

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

Present: Commission Members – Mr. Melosky, Mr. Malozi, Mr. Barker and Ms. Cohen. City staff included Darlene Heller and Tracy E. Samuelson of the Planning and Zoning Bureau, Matt Dorner, Tiffany Wells and Ziad Sayegh representing the Engineering Bureau and Attorney Edmund Healy attended as Solicitor to the Commission. Also in attendance were Abraham Atiyeh, Atty. James Holzinger, Atty. John VanLuvanee, Eugene Berg, Jr. and Dominic Villani. Representing the press was Sara Satullo for the Express Times and Sarah Ye for the Morning Call.

**1. LAND DEVELOPMENTS**

- a. (19-001 Site Plan Review) – 19060001 – 815 Pennsylvania Avenue – Bethlehem Manor Expansion – Ward 13, Zoned RS, plan dated May 23, 2019. The applicant proposes to expand the personal care home by constructing a 10,026 sq. ft. 3 story addition and to increase the number of beds by 54, or from 75 to 129 beds, on a 3.016 acre lot.

Atty. John VanLuvanee with Eastburn & Gray stated he is presenting the site plan preparatory to their appearance before the Zoning Hearing Board in August to request a variance. Eugene Berg the architect is with him.

Atty. VanLuvanee noted in 2016 a variance was obtained to convert the old school building into a personal care home. They converted each classroom into two or three residential beds for personal care. There is a growing demand for individual rooms with private bathrooms. The project is a proposed 54 bed three story addition to the existing personal care facility. The parking spaces are adequate to support the number of beds they are proposing without a variance from parking. The only additional traffic will be occasional visitors. There will be a slight increase in staff, but deliveries will be the same with no impact of traffic affecting the neighborhood.

Mr. Berg noted the addition will match the lower level elevation of the existing facility and the first floor of the existing school with a 2<sup>nd</sup> floor above. There are a total of 18 single occupancy rooms on each floor with single beds and single bathrooms in each. The new entrance is from the parking lot. The purpose for the addition is to satisfy the demand for private single bedrooms with private bathrooms.

Mr. Berg referenced the City of Bethlehem's July 5, 2019 letter and the Gouck Architects comment response letter dated July 11, 2019. He noted the developer requests the Planning Commission to make a favorable recommendation to the Zoning Hearing Board for approval of the expansion of the nonconforming use.

Atty. VanLuvanee wanted to clarify that the use variance relates to the number of units, the zoning ordinance for this use is a maximum density of 25 beds per acre, which they exceed. He noted the initial variance they received was a variance to exceed 30 beds in a residential district. That was to enable them to use the entire school building with 75 beds.

Mr. Melosky asked Mr. Berg if there will be any change in elevation to the proposed addition compared to the existing building in terms of height. Mr. Berg replied the elevation matches the existing building.

Mr. Malozi asked if the proposed addition is being constructed on what is currently pervious

surface or is it on the impervious surface parking lot. Mr. Berg replied it is being constructed mostly on a grassy field with no trees.

Mr. Malozi asked if there was a stormwater facility on the corner. Mr. Berg indicated on the boards the rain garden, which will be expanded to handle the displacement and stormwater.

Mr. Malozi noted Atty. VanLuvanee mentioned there won't be a significant increase in employee count. He noted it is roughly 70% increase in beds. Atty. VanLuvanee added there will be 4 additional employees during the day shift, 4 additional employees during the 3 to 11 shift and 2 additional employees during the night shift.

Mr. Malozi asked if the entire employee parking is accommodated behind the building in the parking lot. Mr. Berg replied all employees park behind the building, with a few parking spaces in the front for visitors with the proper ratio for handicap parking. Mr. Malozi noted it is a concern for the neighbors that parking does not spill into the street.

Mr. Malozi asked about the deliveries and emergency vehicle visits in the front of the building in the semi-circular area. Mr. Berg noted ambulances enter in the semi-circular area in the front and leave on Pennsylvania Ave. Atty. VanLuvanee noted there will be no change in the existing transportation circulation plan.

Mr. Malozi asked if there is any visitor parking or staff parking allowed in the front area. Atty. VanLuvanee replied yes.

Ms. Cohen asked for explanation of the back street which was vacated and looks like it is part of the property. Mr. Berg explained the history of the street vacation when the property was owned by the Bethlehem Area School District.

Ms. Samuelson advised site plan reviews are so the Planning Commission can look at some general issues prior to the Plan going to the Zoning Hearing Board. She noted consideration should be given to layout, traffic, the neighborhood compatibility issues as opposed to detailed engineering.

Ms. Samuelson noted on the north side it looks like there is a chain link fence and asked if it will remain a chain link fence with no buffering of any sort. Mr. Berg replied it is still a chain link fence on the north side of the property. Atty. VanLuvanee remarked if buffering is a concern the developer will be happy to address those concerns with the land development plan.

Ms. Samuelson clarified that the zoning issue isn't just a bed issue. Article 1322 on Personal Care Facilities stipulates that beds are limited to 25 per acre for those in residential districts where the use is allowed. It is only allowed in RT and RG. The applicant needs a use variance because the use is not allowed where it is located. Atty. VanLuvanee remarked they have that variance already, but agreed they need another variance for the relief. He noted the Zoning Hearing Board application will be cleared up so everyone understands the basis for the relief.

Ms. Samuelson noted another requirement of an assisted living facility is a passive recreation area. Mr. Berg indicated the outside area where there are glass doors leading to a paved area along the north edge of the existing building with tables and places where people can sit. There are gardens wrapping around the building with landscaping where the patients can enjoy the outdoors. The developer will have a landscape plan included in the development plan.

Mr. Melosky asked Ms. Heller if this does proceed forward to the Zoning Hearing Board and Zoning grants the applicant the variances, will it then come back to the Planning Commission as a land development plan. Ms. Heller answered yes.

Peter Mayes, 1805 W. Union Blvd., serves as President of the Rosemont Association for neighbors who live in the area. He noted Mrs. Atiyeh and her teams have been responsive to any questions and concerns and have been thoughtful and considerate of those in the area. He just wants to make sure the parking is addressed, the stormwater is maintained and that the facility continues to remain a personal care use.

Ross Wilson, 822 Pennsylvania Ave., lives directly across the street from Bethlehem Manor. He stated it has been a good mesh with the neighborhood and Bethlehem Manor. Fire trucks and ambulances respond 24/7. The problem is they let diesel trucks run and use backup alarms at 3AM which wakes them up.

Mr. Melosky said it is something noted for the record and possibly something to be mentioned to the City.

Mr. Malozi said the emergency vehicles backup alarms cannot be disengaged, but perhaps the developer can look at reconfiguration of turning radii so fire trucks are not backing up.

Paul Becker, 905 Pennsylvania Avenue, is the resident adjacent to the north. He stated the prior plan shows a solid fence on the north side. He noted it was shown on the original approved plans as a 6' high solid privacy fence, which has never been constructed. Also, all the vehicles for delivery to Bethlehem Manor come along the north side of the building. He noted the addition is to be built on top of the existing retention basin and he sees no provisions for stormwater on this plan.

Mr. Atiyeh noted Mr. Becker's concern about the fence is 100% correct. He added they never put a closed privacy fence there. When residents are there they want to see out. He acknowledged they may have to ask for a waiver for that. He added for the health of their residents they kept the fence semi-private, not fully private. He advised he will ask for relief to have a fence that is not a privacy fence, but just a fence

Mr. Melosky remarked it is something the Planning Commission can recommend to the Zoning Hearing Board as we move forward. Ms. Samuelson agreed that on the last plan it is a proposed 6' privacy fence; not right next to the building but at the property line next to the street. Mr. Melosky asked Atty. VanLuvanee if there is any issue if the Planning Commission requires the fencing on the plan. Atty. VanLuvanee replied it would depend on what the Planning Commission would recommend. He feels fencing would be part of land development review rather than a condition now.

Mr. Malozi added the need for review of emergency vehicle delivery and visitor access to the facility is something that can be reviewed during land development. Atty. VanLuvanee agreed.

Mr. Malozi made the motion to recommend the Zoning Hearing Board approve the application for 815 Pennsylvania Avenue contingent upon meeting the conditions set forth in the July 5, 2019 review letter from the City of Bethlehem and also with consideration given to operational and circulation issues with the expansion. The motion was seconded by Mr. Melosky and passed with a 4 – 0 vote.

- b. (19-003 Site Plan Review) – 19060038 – 830 13th Avenue – Synthetic Thread – Ward 13, Zoned LI, plan dated January 13, 2010 and last revised March 24, 2010.

Mr. Atiyeh presented the plan. He noted it is an obsolete building with 9.5' to 10' ceiling heights. It is an industrial building which was a knitting mill. It is not practical for conversion to an industrial warehouse and would be a perfect conversion to residential. They will offer the units to

college graduates. He added the apartments will be 500 to 600 sq. ft. studios with stainless steel appliances. He referenced the July 5, 2019 letter about the available parking. He felt parking would not be an issue.

Mr. Melosky asked Mr. Atiyeh if in 2010 67 units were granted and if there is an increase in the number of units. Mr. Atiyeh replied there will be no increase in units. Mr. Atiyeh advised it is the exact same plan presented previously to the Zoning Hearing Board.

Ms. Samuelson wanted to clarify on the lot there are only 68 parking spaces. Parking spaces on a public street cannot be included in a parking count. The street would have to be vacated. Mr. Atiyeh does not want to have it vacated; he wants it to remain a public street.

Ms. Samuelson noted they are efficiency units and not loft apartments.

Mr. Malozi noted that one of the City's comments is about widening the driveway to 25' which could impact some of the parking spaces shown on the plan. Mr. Atiyeh agreed. Mr. Malozi asked if it is true there are 118 parking spaces required for this development. Ms. Heller remarked it is, since 1.75 parking spaces are required per unit. Mr. Atiyeh added it was non-conforming as to parking originally with 130 employees when it was Synthetic Thread.

Mr. Malozi noted there is not much compatibility with the surrounding area since it is very industrial.

Paul Greenblatt, 850 13<sup>th</sup> Avenue, stated his property is located over a small bridge past 830 13<sup>th</sup> Avenue. He has an easement through the property so their tenants can get access onto their property. One of their tenants is a truck maintenance facility with 18 wheelers going through there on a regular basis. He said another tenant is one who provides storage POD's or units. He noted his concern about 18 wheelers going past the residential building. Also, overflow parking may block some of their access to the property. He noted Synthetic Thread was his business and the 136 employees were spread over both of the buildings, the building he currently owns and the building in question.

Mr. Malozi asked if Gary Street is public. Mr. Atiyeh replied Gary Street is a public street.

Mr. Malozi made the motion to recommend to the Zoning Hearing Board approval of the requested variances contingent upon satisfactory meeting the conditions set forth in the July 5, 2019 review letter from the City of Bethlehem. The motion was seconded by Mr. Melosky and passed with a 4 – 0 vote.

- c. (19-002 Site Plan Review and waiver request) – 19060013 – 565 W. Lehigh Street – JAMA Properties – Ward 10, Zoned CL, plan dated May 6, 2019. The applicant proposes to construct a 12,648 sq. ft. 30 unit 3 story apartment building on a 1.29 acre lot.

Mr. Barker stated he has an interest in this project and withdrew from the Planning Commission discussion.

Atty. Holizinger represented the applicant. He described some of the conditions of the surrounding neighborhood. He noted this lot is zoned commercial but surrounded by residential and industrial.

Atty. Holizinger indicated on the board the location of the property which is on W. Lehigh Street. The prior owner had a very difficult time renting the units in this location. The principle use for this property today is a District Magistrate office.

Atty. Holzinger noted the CL zoning district allows for multi-family use. The developer will build a 3 story building to be compatible with the surrounding buildings. They would like to have the building back from the front lot line to utilize all the existing parking. There is an existing stormwater management facility which has piping under it and is proven to work pitching all runoff out onto Lehigh Street. In addition, he suggests that the requirement for parking in the rear or side is meant for areas like East Broad or West Broad Street. While they are tearing down the building and expanding the footprint they are not increasing any impervious coverage. He feels the tenants would rather tolerate the noise from the railroad, canal and the river than have the noise from the street.

Dominic Villani, 709 Jennings Place, stated he is a principal in the ownership of the project. The types of units proposed are 1200 sq. ft., more two bedrooms than one bedroom. It is in close proximity for walking to downtown Bethlehem.

Mr. Melosky asked when the apartments across the street were built. Atty. Holzinger replied he believes it was early 1980's and late 1970's. These apartments have parking in the front.

Atty. Holzinger remarked they anticipate that some of the residents will walk to the downtown so they would have no objection to some kind of walking path from the building to the sidewalk.

Mr. Melosky asked Mr. Dorner if there has ever been any issue with the stormwater management in place currently. Mr. Dorner remarked no.

Ms. Heller clarified that the reason that the waiver is before the Planning Commission is because Chapter 1311, Design Guidelines, sends any relief or waivers to the Planning Commission rather than to the Zoning Hearing Board.

Ms. Heller noted that typically when there is a waiver request the Planning Commission votes on that separately from the project itself. She noted there is a written request for the waiver from the Engineer, Bolo Engineering dated July 8, 2019. Attached to that is the response dated July 10, 2019 from Tracy Samuelson. She noted that when a site is demolished it is a vacant parcel. Redevelopment would be required to comply with current provisions. The Design Guidelines state that the parking should not be between the front face of the building and the street. She advised there is also a related provision the Zoning Hearing Board will look at, "the front setback should line up within 5' front or back to the abutting properties." She noted the Planning Bureau's suggestion is to line up the new construction with neighboring townhouses.

Atty. Holzinger reiterated his comment that it is a hardship to move the building front. Mr. Villani added it would force them to put a 4 story building up to get any type of unit density if it is not moved back.

Mr. Melosky noted as it stands right now there are two entrances and it is not any issue for Fire vehicles entering in there. Atty. Holzinger stated he understands there isn't any issue with the Fire vehicles entering the property.

Mr. Malozi added it is not just the parking and the cars. There is the value of pedestrian access. He noted Atty. Holzinger himself stated he wants it to be pedestrian accessible and inviting for people to walk to every festival under the Hill to Hill Bridge and up to Main Street. Having buildings up to the front of the lot is more pedestrian scale. Atty. Holzinger felt that applying CL to one isolated property is unfair.

Mr. Malozi stated the developer can request a zoning change to RT. Atty. Holzinger replied they are requesting a variance. Atty. Holzinger added they are requesting a variance from multi-family with commercial to just multi-family.

Mr. Malozi stated if it was rezoned then those zoning variances drop out. Atty. Holzinger remarked they would still need them. Atty. Holzinger advised if you make it too difficult the developer will walk away. Mr. Villani added they just felt the 3 story building blends in with the neighborhood.

Atty. Holzinger added it is industrial west of this parcel, so they can't project what is going to also come in and out on the industrial site.

Mr. Malozi noted a different size building could be built there because there is good size frontage along Lehigh Street. Mr. Villani showed how they are trying to preserve green space.

Mr. Malozi asked if the building could be moved forward to maintain the driveway access. Mr. Villani replied no. Mr. Malozi asked if they could enter from the back. Mr. Villani showed where the slope is located and noted they would be taking green space to create another driveway.

Ms. Cohen asked Atty. Holzinger to explain how far back the abutting buildings are from Lehigh Street. Atty. Holzinger said it is 20' to 25'.

There were no comments from the public.

Mr. Melosky made the motion to grant the waiver request at 565 W. Lehigh Street related to the location of their building.

There was no second so the motion failed.

Mr. Melosky asked for motion related the site plan review as the project moves forward to the Zoning Hearing Board.

Mr. Melosky made the motion to recommend approval of the 565 W. Lehigh Street site plan conditioned upon the comments in the July 5, 2019 letter. The motion was seconded by Mr. Malozi and passed with a 3 – 0 vote.

### **3. DISCUSSION ITEMS**

The Commission discussed the request of Mayor Donchez to reschedule the meetings to evening starting in 2020. Mr. Melosky suggested we could move the time so we can possibly increase some of the attendance. He thought that the Planning Commission needs to determine which agenda items or agendas might draw more public interest and move our times of our meetings based upon that. Without a full quorum he would want to wait for any discussion until a future meeting.

Ms. Heller added the City is moving toward more transparency. The City is putting more things on the website, getting notices out earlier, live streaming the meetings, etc.

Mr. Melosky added he loves the live streaming option and that may help some of the people that cannot get here to still be able to view the meeting on line.

Ms. Heller stated the Redevelopment Authority has discussed this at their 3 o'clock meeting and considered moving their meetings to 5 o'clock. She added she does not know if the request is to go specifically to a 7 o'clock meeting, but instead to move to after work hours.

Mr. Melosky said the dialog is great and he would be open to 5 o'clock as well. Ms. Heller noted it simplifies things if we had the same meeting schedule month after month.

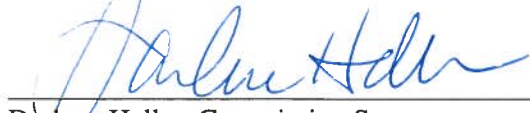
Mr. Melosky noted Mr. Barker and Mr. Stellato were not present and he did not want to make any decision without their input.

Ms. Cohen added she feels 7 o'clock would be harder not only for the staff but also for the Planning Commission to push it as late as that. She added if we had a meeting that lasted two hours with inclement weather she would prefer the time be before 7 o'clock.

Mr. Melosky reiterated he would like to have Mr. Stellato and Mr. Barker be present.

The meeting adjourned at 6:30 P.M.

ATTEST:



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Darlene Heller, Commission Secretary