

**CITY PLANNING COMMISSION
MINUTES OF MEETING
October 10, 2019 – 4:00 P.M.
TOWN HALL**

Present: Commission Members – Mr. Malozi, Mr. Barker, Mr. Stellato and Ms. Cohen. City staff included Darlene Heller and Tracy E. Samuelson of the Planning and Zoning Bureau. Tiffany Wells and Amy Rohrbach representing the Engineering Bureau and Attorney Edmund Healy attended as Solicitor to the Commission. Representing the applicants were Sean Policelli, Oliver Franklin, Wendy Kern, Atty. James Preston, Louis Intile, Atty. Thomas Schlegel and Matthias Fenstermacher. Representing the press were Sara Satullo for the Express Times and Peter Blanchard for the Morning Call.

1. LAND DEVELOPMENT AND SUBDIVISIONS

- a. (19-007LD&S) – #19050008 – LVIP VII -Lot 62- 2675 Commerce Center Blvd. – LAND DEVELOPMENT PLAN, Ward 17, Zoned IN, Plans dated May 10, 2019 and last revised September 13, 2019. The developer proposes to construct an approximately 88,000 square foot manufacturing/office/warehouse building along with parking and related improvements on a 7.4 acre lot.

Sean Policelli with Gilmore & Associates, Inc., the engineering representative for the developer, presented the plan. He referenced architectural renderings and site development plans for an 88,000 sq. ft. manufacturing facility located in LVIP VII on Lot 62. He stated it will have truck loading docks, parking in the rear and stormwater management facilities. He added it is to be a 2 tenant building with parking on both sides and dual entrances with public water and sewer.

Oliver Franklin, the architect for the project, described the construction of the building and the color scheme which will be used.

Ms. Samuelson advised the Planning Commission has the October 2, 2019 review letter from the City. She noted it is the 2nd submission from Mr. Policelli and that the sewer tapping fees and recreation fees have been paid. She advised the comment about LANTA concerning the sidewalk has been addressed. She added she recommends conditional approval based upon the October 2, 2019 letter.

Mr. Stellato asked if the lot is empty. Mr. Policelli replied the lot is vacant.

Mr. Stellato made a motion to approve the land development plan, with the condition that all comments in the letter dated October 2, 2019 shall be addressed to the satisfaction of the City. The motion was seconded by Mr. Barker and passed with a 4 – 0 vote.

2. SIGN WAIVER REQUEST

- a. 3419 Commerce Center Boulevard. QVC sign waiver request for a Flat Wall Sign exceeding the permitted 25' height in the IN-O Zoning District.

Wendy Kern with Bartush Signs presented the sign request for QVC to install the sign on their building. She explained the proposal is for a single faced sign to be located on the west wall. She noted the Zoning Ordinance only permits wall signs to be a maximum of 25' above grade. The proposed sign would be 37'7" above grade, increasing visibility for the visitors and delivery trucks to more easily locate the building. She advised the sign would comply with signs on the Reeb and Curtis Wright buildings which have their signs higher than 25'. She supplied photographs of the proposed sign and the sign location.

Ms. Samuelson referenced the October 2, 2019 memo from the City regarding the sign waiver request and noted the City does not have any issues with the sign waiver request. She noted Article 1315.07 of the Zoning Ordinance allows sign waivers in an IN-O district to be handled by the Planning Commission and not the Zoning Hearing Board. She added the building is set back over 300' and the sign would be located on the west side of the building which is what is seen when you go up the hill. She added the City is looking into changing the ordinance so that these requests do not have to be heard by the Planning Commission and would be allowed "by right". She noted for those reasons the Planning Bureau is recommending approval of this waiver request.

Ms. Cohen made a motion to approve the signage as presented for the sign at 3419 Commerce Center Blvd. as proposed. The motion was seconded by Mr. Stellato and passed with a 4 – 0 vote.

3. SITE PLAN REVIEW

- a. (19-005 Site Plan Review) – 305 Van Buren Street – Zoned RT, plan dated May 25, 2019. The applicant proposes the construction of 5 multifamily dwelling units on Lot 1 and a 2 family dwelling on Lot 2.

Mr. Malozi reminded the Planning Commission this is a site plan review and not a land development or a waiver request. He added per our Zoning Ordinance the Planning Commissions review can emphasize layout, traffic and neighborhood compatibility as opposed to engineering details required in the land development process.

Atty. Jim Preston is representing the applicant and he introduced Mr. Louis Intile as one of the principals.

Atty. Preston stated his client owns the property located on the south side of Van Buren Street and a development proposal has been created for the property. He added there are existing structures which will be removed and replaced. He noted there are dimensional variances which will be required. The uses are all permitted and they applied for dimensional relief. He remarked that Section 1322 requires them to come before the Planning Commission. He said he is not sure why because they do not fall into any of the categories that are identified in 1322, except for the last one which says any project that the City wants can be sent to the Planning Commission. He stated the developer recently received review letters; one from the Planning Bureau and another one which is a revised Zoning review from the Zoning Officer. He stated it is a site plan, not a preliminary plan, and they received three pages of comments. He said there is conflicting information in the three paged letter with a page that refers to multi-family dwellings, which they are not proposing. He remarked their zoning application is clear, they are proposing single family attached dwellings or townhouses. He said they are being told they need a use variance because they are on an alley and not a street. He noted he feels the need to go to the Zoning Hearing Board for a decision on the use. He does not want to go before the Zoning Hearing Board with a recommendation from the Planning Commission that says they are not complying with the City's letter, when it is his opinion that the City's letter is not complying with the Zoning Ordinance pertaining to their request.

Mr. Malozi asked if there were any exhibits which might help the Commission. Mr. Intile handed out the exhibits.

Ms. Heller commented what we are trying to do with site plan reviews is to be consistent. She added when a site plan is going to the Zoning Hearing Board it would be referred to the Planning Commission for site plan review. She noted for land developments this is the procedure which is followed in our office and we are trying to be consistent with land development plans. She noted this was reviewed as a multi-family dwelling because it is more than one unit on the lot; in fact there are 5 units on one parcel. She advised a multi-family dwelling is defined as 3 or more units, and they are not townhomes. The definition of townhomes includes the townhomes being located on separate parcels. She noted either the project works on that lot or it doesn't work on that lot. She does not feel

the letter itself is inconsistent; there may be more than one way of looking at the project and defining it. She noted it is a multi-family dwelling project on Van Buren Street which has a ROW of 20' and a street by definition is more than 20' ROW width, which means it fronts on an alley. She explained in Zoning one must have a principal building fronting on a street.

Mr. Barker asked because it is an alley, must he have a permitted use. Ms. Heller replied that is correct. Mr. Barker asked what the difference is between a townhome and a multi-family home. Ms. Heller explained the definition of a multi-family home is 3 or more dwelling units on a single lot and a townhome is on a separate lot. She added there are party walls but there are also lot lines. She remarked they are proposing to keep 5 townhome style units on one lot and the City would consider this a 5 unit multi-family dwelling on one lot.

Atty. Preston remarked the difference is not insignificant; there are sets of regulations for multi-family dwellings, another set of regulations for townhomes, and they are different. He then read the definition of a townhome, also known as a single family attached dwelling or a row house. It is a set of 3 or more attached dwelling units which are completely separated from each other by one or two vertical party walls.

Mr. Intile explained the site contains old, run down row houses, an 18 to 20 car parking lot which was for a commercial operation, a commercial shop and another row of row houses. He added they want to propose a row of town houses and an additional two family attached dwelling. Mr. Intile distributed exhibits to the Planning Commission of the streetscape and what exists at the property today.

Mr. Intile informed the Commission he has owned, operated and purchased more than 60 properties in south Bethlehem. He distributed documents of the redevelopment he completed of a blighted property at 508 E. 5th Street which improved the streetscape as well as the safety of the residents.

Mr. Stellato asked if any of the proposed Van Buren Street properties they will be tearing down were blighted. Mr. Intile remarked they are not blighted, but they are past their useful life. He referenced the documents and described the extensive disrepair of the 300 block of Van Buren Street. He added the houses are so close to the power lines that it creates safety issues.

Mr. Intile feels the best use for the site is to remove the existing buildings and replace them with similar structures like the 508 E. 5th Street project they have completed. He added the demolition would be the commercial building, the parking lot and the row homes.

Mr. Stellato asked if Mr. Intile made any attempt to purchase the buildings in question. Mr. Intile replied that they are the current owners.

Ms. Heller noted the properties are not in a historic district and the Planning Bureau has no issues with the demolition of the existing buildings.

Mr. Malozi is trying to understand the difference if they consolidate the lots that would make this multi-family. He noted part of the discussion is whether it is townhomes or multi-family homes.

Atty. Preston advised the townhome is a vertical unit with party walls in between and the multi-family unit can be arranged above, typically like an apartment building.

Ms. Heller said whether it is termed a multi-family dwelling or a townhome would be a Zoning Hearing Board question. She added the purpose of the Planning Commission is to look at land use consideration; traffic circulations, utilities, etc. and provide recommendations to the Zoning Hearing Board on those land use issues.

Mr. Malozi noted the key issues are the number of parking spaces required, the location of the parking spaces and access. Ms. Heller commented in the design guidelines we talk about having the

parking in the back which is something we continually look for. Ms. Heller noted with this project there could be a single driveway in and a single driveway out with shared parking in the rear. She noted in the front there is a greater opportunity for grass or something other than impervious coverage. There is a limitation on the amount of macadam that is permitted in the front yard. Ms. Heller reviewed the rest of the October 7, 2019 letter from the City.

Mr. Intile advised front justifying the townhouses would put them too close to the power lines and in a fire safety rescue situation having the town houses recessed from the front gives the fire ladder truck a much better angle to the second floor of the property. Also, by front justifying the parking it allows for green space on the side and the rear of the properties. He added in addition they are trying to be courteous to the residents behind and not have headlights flowing into their homes. He noted access to this area is only from Van Buren Street, driving around the building, turning and shining headlights into the rear neighbors' homes would not be courteous.

Atty. Preston stated they originally submitted what they thought were townhouses and zoning reviewed them as townhouses. He added a few days ago they received a revised zoning letter where they morphed into multi-family dwellings. He remarked now we are being told we need a use variance from the Zoning Officer.

Ms. Heller remarked that is not true, you don't need a use variance. It is a residential zone so you are permitted to have townhomes or multi-family dwellings but having a principal use on a lot that fronts on an alley is what the Zoning Officer is trying to define.

Mr. Malozi asked if the parking is designed to meet the minimum standard criteria. Mr. Intile remarked as it exists today there are 25 parking spots, and in the proposed plan on both lots there will be a total of 21 spaces (a reduction of 4). There will be 17 spaces on Lot A, 5 in garages and 12 off street. Lot B will have 4 garage spaces. Ms. Heller noted each dwelling unit is required to have 2 off street spaces and the amount of impervious paving could be decreased because you are showing 3 spaces per unit with 2 additional spaces on the end.

Mr. Malozi remarked with 2 off street spaces per unit, it would mean 14 for the whole project as a minimum. Mr. Intile stated it would be 5, 5, and 4 for a total of 14 spaces. Mr. Malozi asked if that could be accommodated with a configuration where the parking is in the rear of the buildings with fewer spaces than the 21 spaces. Mr. Intile remarked it would then be up against the neighbor's property, so it would be 100% impervious coverage and one would have to drive around shining the headlights into the neighboring properties. Mr. Intile added depending on when this project gets built, the requirement may be changed so we would need to have 3 spaces per new dwelling on the south side of Bethlehem in this particular zone.

Mr. Malozi remarked one of the existing buildings has a front porch noting it is the urban style and he finds that favorable. Ms. Cohen added she feels the character of the neighborhood tends to have front porches and tends to have homes closer to the street. She thinks reducing the number of parking in the front would allow more green space to be created. She also thinks adding porches would help to fit this project into the neighborhood.

Mr. Malozi commented he likes the people density in RT, since it's a dense neighborhood. He added it is the vehicle density that seems to be encroaching on sidewalks and access etc. He stated if there was a possibility to reduce the number of parking spaces contained on site it would make it much more attractive for the tenants.

Mr. Malozi made the motion to recommend to the Zoning Hearing Board approval for this application for variances with consideration given to all the comments in the October 7, 2019 letter from the City of Bethlehem. The motion was seconded by Mr. Stellato and passed with a 4 – 0 vote.

Mr. Stellato had a prior appointment and had to leave the Planning Commission meeting.

4. ZONING MAP AMENDMENT

- a. 2015 City Line Road from CS (Commercial Shopping) to PI (Planned Industrial).

Tom Schlegel, Attorney for Fitzpatrick, Lentz and Bubba, is the Attorney for the project. He introduced Mr. Matthias Fenstermacher as one of the principals for the equitable owner of the property, which is City Line Associates, LLC. Atty. Schlegel stated the property is presently owned by City Line Place, LLC.

Atty. Schlegel remarked it is a straightforward and practical rezoning request. Atty. Schlegel stated the property is located in LVIP I which is primarily commercial buildings. The property contains a 53,000 sq. ft. commercial building which would be used for uses that are in the Planned Industrial district. He referenced the memo from the City which addressed the historic change of zoning to the Shopping Center (CS) district and the thought process behind that change. He advised this is the step prior to a public hearing before City Council on the proposal.

Ms. Heller stated the Planning Bureau concurs it is a practical and straightforward request. She added it is part of LVIP I and when LVIP I was originally created it extended from Airport Road on the west to Schoenersville Road on the east. It was all zoned Industrial and about 10 years ago there was some rezoning on both Airport Road and Schoenersville Road to try to allow some commercial uses along those corridors. She noted this parcel is in a transition area between one zone and the next. She added it has an industrial building on the property and it would be easier to use it as an industrial use. The City does not have any issues with the rezoning proposal as presented.

Ms. Cohen made the motion to forward the application for a zoning change to City Council with the Planning Commission's recommended approval. The motion was seconded by Mr. Barker and passed with a 3 – 0 vote.

5. DISCUSSION ITEMS

There were no discussion items for this meeting.

Ms. Cohen made the motion to adjourn. The motion was seconded by Mr. Malozi and passed with a 3 – 0 vote.

The meeting adjourned at 5:00 P.M.

ATTEST:

Darlene Heller, Commission Secretary