

**CITY PLANNING COMMISSION
MINUTES OF MEETING
June 13, 2019 – 4:00 P.M.
TOWN HALL**

Present: Commission Members – Mr. Malozi, Mr. Barker and Mr. Stellato. City staff included Darlene Heller of the Planning and Zoning Bureau, Matt Dorner and Amy Rohrbach representing the Engineering Bureau and Attorney Edmund Healy attended as Solicitor to the Commission. Also in attendance were Andrew Bohl, Derek Herman, Gretchen Starke, Karl Leitner and Atty. Jim Preston. Representing the press was Kevin Duffy.

1. APPROVAL OF MINUTES – April 11, 2019

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

2. LAND DEVELOPMENT AND SUBDIVISIONS

a. (19-006LD) – 19050001 – VALLEY PARK APARTMENTS LAND DEVELOPMENT PLAN - 2250 CATASAUQUA ROAD - Ward 13, Zoned RG, Plan dated May 2, 2019. The plan proposes two additional multi family dwelling buildings containing 7 units each.

Mr. Herman explained the project constructs two additional multi family dwelling buildings on the subject property. Each building unit will contain 7 dwelling units for a total of 14 additional dwelling units. There are three tracts associated with the property and the developer is only concerned with tract one to the west. In April the application was granted by the Zoning Hearing Board relief “to construct the additional multi family dwelling units of insufficient lot area per dwelling unit subject to the condition that the lot area per dwelling unit on all three tracts is limited to the current condition such that no additional unit be added to any of the three tracts without further zoning review.”

Mr. Herman referenced the City’s comment letter dated May 29, 2019 adding the developer will comply with all the comments.

Ms. Heller referenced the City’s comment letter particularly the comment addressing pedestrian connectivity and comments about expanding internal sidewalks and the sidewalk connection to Dogwood Lane. The applicant will also need to turn in a plan showing turning movements for Fire trucks within the development.

Mr. Malozi referenced Zoning comment #5 regarding a buffer area between the existing neighbors and the new development. Mr. Herman remarked the developer will comply and will add the required buffer yard area.

Mr. Dorner noted there is an infiltration basin proposed requiring six percolation tests and only four were shown. The plan is showing the percolation tests were performed in the same location as the test pits and this is not permitted. The infiltration basin has an emergency outfall towards Route 22 with no other outlet and no connection to the storm sewer system. He noted there would be times when the volume is exceeded which would force the overflow in the direction of Route 22 and this is unacceptable.

Mr. Herman commented the developer has revised the Stormwater and has been working with the Lehigh Valley Planning Commission and the Conservation District on Stormwater Management. They have revised the basin to outlet towards Dogwood Lane. The basin is designed to hold a

100 year storm. He noted the only potential time it would overflow would be during consecutive 100 year storms.

Mr. Malozi asked if the Conservation District thought the number of test pits is acceptable at four. Mr. Herman replied yes.

Mr. Dorner noted the developer is looking at overflow with no connection to any storm drainage system. Mr. Herman remarked there would not be any connection; it would be a spillway with no outlet structure from the basin which is designed to hold a 100 year storm. Mr. Dorner added he did not believe there has ever been an approval for a plan without any connection to some swale or storm system.

Mr. Malozi asked about making an exception to the number of test pits. Mr. Dorner noted they would consider other information as it is provided.

Mr. Malozi remarked there are a number of outstanding comments and Mr. Herman agreed to comply with them all.

Ms. Heller added that this is the first letter generated from the City offices, and normally the Planning Commission would be reviewing the second letter from the City.

Mr. Malozi wanted to elaborate. The basin fills up and there is an overflow structure. Where does the storm water go? Mr. Herman replied the spillway is about 25 feet wide and would flow directly downhill onto Dogwood Lane. He added the water would slowly overflow and drain down the road.

Mr. Barker asked if the comment about the overflow reaching Route 22 was addressed. Mr. Herman replied the developer decided not to outlet in that direction.

Mr. Malozi made the motion to approve the Land Development Plan for Valley Park Apartments at 2250 Catasauqua Road contingent upon meeting all the conditions set forth in the May 29, 2019 review letter from the City of Bethlehem, particularly Stormwater Comments #2 and the other comments relating to stormwater. Mr. Malozi feels the Stormwater comments deserve special attention because Appendix G is not met and the proposed Stormwater is uncommon treatment from what the Planning Commission has approved in the past. Mr. Stellato seconded the motion which passed with a 3 – 0 vote.

b. (19-003LD) – 19030009- TERRACE HOMES AT NORTHWOOD GARDENS AT THE KIRKLAND VILLAGE RETIREMENT COMMUNITY (Phase 2) - LAND DEVELOPMENT PLAN - 2365 MADISON AVENUE, Ward 14, Zoned RRC, Plan dated February 11, 2019 and last revised May 21, 2019. The applicant proposes the construction of three (3) independent living buildings with 18 units in each building instead of the previously approved two independent living buildings and one assisted living facility approved in 2014.

Andrew Bohl from Hanover Engineering presented the proposal. Back in 2014 the Planning Commission approved four independent living facilities and one assisted living building. In 2015 and 2016 two buildings were constructed. What is being proposed is the development of three revised independent living facilities. He added the developer has no objection to the comments in the June 6, 2019 letter and will comply with all the comments in it.

Ms. Heller advised the letter has two Stormwater comments and the Engineering Bureau has agreed that the second Stormwater comment has been addressed. Mr. Dorner agreed the Engineering comment #2 will be rescinded.

Mr. Stellato asked about the access for the new independent living facility. Mr. Bohl remarked the access will be from Madison Avenue and Madison Drive.

Mr. Charles Einolf, 432 Kirkland Village Circle, advised there have been several instances of sinkholes at Kirkland Village. He thinks one of them damaged the geo thermal system on the site. His question is will this proposed stormwater management plan impact the integrity of the underground and cause further sinkholes?

Mr. Bohl advised the design is to use the two existing Stormwater facilities located on the northwest corner of the property. He added there are two underground basins that are proposed under the structure of the paved area in the cul-de-sac. Geologists have performed site investigations and the applicant feels confident sinkholes will not be an issue.

Mr. Malozi asked if potential for sinkholes was considered in the design. Mr. Bohl said yes.

Mr. Stellato made the motion to accept the land development plan at Terrace Homes at Northwood Gardens conditional upon the requirements of the June 6, 2019 letter with Stormwater Comment #2 rescinded. Mr. Barker seconded the motion which passed with a 3 – 0 vote.

c. (19-001LD) – #19020001 – FIRST TERRACE HOUSING SITE PLAN – 496-520 FIRST TERRACE – Ward 4, Zoned RT, plan dated January 25, 2019 and last revised April 12, 2019. The applicant proposes to demolish 4 single family detached homes, consolidate the 4 lots and construct 8 multifamily dwellings in 2 buildings with garages on a .7 acre combined lot. Each dwelling unit will contain 5 bedrooms.

Mr. Malozi noted the plan presentation is to allow the Commission to provide any comments they think would be meaningful to the Zoning Hearing Board and to the future development of the plan.

Jim Preston, Attorney for the applicant, stated they will go to the Zoning Hearing Board to get variances for the steep slopes. He added they were before the Planning Commission previously and received comments, some of which were incorporated into the current plan.

Karl Leitner, Barry Isett & Associates, is the engineer on the project which was presented to the Planning Commission in March, 2019. One of the prior recommendations the Planning Commission requested was a traffic study, which they have done. He noted the findings found the PM peak hours would create about 8 more trips per day which is well below the 50 trips which would require further studies. The number of units on site was reduced from 10 to 8. The plan has been reduced by 20%. They shifted the buildings further back from First Terrace to allow two cars to park within the garages and two cars to park in the driveway outside the right of way. Curb and sidewalk were added along the entire frontage of the property. Mr. Leitner stated they have created a plan that conforms better to all the ordinances of the City, but they are still going for variances in front of the Zoning Hearing Board on June 26, 2019.

Ms. Heller added the Planning Commission did see this sketch plan before. One of the requests that the Commission had, which was a concern of the Commission and the public, was to do a parking analysis for the neighborhood. She noted it is acknowledged to be student housing which does increase the parking demand. Although there are additional parking spaces on the property the development also removes much of the on street available parking. The City did not receive a parking analysis.

Ms. Heller noted the main relief that is necessary from the Zoning Hearing Board is the steep slopes. The lot is about .7 of an acre. A 4 acre minimum lot size is required.

Mr. Dorner remarked the site plan did not include a stormwater plan. The road is narrow. The City recommended "one way" for that stretch of road.

Mr. Stellato mentioned the Planning Commission would see this plan again after the Zoning Hearing Board review. Ms. Heller agreed.

Seth Moglen, 726 Hillside Avenue, has lived about a block away from the proposed project for 17 years. He is a faculty member of Lehigh University and he walks to work. There are steep slopes all around this area and there are steep slope variances that will be required. There is a total excess of impervious surface in the neighborhood and flooding is a routine occurrence. Parking issues are also very severe. He added the traffic analysis which was presented said about 8 additional trips per day but if you are talking about 8 units with 40 students, 40 automobiles you are not talking about 8 additional trips per day. Steep slope provisions are in place for very serious reasons. The developer is asking the Planning Commission to pass on to the Zoning Hearing Board a project which is out of scale and will be destructive to the neighborhood. He noted Lehigh University has been absolutely clear there will be no additional need for student housing as a result of the expansion of the University.

Gretchen Starke, 412 First Terrace, has lived there for almost 10 years. She noted parking is a huge issue for their block as they are landlocked by Lehigh University and do not have options to find parking spots on nearby streets. She questioned whether the traffic study was done when school was in session or when school was out. Mr. Malozi asked Mr. Leitner if it was a trip generation study that was done. Mr. Leitner replied it was. Ms. Starke remarked the street is very narrow and cannot handle two cars passing each other at the same time.

Murdock Saunders, 727 Hillside Avenue, stated they have a really good neighborhood right now. Cars that can't park on First Terrace come to their street. He wants to make sure the neighborhood will be a community where they can raise kids to know all the things the Southside has to offer, not it just being a college town where students come and party.

Kim Carrell-Smith, 833 Carlton Avenue, stated that she lives on the western side of Lehigh and she drives through this neighborhood all the time because her daughter lives on the other side of Lehigh. She stated First Terrace is a cut through road. It gets an enormous amount of traffic. The cutting up and over and down back through campus is student traffic. She does not think the 8 trips per day captures the added traffic. She is concerned about the problem of steep slopes. She is urging the Planning Commission to not support the variances for impervious surfaces and steep slopes.

Kristin Handler, 726 Hillside Avenue, has lived in her home for 17 years and is a Lehigh University faculty member. The problem with this project is density of the housing on this relatively small site. The character of the neighborhood will change in terms of the noise level, the traffic and the parking. The difference between what is permitted and what is requested is so great. She asked the Commission to consider the scale of the variances.

Steve Mendez, 735 Hillside Avenue, bought his home 3 years ago and extensively rehabbed it. What they like about the neighborhood is it is mostly single family homes with nice sized lots and you know your neighbors. The student housing of the magnitude contemplated here is disruptive to that kind of community. First Terrace is a very rural wooded. Roads are steep and narrow with sharp turns. To house 40 more students there will be at least 20 more cars. He said this proposed development is not appropriate for the neighborhood.

Mr. Stellato recommended the members of the public who commented tonight attend the Zoning Hearing Board meeting on June 26, 2019.

Mr. Malozi agreed with Mr. Stellato. Mr. Malozi added in fairness the plan has been revised with reductions in the number of units and with the addition sidewalk and curbing. The changes were based on previous comment and public testimony. However, the density continues to be an issue and it is out of scale with the neighborhood. Mr. Malozi noted the slope issues are significant because of the natural slopes, but the stormwater has been an issue with all three of the applications today. Mr. Malozi added impervious coverage and lot size is also an issue. Mr. Malozi noted while the project has moved in the right direction his opinion is it is still out of scale in terms of its density. Changing that may address some of the encroachment of the steep slopes, the stormwater issues, parking, traffic and noise.

Atty. Healy stated the Planning Commission may recommend approval, disapproval or no action.

Mr. Stellato made the motion for option #3, no action, because they still have to go to the Zoning Hearing Board and would still have to come before the Planning Commission for the land development part. Mr. Malozi voted no on the motion but also requested that the record reflect some general planning comments. He appreciated that the current plan was revised to add sidewalk and curbing, the number of units was reduced from 10 to 8 and there have been some changes based on previous public testimony. However, the density continues to be an issue and the impacts on natural slopes are significant affecting impervious coverage and lot size requirements. The project has moved in the right direction, but it is still out of scale with the neighborhood in terms of its density and changing that may address other issues including the encroachment of the steep slopes, the stormwater issues, parking, traffic and noise. Mr. Barker seconded the motion which passed by a 2 – 1 vote.

3. DISCUSSION ITEMS

There were no discussion items for this meeting.

The meeting adjourned at 5:30 P.M.

ATTEST:

Darlene Heller, Commission Secretary