side in the front of the building with the vehicles parking on three sides of the building for a total of 284 vehicle spaces. He noted both Lots will have a storm water basin, an above ground basin which would flow from west to east and eventually make its way into the east branch of Saucon Creek.

Mr. Dredge briefly touched on the waiver requests. He noted one is related to the plan size, another is a request for a deferral on sidewalk along both sides of Feather Way, which is no longer necessary, and the other deferral request is for sidewalk and curb along Easton Road. There is no curb or sidewalk along Easton Road now with a low probability of pedestrians wanting to access the site from Easton Road.

Mr. Melosky added, so that the Members of the Planning Commission are clear, on the memo dated March 4, 2019, #2 the deferral of Article 1349.07 is removed. Mr. Dredge agreed.

Mr. Melosky asked Mr. Dredge to indicate again on the display boards where the sidewalk and curb waiver is being requested on Easton Road. Mr. Dredge indicated Easton Road along the frontage.

Mr. Stellato asked Mr. Dredge what was approved at the Zoning Hearing Board meeting. Mr. Dredge stated the Zoning Hearing Board approved a special exception use as warehousing.

Mr. Malozi asked if there is any public transportation service along Easton Road. Mr. Dredge stated not that he recalls. He added there is a LANTA stop within the Industrial Park, but he does not recall any along Easton Road.

Mr. Dredge referenced the March 6, 2019 letter from the City staff. He stated all comments would be addressed. He noted the one comment he wanted to highlight is Zoning comment #1 which relates to a requirement of the Zoning Ordinance for variations for buildings over 150' in length. The architect is here to present some elevations in response to that requirement.

Mr. Melosky asked Ms. Samuelson if there is anything else from the March 6, 2019 letter needing to be addressed. She remarked they would have to act on the deferrals, and asked if there would be any buffer around the detention ponds. Mr. Dredge responded the ponds would be

fenced with proposed landscaping around both of the basins with a 4' fence. She noted the recreation and sewer tapping fees would need to be paid before finalizing the developer's agreement.

Mr. Melosky noted from the traffic standpoint was the developer in agreement with installing a traffic signal at the intersection of Commerce Center Boulevard and Gilchrist Drive as stated. Mr. Dredge added his understanding is if the signal is ever warranted for a future date, it would be installed.

Mr. Dredge noted there is an emergency access onto Easton Road which would be gated so all vehicles and truck traffic would go through the Industrial Park on Feather Way to the site.

Mr. Stellato noted there is not a railroad spur. Mr. Dredge agreed.

Mr. Melosky requested to hear from the architect as it pertains to the March 6, 2019 zoning comment #1. Atty. Preston introduced Ed Klimek, a partner with KSS Architects.

Mr. Klimek indicated on display boards the rendering of the building on Lot 83. He noted the intent is to develop architecture that has continuity with what they have done before. He added the zoning ordinance doesn't anticipate long buildings, as a long decorated box, but rather the intent of multiple buildings which have come together. He noted the areas of focus on the building, at the end with contrast and color with large areas of glass, canopies, changes in roof height, changes in plane and grid.

Mr. Melosky asked Ms. Heller and Ms. Samuelson about the last sentence from Zoning comment #1, in the March 6, 2019 letter, that more architectural details are required for the facades of the buildings facing Easton Road and Route I 78 and asked Ms. Samuelson if this is something that is apparent. Ms. Samuelson asked Mr. Klimek to explain which façades are facing Easton Road and the I 78 exit on these plans and where the changes in the height of the building are. Mr. Klimek indicated on the display boards which sides were facing I 78 and those that are facing the entrance to the site. He indicated the south elevation on Lot 83 which showed the canopies. He then indicated the south elevation on Lot 85 which shows the same thing. He noted there are elevation changes and they changed the façade's color, texture, and grid. She asked what the change in height would be. He replied it is only 1 to 1 ½ feet difference, but it is enough to make a change on that plane.

Mr. Melosky asked if there were any other questions from the Planning Commission. Mr. Stellato asked about the office space and how many employees are anticipated for each site. Mr. Klimek replied it is not known who the tenants will be so it is difficult to say and that is why they are introducing as much glass as they have shown.

Mr. Melosky asked Atty. Preston if he had an answer to the question of how many employees are anticipated for each site. Mr. Dredge replied for planning purposes, as far as the sewage planning module is concerned, they assumed 46 employees for Lot 83 and 72 for Lot 85.

Ms. Cohen asked if the emergency exit along Easton Road was reviewed by the City. Mr. Dredge stated it is a state road, they have an application in for a permit for that, and PennDot is reviewing the application. Ms. Cohen asked if the plan was reviewed by the City in terms of the fire truck access or egress. Mr. Dredge replied yes.

Mr. Melosky asked Ms. Heller and Ms. Samuelson if there are any additions or comments for the waiver for the sidewalk and curb along Easton Road that the City wanted to address. Ms. Heller replied there is a memo from Amy Rohrbach dated March 4, 2019. The City supports the waiver request for both the plan size and the deferral for sidewalk and curb along Easton Road.

Mr. Malozi asked if the applicant intends to comply with the conditions set forth in the March 6, 2019 letter. Mr. Dredge agreed.

Ms. Cohen asked if the road between the two buildings is a private road. Mr. Dredge replied it is private. Ms. Cohen remarked it is not required to meet the sidewalk requirements. Mr. Dredge said that is correct and added they are providing sidewalk on the one side. Mr. Malozi asked if

LANTA reviewed this plan. Ms. Heller remarked the City does not have LANTA comments on this plan. Mr. Melosky asked if that was requested in a past plan off of Feather Way. Ms. Samuelson remarked she will send the plans to LANTA, but LANTA is going onto Feather Way.

Mr. Melosky asked if there was any comment from the public concerning the deferral request in the land development and subdivision plan of Lots 83 & 85 of LVIP VII. There were none.

Mr. Melosky reminded the Planning Commission members that on the March 4, 2019 memo they are deleting #2, so they are making the deferrals on #1 and #3. He asked Atty. Healy if that is correct. Ms. Heller stated #1 is a waiver and #2 is a deferral.

Mr. Melosky made a motion to grant the waiver of Article 1345.06 as it pertains to the Plan Size. The motion was seconded by Mr. Malozi and passed with a 4 – 0 vote.

Mr. Malozi made a motion to approve the deferral of sidewalk and curb along Easton Road as a waiver of Article 1349.06. The motion was seconded by Ms. Cohen and passed with a 4 – 0 vote.

Mr. Dredge asked if there is a deferral needed for Lot 89 for installing sidewalk along the frontage of Lot 89. Mr. Melosky noted that in the March 4, 2019 memo, #2 was removed. Atty. Healy remarked he would like to see it in writing, but the totality of it you could go on based on their request as long as it is noted. Ms. Heller asked Ms. Rohrbach if she any comments. Ms. Rohrbach remarked she did not have the original letter with her, but she believes the original letter asks for a deferral of sidewalk for the frontages in all of where they are improving on the Feather Way extension. She added she only recommends a deferral for Lot 89 because they are not proposing a development at this time. She noted that lot would come in for land development and would get sidewalk at that time. She added there is still the need for a deferral for Lot 89. Atty. Healy asked if that was noted in the review letter.

Ms. Samuelson remarked that in the March 4, 2019 memo, #2 should be acted upon. Atty. Healy responded it should be acted upon separately; consider it part of the review memo from the Engineer. He noted it is only part of request #2 being removed, not all of it.

Mr. Melosky noted #2, the deferral of the sidewalks, was discussed. However, he wants to make sure that regarding the frontage along Lot 89, at a future time as it is developed, the requirement for the sidewalks will be addressed. Atty. Healy agreed a motion was needed to defer it now.

Mr. Melosky made the motion to defer it with the condition as Lot 89's land development plan is reviewed, the sidewalks be installed. Mr. Malozi added to confirm the March 4<sup>th</sup> memo does state for #2 " the developer shall install sidewalk around the entire cul-de-sac to Lot 83's lot line abutting lot 89", so that is the deferral. The motion was seconded by Mr. Stellato and passed with a 4 – 0 vote.

Mr. Melosky stated regarding the development plan of Lots 83 & 85, 1198 and 2020 Feather Way, is there a motion.

Mr. Malozi made the motion to approve the land development and subdivision plan for LVIP VII Lots 83 & 85, 1145 Hellertown Road, 1198 and 2020 Feather Way conditioned upon meeting all of the criteria outlined in the March 6, 2019 letter from the City of Bethlehem. The motion was seconded by Mr. Melosky and passed with a 4 – 0 vote.

- c. (19-001LD) (SKETCH PLAN) – #19020001 – First Terrace Housing – 496-520 First Terrace – Ward 4, Zoned RT, plan dated January 25, 2019.

Austin Siboni, a managing member of Lehigh Properties, GT, which owns the land at First Terrace and the 4 dwellings on First Terrace, introduced himself. He indicated on the display board the project proposes taking 4 houses, 514, 508, 520 and 496 First Terrace, and demolish them and develop 10 new attached row home style, 5 bedroom, 4 bathroom houses. He noted they have been working on the project for about 9 months and have thought of different

variations, design schemes, had many meetings with Lehigh University and the City, and believes this is a very well thought out project. He remarked when meeting with the University they were generally interested in the project. He added Lehigh is targeting graduate students. His firm is focusing on student housing.

Mr. Stellato asked Mr. Siboni to show where First Terrace was located on the map. Mr. Siboni indicated on the display board where First Terrace was located. He stated it is the most northern street behind Lehigh that is public. Mr. Stellato asked who owns the houses which they are proposing to tear down. Mr. Siboni replied they belong to us, and they own all but 6 houses on First Terrace currently. He noted they own houses on the end: 402, 422, 424 First Terrace, and they would like to acquire others. He added they also own 496 through 520, which is the other end of that street, and they also own 432, 426, 407, 403, 405, and 409 through 411 Stoneman, 905 Meade St., and 416 Selfridge. Mr. Stellato asked if the area is student occupied. Mr. Siboni replied the entire area is student occupied; every single house is currently rented. He added 80 to 85% are graduate students at Lehigh, but they also have some DeSales University students as well.

Mr. Malozi asked Mr. Siboni to display the lower areas. Mr. Siboni showed him and also indicated where the structures to be demolished were located.

Mr. Melosky asked how many units were to be constructed. Mr. Siboni replied 10 houses in total; there are currently 4 existing houses to be demolished so the proposal is for an additional 6 houses. Mr. Melosky asked what the number of floors per house would be. Mr. Siboni replied the number of floors per house is 4 in total, 3 floors actual living space with a garage on the first floor. Mr. Melosky asked if all of them would have a garage. Mr. Siboni replied every house would have a two car garage. Mr. Melosky asked if there is off street parking in the front of the garages. Mr. Siboni remarked they are proposing two cars in front of the garages, except not on the end unit where it overhangs into the street. He believes this layout will alleviate the current parking issues on First Terrace. He added all tenants currently park on the street, with the street being about 12' wide, so you can barely get through when another car is coming in the opposite direction. He added this would help with the current parking situation and add additional off street parking of which no other houses in the area have, except for their properties at 432 Stoneman and 905 Meade Street, which have large parking lots in front of them.

Mr. Stellato asked if any of the properties are blighted which they own. Mr. Siboni replied he was not sure. Mr. Stellato asked Ms. Heller and she replied they would not be able to be occupied if they were blighted.

Mr. Melosky asked how many bedrooms are in each unit. Mr. Siboni replied 5 bedrooms are located in each house, with a total of 50 beds. This would be an additional 30 beds, since currently there are 20 beds. Mr. Melosky added hypothetically if you have 5 students in a home, you have a double garage, how much space is from the garage door to the street. Is there enough space for another car with off street paved parking to fit? Mr. Siboni replied yes, he believed so and he will let the engineers and architects talk more on that. Mr. Melosky asked if there were any other questions for Mr. Siboni.

Karl Leitner, the Engineer for the project, introduced himself. He stated a Feasibility Study was conducted in July, 2018, looking into about 10 different housing layouts noting they were facing a challenge since it is a small property with steep slopes. It was designed to reduce and provide a layout that has the least amount of variances. He noted in October they sat down with the Planning Bureau and incorporated some of their comments into their design which they submitted in January.

Mr. Leitner addressed the comments about parking. He indicated on the display boards where the closest parking space would be to the front property line. It is about 10' from the easternmost proposed house. He added normal parking spaces are 9' X 18', and cars parked in the driveway will not extend into the road. Ms. Samuelson noted it is not a parking space because there is only 11' from the garage door to the property line. Mr. Leitner noted per the ordinance they are

required to provide 2 parking spaces per dwelling, and they will be providing that within the garage. He added one of the SALDO requirements was to provide no parking signs along both sides of the road and they will comply with that.

Mr. Melosky asked Ms. Samuelson if there is anything else from the March 6, 2019 letter as it pertains to the sketch plan for First Terrace Housing.

Mr. Leitner addressed the comments in the March 8, 2019 letter from the City of Bethlehem. He referred to the second page and began with the Zoning Comments. He noted the 1<sup>st</sup> comment is about garage doors and parking being in the front of the lot. He referenced the display boards and showed the existing features of the plan and noted all of the gray hatching shown is steep slopes which take up most of the property. He added the last comment from zoning is about impacts to steep slopes, which is almost unavoidable on this project site. He noted they want to put the parking in the front to avoid as much impact as they can to the steep slopes, which is the main reason for that variance. He added the next comment is about double car parking. He said in the zoning ordinance it requires two parking spaces per dwelling, which they have provided with the garages on the first level of the buildings. He noted the overflow parking will have to be regulated by the signs on the street. He advised #3 states no more than 4 cars may back out onto the street from a private drive. He added again they were trying to avoid the steep slopes in the back and were not able to provide a single driveway for the whole development. He referenced the proposed plan on the display board and said initially they had the whole front of the lot as pavement to provide more parking area and then split them up into separate driveways so no more than 4 cars per driveway would be backing out onto the street. Regarding #4 about the retaining walls within the public street ROW, as he pointed out before, the steep slopes on the site make it hard to comply with anything like that. He noted they are trying to provide driveways which aren't over 10% in grade. He noted they may have to put 3 retaining walls in between certain driveways. Regarding the need for 9' X 18' parking stalls, he noted the current architectural plans show a 16' wide garage door and 16' wide driveways. They will extend that to 18' X 18' for two vehicles. He referenced #5 having to do with multi-family dwellings standards noting the first comment is about the 180' maximum length of a building. They specifically designed these buildings as separate buildings. Per the fire code, they have to put fire rated walls in between them, because they are occupied by different living units. He added they are staggered in height and in distance from the road for that reason.

Gary Lader, the architect for the project, referenced the overall elevation on the display board. He noted it will be built around a curve and showed another view on the board. He noted this view is all the units pieced together and purely a scaled view. He indicated snap shots of what it would look like with the actual grade.

Mr. Leitner added, indicating the display boards, the whole site steps down. It is graded so everything flows to the northwest corner. He added it is another reason for stepping the houses, also stacked so they look separate. He noted the next item, the building height of 39.5', requires 25' setback in the front yard and they are supplying an 11' setback, noting the existing houses there violate the same regulation and they are not making it any worse. He reiterated they are trying to avoid the steep slopes in the back yard after they put in the diversion swale to protect the houses. They are protecting 50% of the natural steep slopes. Regarding the side yard setback being 17.5', he stated they will "skinny up" the building adding they are only violating that by 6" on each side, adding they will comply with that as they make their plans more definite. Steep slopes encompass almost the whole rear of the properties, some defined as man-made and some are defined as natural steep slopes. They tried to avoid natural slopes.

Mr. Stellato asked if there was only one entrance to each facility, up the steps and onto a porch being the only entrance. Mr. Leitner remarked the first floor is the garage; it will be the outside front door. Mr. Malozi asked if there is an exit/entrance in the back of the houses. Mr. Leitner remarked there will be a patio and small deck on the backside which will be on the second floor, the first living floor. Mr. Malozi noted they would come out on grade in the back. Mr. Leitner agreed.



Mr. Melosky recommended a traffic study be done from the stand point of the number of people living there and the number of houses there will be, because unless there is an agreement with Lehigh University that says there will be a shuttle that picks up those students there for their graduate courses, you can bet that a graduate student will get in their car to drive down to the campus.

Mr. Leitner noted there is a comment from the Traffic Bureau. He spoke to Ms. Wells today and they will supply the trip generation calculations. Ms. Wells added 50 trips at the peak hour in any direction should require the traffic study.

Mr. Malozi added there was a mention of discussions with Lehigh University. Does this fall into any of their plans that we know of, for shuttles or any sort of transportation provided for graduate students, or are there any restrictions on grad students having cars? Mr. Siboni noted there are no restrictions on grad students having cars, but he wanted to point out it is very close to the school; it is within walking distance, noting there is a stairway on First Terrace that one can access behind Rathbone Hall, so most of their students do walk. He added their parking lots on Meade Street and Stoneman are not full. He added they use those parking lots to provide parking for their other houses.

Mr. Melosky asked Mr. Siboni to point out where the parking lots are in reference to where the proposed development is located. Mr. Siboni indicated on the display board where the 432 Stoneman parking lot was located. Mr. Melosky asked how many spaces were on that parking lot. Mr. Siboni remarked there are about 10 parking spaces at that lot. Mr. Melosky asked if it is a confirmed 10. Mr. Siboni remarked he was estimating. Mr. Melosky said that is one lot of 10 parking spaces. Mr. Siboni indicated the location of Meade Street and he estimated there were approximately 20 parking spaces located there: 5 parking spaces in 4 different areas. Mr. Siboni stated they have parking blocks and they are all striped. Mr. Melosky asked if a permit is required. Mr. Siboni replied a permit is not required. Mr. Melosky noted it does not stop anyone currently in the neighborhood from utilizing them as well. Mr. Siboni stated there are security cameras and if there is a car without a parking agreement with us then it gets towed.

Mr. Melosky asked if there is anything else from the letter dated March 8, 2019.

Mr. Leitner mentioned most of the comments they will comply with, including the Fire Marshall's; they will be working with Chief Baer to make sure he has access. He added the one comment he would like to discuss is the sidewalk. He stated they would supply the curb, they have no problem with that; they will extend the road as much as necessary on their side, but as far as sidewalk goes, they have a couple of retaining walls that they need to separate the driveways. It is difficult with the grades to provide a sidewalk. He added even if they did, it would almost be too steep to walk on.

Mr. Melosky asked in the display photo if there was a sidewalk in the area to the left at the bottom of the large picture. Mr. Leitner advised it looked like there were some sidewalks in that location. He added on the grading plan it does flatten out more in that area. Mr. Malozi asked what sidewalk is existing there today, is there any on either side. Mr. Siboni and Mr. Leitner replied no, not against their properties or across the street from their properties. Mr. Siboni added there are no sidewalks at all on First Terrace.

Mr. Stellato remarked the rest of the neighborhood consists of private homes. He asked if they have driveways or do they park on the street. Mr. Leitner stated Mr. Siboni has more experience within this area, but the last time Mr. Leitner drove through the area there were cars parked all over the road. They do get a lot of tickets, and the school and the City ticket them. He added it is mostly during orientation week when parents are here, but as far as what is currently up there, it is so mixed that it would be impossible to say. He added 3 houses down from them is a 4 story building and a driveway with a garage at the bottom. This is the same as what they are proposing. He noted there are cut outs along some parts of First Terrace where people park. Some houses have driveways that go all the way up into the back areas of the lots.

Mr. Stellato noted that parking is a major issue. Mr. Leitner stated they are trying to improve that

by taking it off the street and putting it in those closed garages. Mr. Melosky commented they are taking it off the street, but are adding a substantial amount of additional people with 10 homes and 5 students per home. He added he would make a recommendation to look at the number of proposed dwellings and he would not recommend 10 homes. He noted he heard from both Mr. Siboni and Mr. Leitner the parking situation is chaotic there, and now they are adding more people/students which he understands they are trying to alleviate the situation by having two car garages. He remarked if there are 5 grad students there would probably be 5 cars per dwelling, which is a concern.

Mr. Siboni noted most students at Lehigh do have a vehicle; however most graduate students don't have cars because they are very cost conscience individuals as they are going through a second phase of schooling. He stated the grad students do not have a need for cars; they would rather walk. He added he does not believe the parking is as big of an issue as it may seem, plus they are providing the necessary amount of spaces per dwelling and are taking more cars off the street than they would be putting on the street.

Mr. Siboni added each house has about 2 cars, no more than that. He noted when they meant parking is an issue up there; he did not mean it is a disaster, but it has been a long time since anyone has done any sort of development, policing or landscaping up in that north area. He added he thought making the street a one way street in that part of First Terrace would be a good idea.

Mr. Stellato noted his concern is this development is the 3<sup>rd</sup> or 4<sup>th</sup> project to come before this Commission in the last 6 or 8 months, and each one is taking parking spaces away. He advised the Commission was not voting on anything tonight, but wanted to bring it to Mr. Siboni's and Mr. Leitner's attention. Mr. Melosky reminded them any time a sketch plan is in front of the Commission, they are giving recommendations to the developer before moving forward.

Ms. Cohen's first comment referenced the letter from the City referring to the building code as a 2009 building code and she noted by the time this development would get building permits it will be the 2015 or later building codes. She added her second comment is about the parking on the steep slope, because of the density of the lot being proposed. She noted they created some issues with coverage, steep slopes and building heights that, because the property is steep, we know there will be parking issues. She added, as others have said, maybe a less dense application for this particular site might be more appropriate. She noticed on the architectural renderings there are terraces on the upper floor facing the street. She does appreciate the design of the façade of the building, but in the future she might be concerned about students on terraces facing a public street in a residential area.

Mr. Siboni remarked the height of the terraces is not that high because they are on the second floor above the garage, with a gorgeous view of the City of Bethlehem, extending almost all the way to Easton. He added it would be a shame to put the terraces in the back of the building where it is simply just trees and woods.

Mr. Melosky referred to the display board and the rendering of the third floor of what appears to be a person standing. Ms. Cohen remarked she was referring to a party sized patio. Mr. Siboni remarked there is a bedroom there and it is simply the patio for that person's bedroom.

Ms. Samuelson addressed the slope issue. She noted the developer needs to put the slopes on the proposed plan, adding it appears they will have to request significant variances for disturbing the steep slopes. She added in general, with 2 car garages, at the eastern end they will overhang into the curb and sidewalk area. She noted there are a number of variances which would need to be obtained and they are all listed in the zoning comments.

Mr. Malozi remarked, pertaining to the comment in Miscellaneous Engineering about curb and sidewalk, the City stated that a warrant of survey from the City's Engineering Bureau will be required, and how will that affect the sidewalk issue. Mr. Leitner replied it means the City's surveyors will do the stake out and show the developer where the curb needs to be prior to construction. Mr. Leitner remarked that they will comply with the comment.

Mr. Melosky asked Mr. Dorner if there was opportunity to look at the slope area which was discussed here in terms of the steepness and if sidewalks can even be constructed. Mr. Dorner advised sidewalks can be installed, but they may not be ideal. If they can put the driveways in, sidewalk could also be added, but more detail would be needed to make a final decision.

Ms. Heller advised sometimes it is a matter of setting priorities in what is wanted in an area. She noted on one hand if there aren't going to be that many cars, because people walk to campus, then the sidewalks would need to be installed to accommodate the people who walk to campus. She noted the purpose section in the steep slope section of the Zoning Ordinance, which is not enforceable, but outlines why those provisions are there. She noted there are 8 purposes: one is to avoid increased storm water flow rates, one is to steer development to areas that are more physically suited for it to avoid construction of steep roads because they are difficult, time consuming and expensive to maintain, another is to avoid the use of steep roads and driveways that are dangerous to drive upon in snow and ice or are difficult for fire trucks to access and one is to seek to conserve forested areas. She added there are a variety of reasons that the section on steep slopes is in the Zoning Ordinance and it is one of the provisions that this kind of development would need some significant relief from. She added it is the density of the development that requires the relief. She noted there are letters from neighbors that were submitted and some people from the neighborhood are at this meeting to add their comments.

Mr. Melosky thanked Ms. Heller. He asked if there were any comments from the public at this time.

Murdocc Saunders of 727 Hillside Ave. stated he lives there with his wife and they are both young professionals. He works in sales and his wife is a health care professional. They live there with two young children. He remarked he wanted to relate the reality of what's happened on Hillside Ave. right now and what has happened on the south side. He advised they bought their house in 2008 from his father-in-law who lived in the house since he was a child. Mr. Saunders wants to continue that legacy. They want to raise their children on the south side; they want to raise their children in a diverse area. He noted he works in Philadelphia and chose to live in Bethlehem. He informed them that last year there was an incident on Hillside Ave. They were coming home in the evening and it was dark. He was holding onto his 4 year old and his 8 year old when the 4 year old got a little bit aggressive and almost ran into the street. A car was coming up Hillside Ave. and unfortunately he almost got hit that day. It scared him and he was very emotional. He added there are just more and more cars, more and more traffic and it is getting to the point where they come home they can't park in front of their house. He added they can't park on their block; they usually have to go up to Hillside Ave., then walk down that street and if there is any snow on Hillside Ave. or any of the side streets, it becomes a nightmare. He added he loves Lehigh, he loves what they do in the community, but we have to think about the impact of more cars, more people and what that will do to families. He believes the south side should be a blend of students and families. If it continues at this pace they will be forced to leave. He does not want that to happen because they made a commitment that they want to stay in Bethlehem and make the City better and keep diversity in Bethlehem. He would hope that the Planning Commission thinks about that as they make a decision. He advised he could answer the question about parking. He stated parking is terrible. He said the houses next to them are grad students and they fight every day. They fight about parking, they don't talk to neighbors, so they are not a part of the community.

Anne Evans, a resident of the south side, noted she feels very strongly when development projects are proposed, and this is actually anywhere in the City. They should not request so many variances. She added this project requires variances in steep slopes, parking, impervious surfaces and the design. She stated the town house design, makes it look like it is row houses. She lives in a row house and she knows what they look like. She feels they would be hard pressed to find anywhere in Bethlehem; where one must walk up those high steps and where there are garages underneath houses. It is not an urban Bethlehem design. She added she knows of one other row

house area and it looks terrible in a traditional neighborhood. She stated that design just does not fit in here. She added when the developer was explaining about the houses that are across the street on Meade Street, he was correct in that they own a number of those and the others are student rentals. However, along First Terrace to the south, there's another 12 properties, some of which are rentals, but the others are owner occupied. She noted there have been neighborhood meetings, but because the Planning Commission meetings are at 4 PM, most people are working and cannot attend. She added as a resident, who lives in a student neighborhood, she is very aware of the impact of students on the neighborhood. She informed them they have been in their home since 1980, which is on Montclair Ave. on the west side of campus, and did not have student neighbors. She stated now, there are only 6 houses in her neighborhood that are not students. She remarked that there have been a lot of changes in this neighborhood and they have not been for the better. It is a stable neighborhood where families still live, where they still want to live, where they choose to live. She stated this development will really fundamentally change that neighborhood. She stated the developers already own, as they said, other properties in this neighborhood. Is this going to be just the first proposal in the beginning of other oversized student development? She asked how many neighborhoods are we willing to give up in our City, to abandon to students. She mentioned Lehigh University has very clearly stated that their new Path to Progress will not put more students in the City, that they will accommodate those students on campus. She advised the parking is her huge concern. In her neighborhood they have permit parking and it is the only thing that saves them. It does not mean she parks in her neighborhood; because permit parking covers several blocks, but at least she knows she can park within a block or two of her home. She heartily encourages a traffic study, including fire equipment access into that area and around the corners up there. She stated this development is a half mile from the center of campus to the closest house. She stated at the end of her block is Wendy's, and her student neighbors drive to Wendy's and it is only a half a block away. She also stated that of the 32 houses that are rented to students in the 400 block of Montclair Ave. only one of them does not have 5 cars. She added she is not sure, she doesn't have statistics on graduate students vs. undergrads, but both of them live on Montclair Ave. and live in the houses which have 5 cars. She thinks increasing this level of density and adding that level of parking will destroy that neighborhood, and people like the neighbor here will move out, because you don't want to raise your children in a student neighborhood.

Kira Mendez who lives at 735 Hillside and also owns 737 Hillside, which is an empty lot, introduced herself. She stated they moved into the neighborhood 2 ½ years ago, and both her husband and herself are alumni of Lehigh University. She added they love the City and love the neighborhood. She stated she currently works at the University. She wanted everyone to be aware the adjacent neighborhood to these properties is predominantly owner occupied. She stated they chose their home for that reason; they have renovated their home to look like the rest of the neighborhood so it would fit in. She noted there are several Lehigh faculty and senior staff that live in the neighborhood in various places, with a few new additions to the neighborhood. She added she is all for the University and all for students. She added the density for that particular area with the steep and narrow roads are very treacherous and it is worrisome to her living down the mountain from that development. She noted she drives on that road regularly, noting the summer programs she runs are in Upper Centennials, which is right in front of First Terrace. She stated when you drive up that road to come down on the corner where these houses are going to be, you are virtually blind to anything coming the other way. She noted they may want to do a one way road there, but then you have a road that only goes into the campus property on the other side. She would like to see a traffic study done or a parking study done. She definitely thinks there is a lot of analysis needed to make sure that this is the right use of that property. She worries about the density.

Mr. Melosky asked if there were any other comments from the public at this time. He added seeing none; he noted the Planning Commission's purpose here tonight for the sketch plan is to make recommendations. He asked Atty. Healy if all recommendations that are made may be in the form of a motion. Atty. Healy agreed.

Mr. Melosky opened up the floor to the Planning Commission members for any motion that pertained to the sketch plan, and noted the Planning Commission is again making recommendations to the sketch plan as it was presented.

Mr. Stellato asked if they would be finalizing the recommendations they made. Atty. Healy replied they would make recommendations concerning this submission; they are not approving the sketch plan and he suggested if they have a recommendation that they make one recommendation at a time, take a vote on each one and then a total list of recommendations can be the action of the Commission.

Mr. Malozi asked if it is understood that the letter accompanies the comments from the City. Ms. Heller replied yes, typically whether or not you concur or agree with the comments in the letter and want to move it forward, you state that you support the comments. If you have anything additional, you would add those other recommendations.

Mr. Melosky made a motion that all of the items in the March 8<sup>th</sup> letter, along with a complete traffic study, shall be considered in that area along with the suggestion that they decrease the amount of density.

Ms. Cohen added the comment about the letter referring to the current applicable building code.

Ms. Cohen made the recommendation reducing the density based on the steep slope variances required. Ms. Heller added that might be a reduction in the foot print of the building because that is what the steep slope provision is for.

Mr. Malozi added consideration shall be given to ideas about how to control parking demand as it pertains to the zoning relief requested. A reduction in density shall be investigated.

Mr. Melosky asked if there were any other recommendations from the Planning Commission at this time. There were none.

Ms. Heller noted the Planning Commission is recommending all of the items in the March 8<sup>th</sup> memo would be addressed, completion of a traffic study, examination of the reduction of density, revision of the applicable building code, reduction in the building foot print and an analysis of parking demand. Ms. Heller asked if it is Mr. Melosky's motion. Mr. Melosky replied yes.

Mr. Melosky asked for a second to the motion.

The motion was seconded by Mr. Stellato and passed with a 4 – 0 vote.

### 3. DISCUSSION ITEMS

There were no discussion items for this meeting.

The meeting adjourned at 6:15 P.M.

ATTEST:

  
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Darlene Heller, Commission Secretary