

**CITY PLANNING COMMISSION
MINUTES OF MEETING
August 26, 2019 – 6:00 P.M.
TOWN HALL**

Present: Commission Members – Mr. Melosky, Mr. Malozi, Mr. Stellato and Ms. Cohen. City staff included Darlene Heller and Tracy E. Samuelson of the Planning and Zoning Bureau, Matt Dorner, Tiffany Wells, Ziad Sayegh and Amy Rohrbach representing the Engineering Bureau and Attorney Edmund Healy attended as Solicitor to the Commission. Representing the applicants were Kevin J. Horvath, Ethan Johnson, Brandon Benner, Garrett Benner, Dave Wilson, Keith Lawler, Dominic Villani, Dennis Connell and Atty. Jason Ulrich. Representing the press was Nicole Radziewich of the Morning Call, Sara Satullo for the Express Times and Jeff Ward of 69 News.

1. APPROVAL OF MINUTES – June 13, 2019 and July 11, 2019.

Mr. Stellato made a motion to approve the minutes of the June 13, 2019 Planning Commission meeting. The motion was seconded by Mr. Malozi and passed with a 2 – 0 vote. Ms. Cohen and Mr. Melosky abstained.

Ms. Cohen made a motion to approve the minutes of the July 11, 2019 Planning Commission meeting. The motion was seconded by Mr. Malozi and passed with a 3 – 0 vote. Mr. Stellato abstained.

2. LAND DEVELOPMENT

- a. (19-001S) BLAKE STREET TWIN DWELLINGS FINAL MAJOR SUBDIVISION PLAN – 1040 - 1050 Blake Street, Ward 14, Zoned RS, Plan dated March 21, 2019 and last revised July 2, 2019. The applicant proposes subdivision and lot line adjustments of a .77 acre lot into 6 lots for twin dwellings.

Kevin Horvath with Keystone Consulting Engineers introduced himself as the representative of Blake Street LLC. He reviewed the location of the property. He noted in January 2019 the applicant received a favorable decision from the Zoning Hearing Board to allow the applicant to construct 6 twin units. The applicant will extend sanitary sewer to the rear of the proposed dwellings and install public water from the west along Blake Street. As part of the Zoning Hearing Board decision the applicant is required to provide buffering along the east, west and south sides of the property. Mr. Horvath referenced the August 19, 2019 review letter from the City and stated they will comply with all the comments.

Ms. Samuelson advised the applicant will record all of the required easements in the deeds and on the record plan.

Mr. Melosky asked Mr. Dorner about the sewer. Mr. Dorner remarked the sanitary sewer would have been preferred on Blake Street but the grades did not allow that to happen. Instead the sanitary sewer will be located in the rear of the properties so a 20 ft. easement shall be provided.

Mr. Stellato asked where the parking will be located. Mr. Horvath replied there will be individual garages for each unit with a parking space in front of the garage. There are six individual driveways off of Blake Street.

Georgine Gambler, 2306 Henderson Street, expressed concerns with the proposed land development. She feels the proposed land development is inconsistent with the Lincoln Park neighborhood in density and design. She stated the proposed development will over crowd the

land and create congestion. She does not see the twin homes as an improvement for the neighborhood. Her recommendation is for single family homes.

Tim Rippert, 1039 Decatur Street, noted the Blake Street property abuts his backyard and is now vacant. He asked if the equipment will use Blake Street or Norman Street when sewage work needs to be done. Mr. Horvath replied if there is a need to access the sanitary sewer it would be from Norman Street during maintenance. During construction the access will be on Blake Street.

Ray Murphy, 2306 Henderson Street, is one of three neighbors who live on Henderson Street which borders the Blake Street property. He is very concerned with the change from single family homes. He was notified last week that the Blake Street development is part of a larger project to be discussed at the October 1st City Council meeting. It will add not six homes, but seventeen homes bordering Henderson Street, Decatur Street and Lynnfield Street. He stated he feels the new designation will allow apartment buildings and wonders if there is a plan to demolish one or more houses in the area as part of the larger development.

Ms. Heller noted the City has received a request to rezone some parcels from RS, which allows only single family detached homes, to RG which allows a mix of housing types. She added the Zoning Map Amendment request will be on the Planning Commission's September agenda for review.

Mr. Murphy remarked that there are agreements of sale with other land owners to change the zoning to allow for additional development. The agreements of sale are with Mr. Villiani.

Dominic Villiani, 709 Jennings Place, noted that the proposed plan will act as a transition to the single family homes.

Maryanne Yankovich, 2314 Henderson Street, has concerns with the traffic. She feels the proposed homes will have only the Henderson Street access. She asked if the access will be safe.

Mr. Horvath replied the only proposed access to the development would be from Henderson Street to Blake Street. The Traffic Superintendent reviewed the project and is recommending a stop sign. The developer agreed. The proposed six twin units will have a minimal effect on the traffic on the roads and will not have a negative impact from the development.

Mr. Malozi made a motion to approve the Final Major Subdivision plan for 1040 – 1050 Blake Street conditioned upon addressing the comments listed in the August 19, 2019 review letter from the City of Bethlehem. The motion was seconded by Mr. Melosky and passed with a 4 – 0 vote.

3. DEFERRAL REQUEST

- a. 301 Buckingham Drive sidewalk deferral request.

Mr. Johnson, with Nic Zawarski and Sons, noted this neighborhood was built in the 1960's. He stated there have never been sidewalks in this neighborhood. The closest sidewalk is approximately 1 ½ miles to the south on Dewberry Avenue.

Mr. Stellato asked what is proposed for the site. Mr. Johnson replied a single family home. Mr. Johnson noted per the City's Zoning Ordinance all new homes are required to have sidewalks. Mr. Melosky noted in the August 1, 2019 letter there is concrete curbing installed and will remain. Mr. Johnson agreed.

Mr. Melosky asked Ms. Heller if there were plans to install sidewalk at the location in the future.

Ms. Heller remarked to her knowledge there are no plans at this time to install sidewalk in this neighborhood.

Mr. Stellato made a motion to approve the deferral request for sidewalk at 301 Buckingham Drive. The motion was seconded by Ms. Cohen and passed with a 4 – 0 vote.

4. LAND DEVELOPMENT

- b. (18-009LD) –546-548 N. NEW STREET APARTMENTS LAND DEVELOPMENT PLAN, Ward 7, Zoned CB, Plans dated May, 2018 and last revised July 23, 2019. The developer proposes to demolish a brick structure and erect a 6 story structure with retail on the first floor and 33 apartments above on a .1593 acre lot.

Mr. Malozi at this time stated his employer has an interest in this project and recused himself from the review of this project.

Brandon Benner stated he and his brother Garrett will be presenting the project. They will be razing the current building at 546 -548 North New Street and will replace it with a six story multifamily building consisting of 33 residential apartments and one commercial storefront.

Brandon Benner stated they agree with all comments in the City's letter dated August 20, 2019. They will be making improvements for pedestrians and vehicular traffic. While the CB zoning district does not require any parking, they are in negotiations with the Bethlehem Parking Authority to lease necessary spaces. The proposed pedestrian improvements are between the parking garage and the proposed site.

David Wilson, project engineer, indicated the locations of the proposed hand/man signals, push buttons and the crosswalks.

Mr. Melosky asked what is located on the first floor currently. Mr. Wilson replied there is a lottery store and an alcohol treatment center.

Ms. Wells explained that a full traffic study was completed. There will be retiming at both Market & New and Broad & New Streets. She noted the City did not see any negative effects from the traffic.

Ms. Samuelson reviewed how the developer was going to dispose of their trash. There will be a loading space in the front after construction. On street parking metered parking will be added.

Mr. Stellato asked if there was any thought given to the architectural design to fit into the rest of the neighborhood. The developer remarked when modern design is done right it will complement and enhance the historic architecture. Ms. Heller added for clarification the development is not in the historic district.

Martin Romeril, 26 W. Market Street, asked if the developer's building will be taller, shorter or the same height as the abutting buildings. Mr. Wilson replied the building would be two stories higher. Mr. Romeril has concerns with the timing of the lights and whether it would create a safety issue regarding the speed the traffic would flow.

Bill Scheirer, 1890 Eaton Avenue, was concerned that cutting New Street down to one lane will cause problems. He stated the developer's project will change the streetscape in that block.

Kimberly Carrell-Smith, 833 Carlton Avenue, stated if Bethlehem had a brand, it would be history. She feels eliminating historical pieces of the streetscape bit by bit and replacing them

with high rises misses the fact that historic architecture and historical streetscape are economic drivers for cities. The demolition of the dignified twin building and replacing it with a glass and metal luxury high rise apartment is not in keeping with what makes Bethlehem a unique and appealing place. Based on these issues she urges the Planning Commission to reject this proposal.

Ed Gallagher, 49 W. Greenwich Street, advised he wanted to revisit the question about design. He would like to see how the developer and the architect see this building blending in with this neighborhood. You cannot just look at the individual property.

Mr. Melosky feels this project would increase foot traffic in our downtown, would draw in the type of clientele that we are trying to have within our City and improve our overall outlook and image in terms of where we are going and moving towards. He noted this property is not located in the historic district.

Mr. Stellato stated the architectural design does not bother him as much as the fact that this is a new development and hopefully the rest will follow. He agrees with Mr. Melosky's statement. He asked for more clarification about the removal of the right turn lane on New Street. Ms. Wells explained that currently there is one lane for north bound traffic and one lane for right turn only. There are not two north bound lanes. There is "no turn on red" at that signal, so there is no benefit having the right turn lane. The lights will be retimed so any loss of capacity with the right turn lane will be made up with the timing change. The City is weighing pedestrian safety vs. traffic flow. The level of service will not decrease or cause any issues. On street parking spaces are added in lieu of the right turn lane which is also a benefit.

Ms. Cohen said she applauds the architectural design of the project. She feels the design will elevate the architecture of the surrounding 1970's buildings. It will infuse a lot of excitement into the area. She stated architecture is very subjective.

Mr. Melosky made a motion for the approval of the land development plan at 548 N. New Street subject to the comments in the August 20, 2019 letter. The motion was seconded by Ms. Cohen and passed with a 3 – 0 vote.

- c) (19-002MLD & S) – MORAVIAN COLLEGE STUDENT PARKING LOT ADDITION – MINOR LAND DEVELOPMENT AND LOT CONSOLIDATION PLAN - 1321 Mauch Chunk Road – Ward 8, Zoned PI, plan dated March 15, 2019 and last revised June 26, 2019. The applicant proposes to merge 2 parking lots and construct a 64 space parking lot.

Keith Lawler, Keystone Consultant Engineers, reviewed the project. Two years ago Moravian College built the 206 space parking Lot X. With this newly acquired property the College is adding 71 new spaces. With this project Moravian College will join the existing sidewalk up to Mauch Chunk and Schoenersville Roads. Trees and pedestrian lighting are included and a late addition to the project is a bay for a shuttle bus.

Moravian College provided a letter dated August 14, 2019 about a pedestrian study they will conduct over the next year to review how pedestrians walk to and from this lot.

Ms. Samuelson referred to the letter from Mark Reed of Moravian College. The letter reviewed some of the mitigations the College will do to so students can access the shuttle here or walk up Laurel Street. The College will review costs and feasibility of building sidewalk up Elizabeth Avenue in the next year. She stated the City is satisfied that Moravian College is addressing the traffic and pedestrian concerns through this letter.

Mr. Malozi asked if the sidewalk connection to the prior Racquet Ball club is being constructed concurrently with the parking lot. Mr. Lawler answered yes.

Mr. Lawler requested that the Planning Commission set the one year completion date for the study to be one year after completion of the parking expansion. Mr. Melosky said he feels it is fair to start the year once the project is complete.

Mr. Malozi made the motion to approve the proposed Moravian College student parking lot addition at 1321 Mauch Chunk Road Minor Land Development and Lot Consolidation plan contingent upon meeting the conditions outlined in the August 15, 2019 letter with the one caveat that the study to be completed within one year of completion of these parking lot improvements. The motion was seconded by Ms. Cohen and passed with a 4 – 0 vote.

- d) (19-002 Waiver Request) –565 W. Lehigh Street – WAIVER REQUEST – 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. The applicant requests a waiver to allow parking in front of the building.

Dominic Villani reviewed events which occurred since the July 11, 2019 Planning Commission Meeting at which time their building placement waiver was denied. On July 24 the Zoning Hearing Board reviewed the project and all the variances requested, including relief to allow parking in front of the building, were granted. He discovered a 1987 Hanover Engineering soil erosion plan prior to the construction of the current strip mall. Mr. Villani reviewed the plan. He noted that behind the building the land drops off by ten feet. He showed photos that show a lot of concrete, blacktop, tires and debris. He indicated on the photos where there are railroad ties and concrete protruding out of the fill.

Mr. Villani added he believes the drainage easement is an active easement, an active channel, which holds water and carries it to the Lehigh Canal.

Mr. Villani recited a note from the plan which said “earth fill shall not encroach on any natural waterways or constructed channels.” He believes this is in violation of the plan.

Mr. Villani feels the soil conditions at the rear of the property demonstrate a real hardship due to the unsuitable soil conditions which would be extremely costly to rectify. He is concerned that building parking at the rear of the lot is infeasible because of the slopes and the drainage easement.

He is submitting his proposal with enhanced landscaping and pedestrian features. Mr. Villani feels it is still necessary to have the waiver granted for the building to be maintained in the rear and retaining the off street parking in the front.

Ms. Samuelson advised the City’s recommendation is to grant the waivers based upon the new findings with the inclusion of the enhanced pedestrian and landscape amenities.

Mr. Stellato made the motion to accept the waiver request at 565 W. Lehigh Street. The motion was seconded by Mr. Malozi and passed with a 4 – 0 vote.

5. ZONING MAP AMENDMENT

- a. 11-15 W. Garrison Street from High Density Residential District (RT) to Central Business District (CB).

Atty. Jason Ulrich with Gross McGinley is representing Form Space Design and Dennis Connell. They are requesting a map amendment to 11 and 15 W. Garrison Street from RT (Residential) to CB (Central Business). Mr. Connell, owner of the parcels, distributed colored maps and other handouts.

Mr. Connell said he has lived and worked in the City of Bethlehem since 1974. In 1983 he established his business Form Space Design located at 707 N. New Street.

Mr. Connell noted the property is the same size as the property where the Hyatt Hotel is located.

Atty. Ulrich wanted the Planning Commission to focus on the history and the odd nature of the zoning map. What they are asking for is a modification of the zoning map to allow 11 and 15 W. Garrison Street to return to the original state of CB zone.

Mr. Connell stated his property consists of 9 separate parcels with 7 of the 9 in the CB zone. He added 11 - 15 W. Garrison was zoned CB for decades, until 2005, when the zoning for those two parcels was changed to RT. He reviewed the differences between RT and CB zoning. Atty. Ulrich noted that, while it this is a zoning map change, it is actually to return the parcels to the prior zoning. Atty. Ulrich added these 2 properties are already non-conforming to what is in that zoning district. The Planning Department wanted only properties that faced N. New Street to be CB. If he consolidates the properties into one, he would then have a lot which fronts on N. New Street and meets the objective of the Planning Department with respect to the CB zoning.

Mr. Melosky asked Ms. Heller if the action today is for the Planning Commission to pass this request to City Council with the Planning Commission's recommendation or is the Planning Commission responsible for the amendment of the map. Ms. Heller responded the Planning Commission will make a recommendation.

Mr. Connell reviewed the nature of the proposed mixed use development. It will be apartments, commercial retail space and parking. Parking is not required in the CB zone, but it is essential parking be provided for the residents. Mr. Connell said there are 74 parking spaces proposed, 72 apartments and at street level 8,350 sq. ft. of commercial retail development which would front on N. New Street. This is just a preliminary plan.

Martin Romeril, 26 W. Market Street, said the development makes the lots more unified and the building plan sounds great. He was concerned with rezoning anything near a residential neighborhood. What is to prevent a future owner from getting variances? He asked if there was any way the Planning Commission could put in its recommendation to City Council that they support the change, but the Zoning Board shall not give any future variances for setbacks or height where it touches the RT district.

Atty. Healy stated to Mr. Romeril there is nothing the Planning Commission can recommend or do to prevent a property owner now or in the future from seeking relief from the Zoning Ordinance.

Ms. Heller noted the proposed new building was reviewed conceptually against the Design Guidelines and against the provisions in CB. There is always a transition zone between a commercial area and residential area. There are provisions in the Zoning Ordinance which offer protections when commercial is abutting residential. Ms. Heller reviewed the letter from the Planning Bureau. She noted a project like this will come back to the Planning Commission as a land development in the future.

Mr. Connell remarked that, to show respect for the residential properties at the rear of the property, the Zoning Ordinance requires a 20' buffer and in CB you can reduce that to an 8'

buffer. This proposal retains a 20' buffer from the properties on Garrison Street.

Mr. Melosky made the motion to recommend the zoning map amendment for 11 and 15 W. Garrison Street from High Density Residential (RT) to Central Business (CB). The motion was seconded by Mr. Stellato and passed with a 4 – 0 vote.

3. DISCUSSION ITEMS

Ms. Heller stated the Mayor has requested confirmation that in the coming year the Planning Commission meetings will be rescheduled to 5 pm. The decision is to move the meeting time to 5 pm starting in 2020.

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. In the future the meetings will be live streamed and added to the City website.

The meeting adjourned at 8:30 P.M.

ATTEST:



Darlene Heller, Commission Secretary