

**CITY PLANNING COMMISSION
MINUTES OF MEETING
April 11, 2019 – 4:00 P.M.
TOWN HALL**

Present: Commission Members – Mr. Melosky, Mr. Malozi, Mr. Barker, 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 Duane A. Wagner and Lewis Ronca. Representing the press were Nicole Radziewich, Sara Satullo, Louis Gombocz and Haley O'Brien.

1. APPROVAL OF MINUTES – March 14, 2019

Mr. Stellato made a motion to approve the minutes of the March 14, 2019 Planning Commission meeting. The motion was seconded by Ms. Cohen and passed with a 4 – 0 vote with Mr. Barker abstaining.

2. LAND DEVELOPMENT

- a. (19-002LD Master Plan) – #19030007– Martin Tower Complex Master Plan Review – 1170 Eighth Avenue, Ward 13, Zoned OMU, Plans dated March 11, 2019.

Mr. Duane A. Wagner, representing HRP Management, LLC the developer of the Martin Tower site at 1170 Eighth Avenue, first addressed the status of the demolition which is scheduled for May 19, 2019.

Mr. Wagner stated that City Council did not want the creation of a third downtown which would result in an adverse impact to the existing north and south side businesses. City Council did not want to create another downtown or Main Street setting at this property. He noted that City Council did not want residential that would adversely impact the school district, bringing in a large number of school age children. He added what City Council did want is limited retail to support the residents and employees within the development. He noted the plan creates more residential to give opportunity for the people to visit the downtown and local businesses. The goal is to create an office and commercial development with jobs and employees to support the downtown, the tax base, but the focus was on trying to have the site serve as a feeder for existing businesses.

Mr. Wagner reviewed the Purpose section of Article 1311, Design Standards, and noted the plan will comply with the purposes in that section.

He reviewed all of the proposed uses on each of the proposed lots in the development.

Mr. Wagner reviewed the three main uses that are required in the Zoning Ordinance - Office, Retail/Commercial and Residential. He added the Office portion of the development is 14%, the Retail/Commercial portion of the development is 11.4% and the Residential portion of the development is 74%.

Mr. Wagner reviewed the neighboring uses around the site. He believes the plan the developer is proposing is consistent with the existing surrounding uses.

Mr. Wagner explained the parking and access points of the Master Plan on the property. He showed the 528 residential units. With two parking spaces per unit, they are required 1056 spaces and they are providing 1058 parking spaces in compliance with the Zoning Ordinance. He

continued to review all of the proposed uses, the required number of spaces for each and the total number of proposed spaces for each use. The Medical Office buildings require one space per 250 sq. ft. of building area, requiring 240 parking spaces. They are providing 312 parking spaces. Mr. Wagner acknowledged that the number of spaces far exceeds the required number of parking spaces for each use. He noted the developer does not want to have a lack of parking because they are not in a place where additional parking could be found.

Mr. Wagner reviewed the existing access points to the property. He noted all of the existing access points along Eaton Avenue and 8th Avenue will be retained and utilized. He stated the utilization of these access points was discussed during City Council's public hearing in October, 2015. There are two new or revised access points, one at the mid-block section of 8th Avenue across from the CVS where the lighted interchange is now. The other is along the western end of Eaton Avenue. That driveway is changing from a full access to a right in / right out configuration.

Mr. Wagner addressed walkability on the site and added that all the uses are connected with sidewalks within and around the development. Bicycle racks will be provided. Interconnection to trails and parks will be provided. A pocket park was added to the plan to feature the "I-Beam" icon from the Martin Tower entry fountain along with gazeboes, benches and tables.

The sightline/viewshed from Burnside Plantation will be protected. He noted the zoning setback requirement from Burnside is 75 feet and that the closest planned building would be on average 153 feet away from the lot line. Mr. Wagner noted that the proposed uses will provide a total estimated 375 jobs. He also reviewed real estate tax projections for the project.

Mr. Melosky noted that in the past, the parking lot was utilized for overflow parking for festivals. Mr. Wagner agreed.

Mr. Stellato was interested in the pocket park with the "I-Beam" monument feature. It is in line with the Bethlehem Steel heritage and what the tower building stood for. Mr. Stellato asked Mr. Wagner if the park will be available to all people. Mr. Wagner remarked it is available to everyone with seating for 40 to 50 people.

Mr. Melosky asked Ms. Heller if there is a path, south of Burnside, which eventually connects towards the downtown area. Ms. Heller noted the path is on the east side, which is Monocacy Way. Mr. Wagner pointed out the trail on the slide.

Mr. Melosky asked Ms. Heller if there is a connection to the area south of the proposed pocket park. Ms. Heller replied there is a rail line which runs along the southern edge of the project. It is still owned privately by the railroad and is unused, but if it could be acquired it would be another trail connection to Monocacy Way. Mr. Wagner noted the developer made a point by the pocket park to connect with that path.

Mr. Malozi thanked Mr. Wagner for the detailed presentation. He asked Mr. Wagner how he decided upon the mix of uses for the plan. Mr. Wagner remarked the biggest influence was direction from the Zoning Ordinance and what the developer heard from City Council. He noted it is important to create residences which would support the downtowns, office uses that create jobs and retail on site to support both the employees and the residents.

Mr. Malozi asked City staff if the ordinance prohibits mixing uses within buildings. Ms. Heller replied no. Mr. Malozi noted that one of the purposes of the district is intended to encourage ground floor retail services to create connectivity between the residential and commercial buildings on the overall tract. Mr. Malozi added that mixed use is not prohibited. Mr. Wagner stated it is not prohibited, it is discouraged.

Mr. Malozi remarked that things have changed a lot in four years, including the landscape of retail and residential markets. Mr. Malozi noted the original plan in 2006 had lots and lots of residential, but that was the height of the residential market. In speaking to other developers who are involved with developments of this scale, Mr. Malozi recognizes that urban mixed use in a suburban setting (and west Bethlehem is a suburban setting) does very well for developers and also for the surrounding communities. Mr. Wagner agreed with Mr. Malozi but felt that urban mixed use is what City Council didn't want to have happen at this site. He noted if the people are visiting new businesses at this site then they would not be going downtown.

Mr. Malozi noted the residential portion is primarily multi-family apartments. Mr. Wagner agreed. Mr. Wagner noted there is a demand for the apartments in the entire Lehigh Valley and the one and two bedroom apartment units the developer has experience with have the least impact on the school age children. He added that in Cedar Park Apartments, a similar development, there are about 25 school age children in 144 units, which is under .2 children per unit. It is a very low student ratio. These units are market rate apartments, not an inexpensive apartment, so the development will attract people with disposable income which is good for the City and the downtown.

Mr. Malozi asked about public spaces. Mr. Wagner said the public spaces will have active programming, particularly at night, which tends to improve social fabric and makes the development more sustainable. Mr. Malozi noted we have seen a major corporation fail on the site, we have seen a huge residential never kick off on the site and we have seen proposals for heavy retail, at the whim of market forces, get pushed to the side. Mr. Malozi noted that what is presented is a mix of uses, which is sort of a balanced basket. Mr. Malozi added his concern is the integration of the site. Mr. Malozi feels Mr. Wagner feels he is "handcuffed" as far as that goes. Mr. Wagner replied he wouldn't say "handcuffed" he is just trying to listen to what the desires were in reading the ordinance and understanding how it was created in the months it took to be adopted. He noted there is recreational opportunity for the residents; there is a club house and a pool with mixed space. The developer feels the park accomplishes what would make sense for the employees and residents and anyone else who would want to use the space. He noted the fountains make it nice when you have a pond with a water feature. He added the developer wanted to make sure they connect to the trail system and the park that exists across the street, adding they are across the street from the biggest park in the City. He noted the City Park has a dog run, a public pool, the golf courses, baseball fields and tennis courts. The developer wants to encourage people to use the parks, connect to the Westgate Mall, the downtown, and to walk to the west side Rose Garden in a 15 minute walk.

Ms. Cohen noted that the developer is referring to several smaller lots and questions if there is an intention to separate the lots. Mr. Wagner said yes. He added the next step would be to do a land development plan to subdivide the parcels. Each parcel would be presented with its own land development plan before the Planning Commission.

Ms. Cohen noted that each building is surrounded by parking in excess of what is required. There is potential to cluster some of those buildings together and create additional green space, reducing the parking and sharing the parking among buildings. Is this something the developer would consider? Mr. Wagner replied they did consider that but the reality is that uses that come to the site want to lease the property that they have and they don't want to share their parking or their back yard. He added it is a requirement of the end users.

Ms. Cohen noted there is potential to designate another prominent pocket park more centrally located, possibly moving that monument into a more central location that would be more usable by other people in the City besides maybe the residents or the local office workers. Mr. Wagner responded the developer can certainly look at that.

Ms. Cohen asked Mr. Wagner to explain about the small gate and drive aisle around the back of the gas station. Mr. Wagner advised that it might be for circulation or loading area.

Mr. Stellato asked Mr. Wagner about the April 5th letter from the City noting there are a lot of thought, suggestions and ideas of things that can be revised. He asked if Mr. Wagner had any issues with the General Comments of the letter.

Mr. Wagner replied that some of them are statements and subjective in nature. He referred to the integrated uses. He says it is a great concept but it does not work on this site for what the developer has planned. Mixed use buildings with residences above nonresidential uses is something not planned for this site. He felt that would be creating residential above retail like a main street setting, which the City does not want. He feels the plan meets the 10% open space requirement. He noted the plan shows access to the existing Monocacy Way trail. He noted the developer will try to incorporate the "I- Beam" somewhere as a monument that will be visible for everybody.

Mr. Melosky asked if the pocket park; the common area, is located on a slope. Mr. Wagner replied no, the park would be built out and be accessible for anybody, it would be a flat level area. The pond will have to be regraded and has to be designed as a part of the stormwater management plan.

Mr. Wagner pointed out the developer has shown crosswalks and connects to all of the existing sidewalks. The plan also gives people access to the trails for biking. Appropriate outdoor seating and other outdoor amenities will be included in the design of the final plan. The plan will include protections to the historic Burnside Plantation related to building height and setback. He noted the building they have planned will not be visible over the trees, and added they are not doing anything with the existing tree line. They have put shields on the parking lights to minimize any impact to the Burnside Plantation. He added the developer is compliant with most of the comments.

Mr. Malozi asked how Mr. Wagner is addressing sustainability at this site. What would be the time line for development? Mr. Wagner replied the developer will be in for a subdivision and land development approval this year. Mr. Malozi asked if it would be for single parcels or for everything shown in the Master Plan. Mr. Wagner replied the first part would be to subdivide the property. Then multiple parcels will be submitted for land development.

Mr. Malozi asked what the time frame would be for the development until something is substantially built. Mr. Wagner advised that the office buildings will be submitted for land development approval within the next 12 months. Mr. Malozi thought that a site like this would be a 10 to 15 year build out. Mr. Wagner replied that it will be much quicker than that time frame.

Mr. Malozi asked if it is the owner's intent to retain ownership or sell the parcels individually. Mr. Wagner replied it depends on the end user.

Ms. Cohen added that at this point the residential area looks very uniform. She added the plan should include clustering, different styles of buildings, additional green space and less parking. Mr. Wagner replied the developer can certainly look at those items as the land development plan gets generated.

Mr. Malozi asked about creating a Main Boulevard. Mr. Wagner noted there is an entrance/exit off of Martin Court. Mr. Malozi noted the uses do not mix, either the parcel is residential or it is not. Mr. Wagner stated that none of the parking is shared.

Mr. Wagner noted that the developer will address traffic as part of the land development process. The uses they have planned are less intense than the fully occupied tower annex complex which was there before. Not much improvement will be required to the existing intersection at Martin Court and 8th Avenue because it is already built out to handle more traffic than they will be generating. The developer does not have any traffic data yet, because this is a Master Plan. As a land development comes forward the developer will conduct a traffic study.

Ms. Heller was asked to review the Bureau's April 5th letter. Ms. Heller noted that several review comments talked about reducing the amount of impervious coverage and the number of parking spaces. Atty. Healy noted that there are 223 spaces above and beyond what the Zoning Ordinance requires.

Earlier in the meeting it was mentioned that some employees from across the street need to park on this lot because there is not enough parking across the street. In the development across 8th Avenue there are no provisions for shared parking which is recommended at this site.

It is not Ms. Heller's recollection that the current Zoning Ordinance is not intended ever to allow residential uses above nonresidential uses. It is not prohibited in the Zoning Ordinance.

The letter recommends a greater variety of housing types on the lot. There are over 500 units but they are all of the same housing type. There could be townhomes, twins or units above some of the commercial uses to try to consolidate space. This would make for a more sustainable project. The more mixed use within the project the more sustainable the development would be.

The letter recommends a greater variety of active or passive outdoor recreational use. The pocket park was not on the plan that was originally reviewed. It appears as if the detention pond and the pocket park are on sloped and wooded areas. The plan should retain the maximum number of trees. The Zoning Ordinance requires that if trees are removed they need to be replaced. There are trees within the existing parking lot and those trees will probably be removed, but the plan should retain as many trees as possible in the areas that are natural and sloped on the perimeter.

The overall master plan must show how the development is proposed to be phased, whether there are the new lot lines, and what areas are to be dedicated to the City. The plan should show how the site is proposed to be developed so we know what is Phase 1 or Phase 2 and how build out will occur. It is important to also know what is proposed to be dedicated. Mr. Wagner advised that two roads are proposed to be dedicated.

Ms. Heller discussed the surrounding trail system. The City recently received funding to improve Monocacy Way from Schoenersville Road north to Memorial Pool and Monocacy Park. The City continues to look for funding to improve Monocacy Way from Schoenersville Road south to make the connection to the Colonial Industrial quarter and the D&L trail. She noted the relationship of this project to Burnside Plantation, which is a Lehigh County park. Burnside Plantation is also on the National Register of Historic Places. There are provisions within the ordinance about protecting sight lines. A close look at the sight lines will be needed as the development gets into final plan phases.

Ms. Heller noted that connectivity within and around the parcel is important also. Some of the pedestrian crossings on 8th Avenue and Eaton Avenue will need upgrades.

A tree inventory will be required for trees on the site because replacement of the trees will be required in the future. The types and variety of proposed land uses and the types of ingress and egress to the site are very different than the prior use so a detailed review of traffic and circulation will be important. She noted when Martin Tower was there it had shift changes with a

lot of in and out at certain periods of the day, but traffic patterns will be much different with varied uses on the lot. Again it is recommended that the residential section include a variety of lay outs that would have some back loaded parking instead of parking in the front and clustered parking so that the apartment buildings could be up to the street. The City would like to look at some more creative layout and design in some of the residential and the non-residential space. The City would like to match up street trees, lighting and other amenities with what is exists in the other development at 8th and Eaton Avenues.

Mr. Barker noted the employees from St. Luke's across the street are already parking at the site because there is not enough parking for the medical office facility on the west side of 8th Avenue. Mr. Wagner agreed. Mr. Wagner noted a significant amount of the parking spaces are related to the two medical office buildings. Mr. Wagner stated the developer has a tenant who wants to occupy and bring in 200 employees to the site. He added it is a compatible use with great jobs, but shared parking is not acceptable for a medical office use.

Mr. Stellato asked if LANTA service is provided at the site. Mr. Wagner replied there is a current bus route on 8th Avenue. Mr. Malozi noted there is connectivity via LANTA with bus routes 105, 215 and 102.

Ms. Cohen requested clarification about the parking in the residential area. Mr. Wagner remarked the developer is required to provide two spaces per unit which is the 1.75 per residential unit plus another quarter space for the visitor parking. Mr. Malozi asked if there is any consideration of structure parking. Mr. Wagner replied it is cost prohibitive.

Brian Hillard of 1510 Dale Lane said he is there on behalf of the Bethlehem Environmental Advisory Council (EAC). He presented a letter stating their concerns. Most of the concerns have been "echoed" by others. They included consolidating uses and clustering commercial buildings, shared parking, using permeable pavement, and increased stormwater runoff to the Monocacy Creek. He advised the City is initiating a Climate Action Plan in 2019. He discussed green infrastructure and trees. He noted that cutting down trees on this site and replacing them with another tree is not a net benefit. The EAC requests that trees be replaced on a 2 to 1 basis with the understanding everything will be done to retain as many trees as possible on the site. The EAC would like to increase the buffer area to 200 feet to increase the green space. He suggests natural swales and wetlands should be added to the property to increase the infiltration along with a solar assessment for solar panels and EV chargers. This site was an icon to our City and to our region, and he feels we would be well served to continue with that thought.

Ms. Heller wanted it noted the EAC did submit a letter dated April 10, 2019 and also a letter dated December 13, 2016. The letters will be a part of the record.

Diane Backus of 1925 Troxel Street in Allentown said both her parents grew up on the south side with their own share of Steel memories. She questioned the 4PM time and said it certainly wasn't meant for people who work. She did not appreciate there was only 10 hours of notice of this meeting since it was only in the newspaper this morning. She is underwhelmed currently at what is proposed here. She suggested Steel Park, Steel Campus, Steel Community, I Beam Park, but not Martin for names. She said the development seems extremely American by design. She asked why this plan has only straight lines. She suggested the plan should include low income housing. She suggested the project should be more environmentally friendly, minimizing stormwater runoff and utilizing solar and green roofs and green space.

Charlene Donchez Mowers, President of Historic Bethlehem Museums and Sites said she has a copy of her remarks for the files which she read into the record. Lehigh County purchased the 6.5 acre site on the eastern border of the Martin Tower property in the 1980's. The abandoned farm was turned into Burnside Plantation, a National Register Historic Site. The continuing

preservation of Burnside Plantation is of significant importance to the community and the region as a cultural heritage destination. Right now Burnside Plantation has the feeling of a rural landscape tucked in a metropolitan area. Except for the top of Martin Tower when entering the site it is not possible to see modern buildings. The green buffer between the two properties is critical to giving visitors a sense of being transported to another era. She is also concerned about water runoff from the Martin Tower property. It has already been an ongoing issue infiltrating in the lower level of the house barn. The water also finds its way to the Monocacy Creek, a class A Trophy Trout stream. They are also concerned with all the impervious surfaces. There is concern about the effect of so many people in such close proximity to the Burnside Plantation. She respectfully requests more consideration be given to the western entrance of Burnside Plantation. She also requests that the owners consider securing a Pennsylvania Historical and Museum Commission Sign for the site.

Mike Topping stated this plan shows nothing but parking and hard surfaces. He feels the idea of a subdivision is a mistake adding that each lot has to have access to a public street in order to have the proper services to that lot. He believes there should be shared parking. He asked who will maintain the common facilities. He said it looks like a condominium project in which case there would be a management entity that would take care of the streets and the water and sewer lines within that overall development. He would appreciate some clustering and shared parking.

Steve Melnick, 1624 Easton Avenue, believes the development meets all of the requirements but added it is missing individuality and some of the precepts of modern planning. He noticed the hotel is on a secondary site and is interior to the development. He added if he were a hotelier he would require visibility. He asked if in 6 or 8 months there will be a request for a variance for a rooftop sign that exceeds the limits of our existing ordinance because you can't see the hotel from the highway. He noted the same concern for the gas station/convenience store. He noted he has never seen one that does not have a visible sign. Hotels are open 24 hours a day and they are lit up at night. Medical buildings are usually dark and quiet at night because they are closed. Why not move the hotel to the street and move the medical buildings to the interior? He also shared concern with impervious coverage and traffic.

Steve Diamond, 425 Center Street, stated he is a Forensic Pathologist and wants to know about the resulting air quality after the implosion of the building. Mr. Melosky advised that it was addressed at the beginning of the meeting that the Planning Commission will not discuss anything with the demolition today.

Dana Grubb, 2440 Henderson Place, noted that some of the roads will need to be deeded to the City. He is disappointed there is no opportunity for owner occupied housing. To lessen the impact on the Bethlehem Area School District an over 55/active senior component would be a good opportunity at this location. He agreed with comments about more green space. He requests consideration of subterranean parking. He is disappointed that the developer is not providing housing for all social and economic strata in the City of Bethlehem. He would like to see more diversity in the type of residential units created and feels a mix of owner occupied and rental is more preferable in a development this size.

Stephen Antalics, 77 Ridge Street, reviewed the past and present owners of Martin Tower.

Dennis Costello, the General Manager of the Hotel Bethlehem, read a statement addressed to Mayor Bob Donchez from Bruce Haines, the Managing Partner of Hotel Bethlehem. The statement was submitted to be part of the file. The letter included concerns regarding the location of a hotel at this site.

Steven Glickman, 1824 Richmond Avenue, noted the Bethlehem Comprehensive Plan was not mentioned tonight. We noticed Ms. Heller referenced much of it in her comments without

necessarily stating where she got the comments from. He suggests having mixed use does not mean one lot with housing over here and office over there. He advised hiring a planner, not an engineer, and developing the plan using the goals and guidelines outlined in the Comprehensive Plan of the City of Bethlehem.

Paige Van Wirt, 42 W. Market Street, noted she is also on Bethlehem's City Council. She noted we should be having our Commission Meetings and our Authority Meetings after 6PM so that working people can attend them. She asked if the Planning Commission would consider changing the timing of the meetings to 6PM. She questioned the use of the CRIZ land. City Council recently changed the Zoning Ordinance so that the CRIZ parcel is no longer required to be the entire lot. It only occupies the footprint of the building freeing up the rest of the land as available CRIZ land somewhere else. Her overriding question is what if the developer is only using 5 acres? What is going to happen to that the remaining valuable CRIZ land? Bethlehem only has a limited amount. She noted this year Lancaster is bringing in about \$6,000,000 from their CRIZ and this year Bethlehem is probably going to bring in about \$550,000. She thinks it will speak very well for these developers if they give their remaining CRIZ allocation back to the City to determine where the best place is for it to be used. Dr. Van Wirt agreed with everything the Planning Bureau said in their letter and she agrees with everything Mr. Glickman said. She hopes this Commission will take into account Ms. Heller's memo and she strongly encourages the Commission to adopt her recommendations.

Edward Delluva, 4314 Kathi Drive of Hanover Township, stated this is a gem parcel of land that has tremendous economic value. He added this project should be a joint effort between two partners, the City and the developer. He is encouraged to hear that there will be a tree inventory because Bethlehem is climate friendly and climate protective. Within any climate action policy one of the goals should be to enlist the efforts of business and institutional partners in implementing sustainable practices and green infrastructure. He feels it is incumbent upon the City to follow through on these policies. He feels that a gas station is not an appropriate use of that gem of a property and retail it is not suitable either.

Mr. Melosky thanked the public for their comments.

Mr. Melosky stated that he will give each Planning Commissioner an opportunity to make any additional comments. He noted Atty. Healy informed him that the Planning Commission's options are as follows;

1. Approve the plan as is,
2. Totally disapprove the plan,
3. Approve the plan with any suggestions or conditions, or
4. Require resubmission of the plan to show compliance with the memo that was given to them from the Planning Bureau.

Mr. Melosky felt he had a great history lesson here today. He added some of the members of the Commission were here back in 2015 and 2016 when the City reviewed the most recent zoning amendment for this parcel. He feels it is unfortunate that many of the members of the public who were against that amendment aren't here today. With all due respect to the people that are here, a lot of the people that are here were not here during the zoning review when people came to make sure that there wasn't going to be another downtown. Mr. Melosky noted that resonates with him. During the meetings for the prior zoning amendments he listened to a lot of the merchants from Main Street concerning whether this was going to turn into another downtown.

Mr. Melosky added he will support the plan as it is with any suggestions that the Commission has, but he would like to move forward on this today in terms of a motion.

Mr. Malozi agreed with Mr. Melosky that they are hearing a different set of comments now. He understands the owners developed this current Master Plan based on comments which were

received in 2015 and 2016. He advised we are dealing with a Comprehensive Plan and an Ordinance now that doesn't prohibit mixed use. The Power Point presentation was very interesting and informative. The plan is a mix of uses on a 53 acre plot of land, but it is not mixed use. Private investment in the City of Bethlehem is wanted and needed, but we also want quality. He encouraged that there is more the developer can get out of this site, particularly with the CRIZ. He stated one of the key advantages as the owner/developer is that they have control over the entire site. The site is well situated with Burnside Plantation, two primary arterials, a limited access highway and pretty good transit considering the low density we have living in the Lehigh Valley. The developer could bring the development on-line in phases. He noted other examples from the Urban Land Institute which do very well for their owners. He noted urban mixed use in suburban areas is hot. It is resilient and sustainable, particularly in retail and residential since 2008 when both of those markets were turned on their heads. Mr. Malozi stated he does not support the plan as it is, but he recognizes the work they have done and appreciated the Power Point Presentation.

Mr. Stellato stated he is leaning to option #3, approving the plans, as long as Mr. Wagner agrees to all the requirements based on the City's letter dated April 5, 2019.

Ms. Cohen agrees with a lot of what Mr. Malozi said about the mixed uses on a large lot. She agreed it is not a mixed use property. She is concerned about subdivision into separate properties in the future. She would support clustering the buildings in some way to maintain more green space and reduce the parking. Ms. Cohen asked if the site could be subdivided later. Atty. Healy noted it appears to be the developer's intention to subdivide. The Planning Commission would consider the land development plans at the time they are received.

Ms. Cohen asked Atty. Healy if the Planning Commission is locked into subdividing the parcel based on the Master Plan as submitted if we approve the plan based on suggestion #3. Atty. Healy noted any future subdivision would have to be as configured on the plan that is presented here tonight.

Mr. Melosky noted when the Zoning amendment was discussed at the October 16, 2015 Bethlehem City Council meeting, it was mentioned by Ms. Heller we can obligate a developer to provide an Overall Master Plan initially and then we will know how they will be building out the site. This Overall Master Plan will morph and change over time. Each time they come in with a phase we can review the Master Plan against the ordinance provisions to make sure they are all met. Atty. Healy added if they propose a different lot line configuration the plan would have to be revised and reviewed.

Ms. Heller advised that the Planning Commission reviewed a sketch plan at last month's meeting and the Commission moved that project forward with the comments the City created, but several conditions were also added by Planning Commission members.

Mr. Melosky asked if Ms. Cohen's question has been answered. Ms. Cohen replied her question has not been answered. She understands about additional Master Plans and subdivision plans coming for approval. She noted that this plan includes suggested lot lines and wonders if the Planning Commission is locked into subdividing in the future if this plan moves forward. Or could this potentially be a mixed use one lot plan in the future? Atty. Healy asked her if she is looking for an integrated development under one owner. Ms. Cohen replied yes. She said she would not necessarily support subdivision in the future. She is concerned that if the plan is approved as presented, the Planning Commission might be locked into subdividing as these lots are shown. Atty. Healy stated there is nothing in this Master Plan that requires the parcel to be held in common ownership. He felt that, to achieve an integrated development under one ownership, you would need a different plan than what we see today.

Mr. Melosky repeated that the plan would be approved with comments and suggestions. The other option would be to require amendments and resubmit the plan with the recommendations of the Planning Commission. Mr. Wagner pointed out they've met most of those comments. Mr. Melosky noted the concerns with impervious coverage and opportunities for shared parking. He noted each of the uses provides a significantly greater number of parking spaces and parking should be minimized to provide a reduction of impervious coverage.

Mr. Malozi noted some of the items in the purpose statement 1311 of the Zoning Ordinance which are pointed out in the letter dated April 5, 2019. Promoting a mix of appropriate light business and residential uses in the same building is key because that unlocks a lot of potential for the site. He noted that technically the plan creates opportunities to live, shop and work in the same area, but he does not think it does that nearly as well as it could. The purpose statement encourages principals of Smart Growth. Mr. Malozi advised these purpose statements are the glue that is missing from the site. This plan is a mix of uses on a large tract of land, but it's not a mixed use development. These are the things which concern him the most. He requests that the plan be approved with some of the comments from the City's letter and the EAC letter and the Commissioners comments and then the plan could be resubmitted. Or does it have to be disapproved for the Master Plan to come before them?

Mr. Melosky noted Mr. Malozi made some great points. However if the developer revises and resubmits we very well could be right back to where we were in 2015 with every merchant from downtown in this room because now they are in fear again of another downtown. Mr. Malozi stated he listened to the public comment today and feels it is a risk he is willing to take. It is important and we will see if four years later attitudes have changed. The market certainly has changed.

Mr. Wagner remarked the Overall Master Plan is akin to a sketch plan. The developer will take into consideration the comments. He thinks that many of the revisions would come with the land development plan submission. Mr. Melosky advised that the Overall Master Plan may morph and change over time, but would still follow, as best as possible, the general plan we saw today.

Mr. Melosky referred to the First Terrace sketch plan. He thinks that was nowhere near what we saw today in terms of a good start and he feels that is why the Planning Commission took the action they did last month.

Mr. Ronca stated his understanding of the Master Plan is to show the general location of buildings, approximate height of buildings, general location of parking, etc. He stated he thinks their plan does that. He added he does not believe the Zoning Ordinance requires the other things that are being discussed here (requiring multiple uses in one building, etc.). He added he understands the comments, but if they are not feasible or economically viable they can't be met.

Mr. Melosky noted the 4 options again- approve it as is, totally disapprove it, approve it with suggestions, or resubmit. He feels everyone had an opportunity to voice their concerns about any of those options and he agrees with Atty. Healy we would be looking at the final two mentioned.

Mr. Melosky said we could approve it tonight with the conditions that were addressed in the April 5, 2019 letter from the Planning Bureau or we could require a total resubmission of a plan. Atty. Healy remarked he thinks the Commission and Mr. Ronca probably should take notice of this language that is in 1314.03.a, the last paragraph of the section which is in the City Zoning Ordinance:

"The Overall Master Plan shall be made available for review for a minimum of 30 days by the City Planning Commission, Planning and Zoning Bureau and the City Engineer. All phases proposed for development shall be developed in accordance with the Overall Master Plan that has been approved by the Planning Commission. If a proposed

subdivision of phase of development is not consistent with the Overall Master Plan, the Overall Master Plan shall be revised provided that it still complies with the applicable sections of Article 1311 and 1314 and is approved by the Planning Commission. The Overall Master Plan shall be designed to reflect the overall provisions of the Purpose section of Article 1311, Design Standards.”

He noted according to the Ordinance, as he is interrupting it, this Commission needs to decide if it wishes to do option #3 or option #4 that he described previously.

Mr. Melosky made the motion to approve the Martin Tower Complex Overall Master Plan with the points highlighted in the April 5, 2019 letter, particularly under the General comments #1, #5, #10 and in Forestry #2 as it is dated April 5, 2019. The motion was seconded by Mr. Stellato.

Mr. Malozi added the motion should mention the Environmental Advisory Committee letter dated April 10, 2019. Mr. Melosky remarked some of the conditions that he pointed out from the April 5 letter address the concerns of the Environmental Advisory Council. He is not certain his motion will address all of the EAC comments, but he is certain that the parking, the trees, the green space all are addressed.

Mr. Malozi noted it is a sketch plan and these are recommendations at this point. They are not conditions because we are not approving a subdivision plan. Mr. Melosky agreed and stated this will all eventually come back to the Planning Commission as it gets developed.

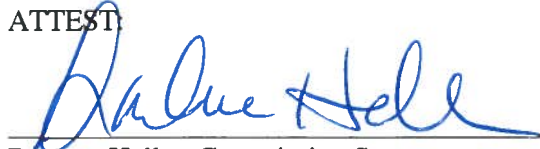
Mr. Melosky noted we have a motion and a second. Call the role please. Mr. Malozi, no, Mr. Stelatto, yes, Ms. Cohen, no, Mr. Barker, yes, and Mr. Melosky, yes. The motion passed with a 3 – 2 vote.

3. DISCUSSION ITEMS

There were no discussion items for this meeting.

The meeting adjourned at 7:00 P.M.

ATTEST:



Darlene Heller, Commission Secretary