

**CITY PLANNING COMMISSION  
MINUTES OF MEETING  
March 9, 2023 – 5:00 P.M.  
TOWN HALL MEETING**

Participants: Commission Members – Mr. Melosky, Mr. Malozi, Mr. Burgos. Mr. Barker and Ms. Cohen. City staff included Darlene Heller and Craig Peiffer of the Planning and Zoning Bureau, Basel Yandem, Deputy Director of Public Works, and Attorney Matthew Deschler, Solicitor to the Commission.

Attending in person were Mr. Charles Unangst (1780 E. 4<sup>th</sup> Street), Mr. James Preston (119 Technology Drive), Mr. Matthias Fenstermacher (119 Technology Drive) and Mr. George Gatanis (403 N. Pine Top Circle).

**1. APPROVAL OF MINUTES – February 9, 2023.**

Mr. Melosky requested feedback from the Planning Commission regarding the minutes dated February 9, 2023. Ms. Cohen noted that her name was misspelled in two areas for the minutes. The error was noted. Being no further discussion, Ms. Cohen made a motion to approve the minutes of the February 9, 2023 Planning Commission meeting with the adjustment of the spelling of her name. The motion was seconded by Mr. Burgos. Roll was taken, Mr. Barker abstained, as he was not present at the February 9, 2023 meeting. The minutes were approved as presented with a 4-0-1 vote.

**2. LAND DEVELOPMENT AND SUBDIVISIONS - None**

**3. SIDEWALK DEFERRALS**

- A. 1780 East 4<sup>th</sup> Street (Sheetz).** The Applicant proposes a DEFERRAL OF SIDEWALK along Emery Street between East 4<sup>th</sup> Street (PA Rt. 412) and Shimersville Road, a corner lot where the Applicant proposes a 6,139 SF convenience store / gas station with associated parking and infrastructure.

Mr. Charles Unangst from Hanover Engineering noted that they were before the Planning Commission on February 9, 2023. He provided the Planning Commission with a drawing of the site where they are asking for the sidewalk deferral. He noted that the Department of Public Works reviewed this request and they did not have any objections.

Mr. Melosky asked Ms. Heller to elaborate on the memo dated February 22<sup>nd</sup>. Ms. Heller asked Mr. Basel Yandem, Deputy Director of Public Works, to provide feedback. Mr. Yandem noted, there is access to the site for pedestrians from 4<sup>th</sup> Street, and Emery Street leads to private roads which don't have sidewalk. Therefore, adding sidewalk to Emery Street which leads to a dead end where sidewalk can't be connected, not even through a cross walk, is a safety concern. The City agrees that there is no point to install the sidewalk.

Mr. Melosky asked if there were any questions from the Planning Commission. Mr. Malozi recommended the sidewalk go in while construction is going on, as there will be development in the future. Mr. Melosky stated that he would support development that has come before the Planning Commission, provided that they install sidewalk if there is future

development. Ms. Heller noted that future installation of sidewalk has been done in the past with other projects. Mr. Melosky asked Mr. Yandem if he has seen deferral with re-evaluation within a specific time frame. Mr. Yandem noted that sidewalk deferrals are approved until the Director of Public Works sees the need of installing sidewalk, then he can waive the deferral and request the installation of curb and sidewalks. Ms. Cohen expressed her concerns with pedestrians coming across the lot. She feels the sidewalk should be installed now. Should deferral be the choice, then she wants to make sure it will be easily added when the time comes. Mr. Melosky asked if there were any other questions from the Planning Commission or from the public. Being none, Mr. Melosky requested a motion. Mr. Malozi made a motion to grant the deferral of sidewalk at 1780 East 4<sup>th</sup> Street with the condition that site work allow the installation of sidewalk at a later time if/when the deferral is called in by the City, Department of Public Works. The motion was seconded by Mr. Barker. The motion was passed 4-1, with Ms. Cohen voting no.

- B. 403 North Pine Top Circle.** The applicant proposes a DEFERRAL OF CURB AND SIDEWALK along Biery's Bridge Road and a DEFERRAL OF SIDEWALK along North Pine Top Circle, a corner lot where the Applicant proposes a single-family detached dwelling.

Mr. Gatanis explained where current sidewalks are in relation to his home. He will be placing a depressed curb where he plans to put a driveway. Mr. Melosky asked Mr. Yandem, Deputy Director of Public Works, if he had any input. Mr. Yandem stated that there is no curb or sidewalk along Bierys Bridge Road along the entire stretch and therefore no reason to request sidewalk, but on N Pine Top Circle there is existing curb that must stay in place to manage stormwater. Ms. Heller indicated that she has nothing to add from the memo dated February 22, 2023.

Mr. Melosky noted that he is in support of this and asked the Planning Commission if they have any comments. Mr. Malozi asked if this is currently a vacant lot. Mr. Gatanis stated it was when he bought it, but now has a house framed at the location. Being no additional questions from the Planning Commission or from the public, Mr. Melosky requested a motion. Ms. Cohen made a motion to approve the deferral for sidewalks at 403 North Pine Top Circle. The motion was seconded by Mr. Melosky. The motion was passed 5-0.

#### **4. ZONING MAP AMENDMENT**

- A. 119 Technology Drive.** The Applicant proposes to change the Zoning District from IR – Industrial Redevelopment to CB – Commercial/Central Business.

James Preston introduced himself as the attorney for Serfass Development and Acquisitions I, LLC. He also introduced the Principal of Serfass Development and Acquisitions I, LLC, Mr. Matthias Fenstermacher.

Mr. Preston noted that their request has been reviewed by the City and he believes that there is a favorable comment letter.

Mr. Melosky noted that the Planning Commission will provide City Council with a

recommendation. City Council will then determine how/if to move forward. He also noted that future land development plans will go back to Planning Commission for review.

Ms. Heller referred to a map in the Planning Commissioner's packets and discussed the comments in the planning & zoning memo. Because there are so many different mixed uses in this area, the City believes that it is an appropriate re-zoning request. Mayor Reynolds also submitted a letter of support, dated March 9, 2023. The letter from Mayor Reynolds was given to Mr. Preston, Mr. Fenstermacher and the public in attendance. Mr. Melosky noted that the proposal was also reviewed by the Lehigh Valley Planning Commission (LVPC). Ms. Heller stated that LVPC has 30 days to reply to the application. The LVPC provided their comments even though they were unable to review the draft at their public meetings. The sub-committee meeting is March 21<sup>st</sup> at noon, and the full commission meeting will meet and review the proposal on March 23<sup>rd</sup> at 7:00 pm. The meetings are virtual and will be advertised with the virtual link on the LVPC website (lvpc.org).

Mr. Melosky likes the project location and believes that it fits in with the revitalization going on in that area.

Mr. Melosky asked if there were any comments from the Planning Commission, Mr. Preston or Mr. Fenstermacher. Mr. Malozi noted that in addition to residential, the proposed change will also allow for commercial purposes should the market change.

Mr. Melosky asked if there was any public comment.

Ms. Francine Spevak, unit 331 at Riverport, stated that based upon all of the new development in the area, this project will take the number of proposed residential units up to 969, and that there is no mention of the cost of rent. She asked how this will help with affordable housing and how the Planning Commission believes it will accelerate the development of the proposed public market project at Riverport. She recommends keeping the zoning as-is and to find a business that will support local businesses. Ms. Spevak noted that she did not get notification of the public hearing scheduled for March 21, 2023.

John Morris, at 11 West 2<sup>nd</sup> Street, Unit 208, stated that he likes this project, but does not like that they are apartments; meaning a transient population. He would like condominiums. He is concerned about parking and traffic which is already an issue. He noted that the 2<sup>nd</sup> Street extension is narrow. Adding additional cars are of concern there, on 3<sup>rd</sup> Street and the Fahy Bridge. Mr. Melosky stated that he is concerned about the width of the road on the 2<sup>nd</sup> Street extension as well.

Sarah Miller with NAI Summit, the broker of representation for the listing on behalf of the property owner (IQE), provided a history of the building. They have found that attracting a like kind of business has not been successful. She noted that there would be the same traffic concerns along with delivery trucks and possible odd hours of operation for a new nonresidential use.

Cindy Marsh of 11 W. 2<sup>nd</sup> Street, Unit 144 believes that the zoning should be maintained as industrial redevelopment in order to bring in more jobs. She states that, if the decision ends up being housing, then she would like to see condominiums.

Mr. Melosky asked Ms. Heller to explain the definition of a Commercial/Central Business District (CB).

Mr. Melozi thanked the public for their comments. He acknowledged the transiency concerns and need for high-tech businesses with employment options mentioned by the public. He likes the idea of mixed-use and indicated that the zoning ordinance points out that there should be limited intensive residential development. This should be looked at if the project comes back to the Planning Commission.

Mr. Melosky asked if there were any other questions from the Planning Commission. He reiterated that the Planning Commission will be sending a recommendation to City Council. A motion was made by Mr. Malozi that the Planning Commission support the proposed zoning map amendment at 119 Technology Drive with the proposal being the change of the zoning district from IR to CB. The motion was seconded by Mr. Barker. The motion was passed 5-0.

## **5. ANNUAL REPORT**

Ms. Heller provided a summary of activities from 2022.

## **6. DISCUSSION ITEMS:**

Mr. Melosky noted that this will be Ms. Rosario's last meeting as long as her position is filled by the April Planning Commission meeting.

The meeting adjourned at 6:20 p.m.

ATTEST:



Darlene Heller, Commission Secretary