

**CITY PLANNING COMMISSION  
MINUTES OF MEETING  
January 9, 2020 – 5:00 P.M.  
TOWN HALL**

Present: Commission Members – Mr. Melosky, Mr. Malozi, Mr. Stellato and Ms. Cohen. City staff included Darlene Heller and Tracy Samuelson of the Planning and Zoning Bureau, Matt Dorner, Ziad Sayegh representing the Engineering Bureau and Attorney William Leeson attended as Solicitor to the Commission. Also in attendance were Attorney Boell, Mr. Kyle MacGeorge, Mr. Robert Douglass, Ms. Adrienne McNeil and Ms. Sara Irick. Representing the press were Sara Satullo for the Express Times and Charles Malinchak for the Morning Call.

**1. ELECTION OF OFFICERS**

Atty. Leeson asked if there were any nominations for Chairman of the Planning Commission.

Mr. Stellato nominated Robert Melosky for the position of Planning Commission Chairman for the year 2020. There were no other nominations so the nomination stands.

Mr. Melosky nominated Matthew Malozi for the position of Vice-Chairman of the Planning Commission. There were no other nominations so the nomination stands.

Mr. Melosky nominated Darlene Heller for the position of Secretary to the Planning Commission. There were no other nominations so the nomination stands.

**2. APPROVAL OF MINUTES – November 14, 2019 and December 12, 2019**

Mr. Stellato made a motion to approve the minutes of the November 14, 2019 Planning Commission meeting. The motion was seconded by Mr. Malozi and passed with a 3 – 0 vote. Ms. Cohen abstained.

Ms. Cohen made a motion to approve the minutes of the December 12, 2019 with the correction of Mr. Stellato as attending, not Mr. Barker. The motion was seconded by Mr. Stellato and passed with a 4 – 0 vote.

**3. SITE PLAN REVIEW**

- a. (19-006 Site Plan Review and Landscaping Waiver Request) – 19120007 – Lehigh University Rauch Business School Expansion – 459 – 461 Webster Street – Ward 3, Zoned I, plan dated July 15, 2019. Proposed is the construction of an 18,500 sf Rauch Business School Building to expand the current Rauch Business School at Lehigh University, located on a .77 acre lot.**

Attorney Steve Boell, on behalf of Lehigh University, explained the plan is scheduled for the Zoning Hearing Board agenda in January for action on a number of variances. The variances requested are for setbacks, impervious coverage and open space. The project is an 18,000 sq. ft. expansion on Webster Street. There will be three presenters- the project architect Mr. Douglass, the site engineer Mr. MacGeorge and Ms. McNeil, representing Lehigh University.

Mr. Douglass, with Voith & Mactavish Architects LLP, explained the project is an expansion of classrooms and offices for the Rauch Business College. The needs of the Business College have changed significantly with additional programs. The project site is currently a parking lot with three buildings which will be razed. He presented several views of the proposed building and

elevation renderings.

Mr. Stellato asked how many students and faculty will the new building have. Mr. Douglass remarked there is no intent to change the number of people within the Rauch Business College.

Mr. Malozi asked if the properties on Van Buren Street are residential. Mr. Douglass added to his knowledge all the properties on Van Buren Street are rental properties rented to Lehigh students and are not owned by the University.

Mr. MacGeorge, with Langan Engineering, reviewed the site plan details. Final engineering design will be submitted during the land development phase. He reviewed the hardships for several variances required for this site plan. The lot is very narrow. Fitting any type of building to get any kind of square footage of useable space is very limited on this site. The variance requests include front yard setbacks from Webster, Packer and Taylor. The request for the rear yard setbacks for Van Buren, which abuts the residential zone, comes with an additional setback because of the height of the building. They also need buffer variances. There are open space requirements for each front yard setback along Taylor, Packer and Webster and the buffer requirements cannot be met. There is green roof proposal allowing a reduction in the impervious coverage on this site.

Mr. Stellato asked if there will be parking in the area. Mr. MacGeorge replied there will be on street parking and the Fire Official requested the developer leave space for fire access in the front of the building.

Mr. Malozi asked for clarification about the building height and the Packer Avenue right of way.

Mr. Melosky referred to the January 3 comment letter and asked if Lehigh University is willing to comply with the recommendation of the fee in lieu of tree plantings. Mr. MacGeorge replied the University has reviewed the requirement and understands the requirement will be part of the approval.

Mr. Malozi also mentioned the City's request for mill and overlay on Packer and that any meters broken or damaged will be replaced in kind. He asked if the City is moving towards kiosks for parking. Ms. Heller remarked that would be the Parking Authority's responsibility. Mr. Malozi added it might be an opportunity for coordination if these meters will be going away.

Mr. Melosky agreed with Mr. Malozi's recommendation. Mr. MacGeorge stated the University understands the landscape requirements, the request for mill and overlay and also the request for ADA ramp improvements.

Ms. Cohen remarked on the rear of the lot there is a 2.8' setback. Mr. MacGeorge replied the building setback varies from one side to the other. It is how they are positioning the building to stay out of the clear sight triangles. She asked if there is a sidewalk in the area. Mr. MacGeorge responded they are only replacing what is there.

Mr. Malozi asked what relief is needed for the landscaping. Mr. MacGeorge remarked the site plan does not meet the coverage requirement for the total of landscaping at the site. There is a certain amount of square footage of landscaping required based on building size.

Adrienne McNeil, the Assistant Vice President for Community and Regional Affairs for Lehigh University, explained this is an academic building with classrooms, a data analysis lab, expansion of the currently existing financial services lab and the business communications center. The building will be erected on a parking lot which has 44 parking spaces currently. She noted the recently completed parking study shows there is a surplus of 112 parking spaces

nearby. The University regulates student parking and has moved to a zoned base system. They have expanded the university transit system and have offered remote parking options for incentives. The ridership has more than doubled. People are relying less on their cars and walking or taking the bus when needing to get around campus.

Mr. Stellato remarked there are 44 parking spaces gone and 112 parking spaces are going to be available. Ms. McNeil confirmed 112 parking spaces are currently available in the Zoellner zone. Mr. Malozi pointed out that the University has partnered with LANTA which will contribute to the ongoing parking solution. Ms. McNeil agreed.

Ms. Samuelson reviewed the January 3 letter and the proposed waiver request.

Mr. Melosky noted there was a campus wide parking analysis done and this has come up before with the University in terms of making sure there is adequate parking, particularly for the employees of the University. He asked what is being done to monitor the zoned parking. What are the steps being taken by the University to ensure compliance with the zoned parking. Ms. McNeil replied there is a surplus of over 2538 available parking spaces throughout the entire campus. The University has an enforcement team to make sure people are parking in their zones. The tickets start at \$50.00 per violation as an incentive for people not to violate the zoned parking rules. The neighborhood surrounding the campus is permit parking only.

Mr. Melosky asked Ms. McNeil to repeat the number of surplus parking spaces. Ms. McNeil said there are 2538. Mr. Melosky asked how the surplus of parking is determined.

Sara Irick, Professional Engineer, explained they broke the campus down into small zones based on parking locations. They determined demand in each zone by counting anyone that worked in the zone, the population in each zone and the zoning ordinance requirements. They determined the need for parking in those zones based on the number of spaces in each zone. The report accounts for 52 new employees and the removal of the 44 spaces. The zone still includes the surplus of 112 spaces which Ms. McNeil referenced. The proposed building is within the Zoellner Arts Center Parking Zone, which is comprised of the Zoellner garage.

Mr. Stellato asked if the 2538 surplus of parking spaces are on this side of the mountain. Ms. Irick remarked they are campus wide. On Asa Packer Campus there is a surplus of 428 spaces, 112 within Zoellner and additional spaces outside of that. Mr. Stellato asked how many small zones there are. Ms. Irick remarked there are 12. Mr. Malozi noted there are 428 spaces on the Asa Packer campus and the balance will be on the Goodman campus. Ms. Irick replied they would be on Mountain Top, Goodman and Saucon Village. There are multiple campuses.

Ms. Cohen asked what type of landscaping is being provided and is the variance only for the area and not the types of landscaping. Mr. MacGeorge commented the landscaping variance requested is for the area.

Mr. Malozi mentioned the University has free ridership on public transportation for students, faculty and staff and that should be added to the land development plan when returning to the Planning Commission.

Mr. Malozi made the motion to forward the comments regarding the site plan review contained in the January 3, 2020 letter to the Zoning Hearing Board for review. The motion was seconded by Mr. Stellato and passed with a 4 – 0 vote.

Mr. Melosky made the motion to grant the landscaping waiver request with the condition that the proposed fee be paid to cover the deficiency in the tree planting. The motion was seconded by Mr. Malozi and passed with a 4 – 0 vote.

#### 4. ZONING TEXT AMENDMENTS

- a. Short Term Lodging. Proposed draft amendment to address Short Term Lodging.

Ms. Heller advised this is a continuance from last month's meeting. She noted there is a housing ordinance in place requiring licensing and inspection for short term lodging. This amendment proposes short term lodging in the zoning ordinance so it becomes an additional land use category. The zoning ordinance would address the land use considerations for short term lodging and the housing ordinance will address housing considerations and code enforcement issues for short term lodging. They are two separate ordinances with two separate purposes.

Last month there was discussion about owner occupancy and short term lodging. In response to last meeting's discussions the definition of a short term lodging facility has been tightened up to include more specific information which would allow the City to clarify what is an owner occupied unit and what is not. There have been issues with short term lodging when it is not owner occupied. Those that are owner occupied have not created as many issues. There was also discussion last month about the length of stay and if more than 30 days is a detriment or a concern. If a renter is staying for more than 30 days there is less transiency at the property. When someone is renting for more than 30 days they become a typical renter. Those situations are addressed in other housing ordinances. We recommend leaving the 30 consecutive night stay threshold in place in this ordinance. There was also discussion at the last meeting about limiting the number of nights that short term lodging can occur. At this time we do not recommend limiting the number of nights in this amendment. The main change is in the definition to tighten up owner occupancy.

Mr. Malozi read the amendment for short term lodging definition. He added it means to him that a short term rental has to be owner occupied to qualify.

Ms. Heller noted that the housing ordinance requires the property owner to renew their license and inspections annually.

Bruce Haines, managing partner of Hotel Bethlehem and resident at 63 W. Church Street, remarked that the original Ordinance 1741 obviously has to be changed to be consistent with the new change being made here.

Ms. Heller agreed.

Mr. Haines remarked there is no reason to say "the temporary rental of a dwelling or portion thereof".

He also noted that bed and breakfast still allows a non-owner to rent out an entire building. He urged the City to change the bed and breakfast definition to be consistent with the short term lodging so that it has to be owner occupied. That would close the loophole for commercial abuse of bed and breakfasts. Ms. Heller clarified that in the definition of bed and breakfast, a bed and breakfast can be managed by the property owner or by an on-site manager who lives there. She agrees with Mr. Haines comment, but the issue would have to be addressed in a separate ordinance. He also recommends that 8, 9 and 10 be added to the last section. Number 8 would require "no separate entrance shall exist for a transient guest." In 1741 it says you can't build a new separate entrance. He is concerned that in the last two years the City has been approving essentially two family homes with separate entrances. He feels reinforcing that by saying no separate entrances shall exist for a transient guest would be item 8.

A new item 9 would require that the homeowner must share the common kitchen and living area

with the transient guest.

Item 10 would require that the homeowner must be on premises within the single family space during the transients stay. Mr. Haines reiterated those items are not addressed in 1741 or in this ordinance. It would further tighten any loopholes.

Ed Gallagher, 49 W. Greenwich Street, lives by Moravian College and in the 15 houses he considers his block, half are not owner occupied. The neighbors he used to have disappeared, some are rented and he is not sure about some of them. He thinks some of the houses are being used for AirBNB's. He asked Ms. Heller if people using AirBNB now are registered somehow with the City. Ms. Heller replied there are some people who have come in and have received a license through the current ordinance 1741. Mr. Gallagher remarked he could check with the City to see if they are licensed for short term lodging. Mr. Gallagher stated there has to be off street parking, as he understands in this ordinance and it is not happening with those houses that are AirBNB in his neighborhood. He added this ordinance is saying you need off street parking for two spaces. Ms. Heller noted they could be complying right now with ordinance 1741 which is a separate housing ordinance. Mr. Gallagher stated if this goes through they would need to show two off street parking spaces. Mr. Gallagher remarked there are no off street parking spaces on his block. Mr. Gallagher referred to a point Mr. Malozi raised about some sort of limitation. Is the ordinance saying a person could offer short term lodging 365 days a year? Last month Mr. Malozi raised a limit; 60 days or 180 days or something like that. Without something like that somebody could offer short term lodging 365 days a year. He feels that changes the character of the neighborhood. He would like to see that question come back. He also has a concern about density of short term lodging properties. He is thinking about the 15 houses in his block and half of them now are doing something, either renting to students or AirBNB or something. It has really changed his block in his neighborhood.

Mr. Haines remarked there is one other concern which is the exception for parcels with 1 acre or larger to essentially allow someone to live in an outbuilding that isn't under the umbrella of the owner. It seems inconsistent now with tightening everything up to leave that loophole for 1 acre lots. If we're trying to discourage transient guests from being in buildings by themselves and not monitored, this seems to become inconsistent and doesn't apply with the other changes being made earlier.

Mr. Malozi noted that following action this evening the amendment goes to City Council for their approval. He added Mr. Haines is very passionate about things that go on with the City. He has done a tremendous job with the Hotel Bethlehem. Mr. Melosky appreciates Mr. Gallagher's comments tonight as it pertains to his neighborhood.

Mr. Stellato said he finds it hard to vote on this amendment tonight because there are so many revisions suggested to add 8, 9 and 10 to short term lodging. There is no comment from the City about the inclusion of those additional items. Ms. Heller mentioned some of what Mr. Haines is looking to add could be addressed when an inspector inspects the property. The City did not feel it was necessary to call out those items separately in zoning since most are part of a housing inspection. We are trying to separate land use provisions from housing provisions.

Mr. Malozi noted you're not just technically renting a bedroom, you have access to the entire dwelling unit. He added the provisions requiring the owner to reside there are very powerful. The parking space requirement is very powerful as well. If you don't have the existing off street parking spaces then you can't have short term lodgers. That will drop a significant number of properties out of this category. Those two things are the most significant. The housing ordinance, 1741, addresses licensure, inspection, license revocations, appeals and all those kind of things to be handled separately. This defines short term lodging for the first time. It gives us a mechanism to control it and enforce it. He likes it.

Mr. Melosky added when any type of amendment is made to pass along to City Council he would ask the City Council members to read the minutes and consider evaluating any comments made tonight by Mr. Haines. At the end of the day, we are just passing it along with our recommendations.

Ms. Heller added the Planning Commission is only acting on the zoning amendment, but there will be also revisions to 1741. The two ordinances will go to City Council concurrently. The proposed addition of 8, 9 and 10 may be more appropriate in 1741. City Council will be looking at those ordinances concurrently.

Mr. Malozi asked if the Planning Commission needs to take a look at the bed and breakfast provisions as well. Ms. Heller replied that the City concurs with Mr. Haines suggested change to the Bed & Breakfast ordinance. It will be presented at the February meeting.

Mr. Malozi made the motion to forward the zoning ordinance amendment relating to hotels and short term lodging as it is presented in its amended form here at the January 9, 2020 meeting of the Planning Commission to City Council with the recommendation for approval. The motion was seconded by Mr. Melosky and passed with a 4 – 0 vote.

## **5. DISCUSSION ITEMS**

There were no discussion items for this meeting.

The meeting adjourned at 6:45 P.M.

ATTEST:

---

Darlene Heller, Commission Secretary