

**CITY PLANNING COMMISSION
MINUTES OF MEETING
April 14, 2022 – 5:00 P.M.
TOWN HALL MEETING**

Participants: Commission Members – Mr. Melosky, Mr. Barker, Ms. Cohen and Mr. Burgos. City staff included Darlene Heller of the Planning and Zoning Bureau, Basel Yandem of the Engineering Bureau, and Attorney Matthew Deschler as Solicitor to the Commission. Attending in person were Mr. Scott Hesser, Mr. Doug Spengel, Ms. Erin Kintzer, Ms. Adrienne McNeil, Mr. Steve Schlegel, Mr. Jeff Beavan, Eng., Atty. Kate Durso, Ms. Dolores Laptuka, Esq., Ms. Polly Beste, Mr. Redmond Clark, Mr. Joe McFadden, Mr. Dan Nemeth, Mr. Ken Smith, Mr. Paul Greenbalt, Atty. Michael Recchuiti, Mr. Michael Devers and Mrs. Gretchen Devers.

1. APPROVAL OF MINUTES – March 10, 2022.

Mr. Melosky made a motion to approve the minutes of the March 10, 2022 Planning Commission meeting. The motion was seconded by Mr. Barker and passed with a 4-0 vote.

2. CURB AND SIDEWALK DEFERRAL

- A. The property owner is proposing a new single family dwelling at 280 Luna Street. Atty. Michael Recchuiti representing Michael and Gretchen Devers (property owners) is requesting consideration for a deferral of curb and sidewalk along Luna Street.

Mr. Melosky asked if Ms. Heller had any comments. Ms. Heller stated there are no further comments and she stated that Public Works is in agreement for the curb and sidewalk deferral.

Mr. Melosky made a motion to grant the curb and sidewalk deferral until deemed necessary by the City of Bethlehem as mentioned by the Department of Public Works memo dated March 23, 2022. The motion was seconded by Mr. Barker and passed with a 4-0 vote.

3. LAND DEVELOPMENT PLAN REVIEW

- A. **(21-017 LD) – 21120006 – 124 Goodman Dr. – Land Development Plan – Ward 16, Zoned I, plan dated November 12, 2021 and revised March 14, 2022.** The applicant proposes to develop a 14.49 acre solar farm on an existing agricultural field. There are no employees at the site, therefore, no parking spaces are provided.

Atty. Kate Durso introduced Mr. Jeff Beavan, Eng. of Bohler Engineering and Mr. Scott Hesser of EDF Renewables which owns Saucon Valley Solar Partners. Atty. Durso explained the plan and Mr. Hesser talked in detailed about the solar farm.

Mr. Melosky asked Mr. Hesser to explain how the solar panels move, i.e. with the sun, etc. Mr. Hesser explained that the panels are mounted on a single access tracker. The panels will rotate to the east in morning and as the sun moves through the sky they will track with the sun to maintain as much as possible direct perpendicular orientation to the sun to maximize the yield from the solar panels.

Mr. Melosky asked if there was a noise factor involved in the rotation of the panels. Mr. Hesser stated because of their distance, the noise is soft enough not to disturb the neighbors and typically not heard outside of the solar array. He also stated that the panels are turning very slowly.

Mr. Melosky talked about a maintenance building on the other side of the neighborhood off Stone Stack Road. He stated that he noticed a substantial buffer from the residents that live next to the maintenance shed. Ms. Erin Kintzer stated that she wasn't sure how long the maintenance shed and the berm was there but she stated that it was a condition of sale for the developer to add the berm. She stated it was put on

Lehigh property but not by Lehigh. The berm was constructed by the residential developer to protect the homes.

Mr. Melosky stated his is concerned that the 3ft. berm that is proposed by Lehigh is not an adequate amount of buffering on top with the trees to make it right so that everyone is happy. He doesn't think that it is fair to the neighboring properties. Ms. Durso responded that the property is zoned Institutional. The neighbors bought properties next to a vacant field in which a dormitory or other type of institutional building can be built closer to the property line than where the solar panels are going to be placed. She also stated that Lehigh has limited area given the location of the cross-country tracks and they cannot reduce the size of the solar field because of the need of the aggregate that Mr. Hesser mentioned.

Mr. Melosky asked Mr. Beavan if he could explain the vegetation and what is being planted. Mr. Beavan explained that the difference between the solar panels and the maintenance facility is that the maintenance facility has ongoing activities, trucks in and out moving materials around. As for the solar panels, they are standalone and 10ft. at maximum height and rotate very slowly throughout the day and that is the only activity that will be seen. Mr. Beavan stated the material being proposed is a mix of evergreens and deciduous trees. The evergreens are native species, there will be some white pines and Norway spruces. Also, some Douglas firs and white and blue spruces. A mix of trees that will be green throughout the year.

Mr. Melosky asked how are the trees being planted; will they be on a straight line down along the perimeter or will they be staggered. Mr. Beavan stated the trees will be planted 12 ft. on center which at full growth they wind up 15 plus feet in width. As such, there needs to be enough room for them to grow to maturity. The trees are proposed to be staggered so that there is overlap at maturity.

Mr. Melosky asked Ms. Heller is she had any comments she needed to address pertaining to the City's letter dated April 8th. Ms. Heller stated that she did not have any comments. Both Public Works and Planning Bureau met with both side to come to a medium with the landscaping. She also stated that Lehigh did come back with revised plans that added a berm, a variety of species and increased the height of the plantings.

Ms. Kintzer, Director of Real Estate Services for Lehigh University, stated that she is a resident of the City of Bethlehem for 16 years and her children attend Spring Garden Elementary School. She talked about a solar array adjacent to the school and a residential development and does not have any buffering or berm. She continued to say that the project presented today represents an important initiative for the University. It is intended to supply 90% of the electrical power needs for the Goodman campus.

Mr. Melosky asked if anyone in the Planning Commission had any comments. Mr. Barker asked if anyone knew what the change in elevation is from the site to the surrounding development. Mr. Beavan stated that it varies across the property. At the western end of the property line, it is 8 ft. lower as it drops into the farm field. Mr. Barker asked about the 3 ft. berm and the width at the top compared to the width at the bottom. Mr. Beavan explained that the berm has a 3 to 1 slope on the outside which is required by ordinance and a 2 to 1 slope on the inside. The width on top would be 4 ft. and at bottom 19 ft.

Mr. Barker asked if they had a diagram of the fence. Mr. Beavan stated it would be a wire mesh similar to a deer fence. Mr. Hesser stated the fence is an 8 ft. tall, 6 x 6 inch fixed knot spacing.

Mr. Burgos asked if Lehigh plans to have any type of storm system around the berm. Mr. Beavan responded that there's an existing swale that runs along that property line that conveys water from the north to the south down to the stream at the bottom of the site. They are not proposing any storm sewers but they did set the berm back several feet from the property line with two intentions. 1) To preserve the existing trees and 2) To provide room for runoff that may come down the side of the berm to run along the berm on the Lehigh property before discharging at the bottom.

Mr. Barker asked for the total number of panels. Mr. Hesser responded 7,400. Mr. Barker stated if you had more room, you can have 10,000 panels. Mr. Hesser stated that under the net metering laws, they are

limited by what Lehigh uses in a given year. He continued to state the purpose of the rule is to not overbuild your solar as it needs to stay balanced with their load and the energy use.

Mr. Melosky asked if there were any comments from the public. Ms. Polly Beste, 1025 Stone Stack Drive, stated that no one is against this project – they are pro solar. She stated that she has grave concerns about the impact it will have on their community. Ms. Beste introduced Dr. Redmond Clark, a consultant that the community has been working with to analyze the plans they have received from the City.

Dr. Clark stated that he was there to speak for the Saucon Field residents. He stated that the project will have an impact on the loss of viewshed, loss of quality of life, loss of home values and continuing risk of the health and safety of the residents. Mr. Clark stated all the plans do not show any of the locations of the homes at Saucon Fields. Dr. Clark stated that the array is very close to the homes and it's a great concern to the residents. Dr. Clark spoke on how the homes are built at street level on Stone Stack Drive. He continued to state that the land falls off from Stone Stack Drive down into the area where the array is proposed to be built. As a result, the main floors of the homes are looking down on the array.

Ms. Dolores Laputka, 1027 Stone Stack Drive, stated that Ms. Durso has talked about the minimum requirements but there are other requirements as part of the Zoning laws and are sections such as “blend the system into existing structures and environment”. Also, “to have an appreciation and conserve values of land and buildings”. She stated that their property value is going down. She paid \$530k four years ago for her home and she put a lot of money into it. She stated that she is not sure she would get that money now knowing the solar will impact the residential area.

Mr. Joe McFadden, President of the Saucon Fields Condominium Association, he wanted to mention the area contains 30 homes with current resale values ranging from \$500k - \$520k. He stated that 13 of their residents are graduates or employees of Lehigh University, 19 residents are retired and 10 of their residents have lived at Saucon Fields for all 26 years. He stated if the residents do not have sufficient visual partition between their properties and the solar field, they have been warned that the value of their properties will drop by 7-10%. He continued to state that for the length of time that he has lived there (26 years), the cross-country field has been shifted five times.

Mr. Dan Nemeth, 1010 Stone Stack Drive, stated that the value of the properties will go down once the solar array is constructed. He felt that there are other locations where this array can go. Lehigh University could have done a better job and be a better neighbor knowing the amount of land that Lehigh University owns.

Mr. Ken Smith, 1020 Stone Stack Drive, stated the lack of communication from Lehigh University has been terrible. The residents from Saucon Fields did not become aware of the project until a conversation between one of the residents and a member of the athletic department of Lehigh University. Mr. Smith stated that something needs to change in terms of the City's guidance and ordinances in resolving issues like this.

Mr. Paul Greenblatt, 1016 Stone Stack Drive, has lived at Saucon Fields since it was built and considered Lehigh University to be a good neighbor. He stated that now he questions that because as a good neighbor, you would communicate with your neighbors and you would consider your neighbors. He stated that Lehigh University should reconsider placing this project someplace else where the impact isn't so great on individual homeowners.

Mr. Melosky wanted to address that it is not the Planning Commission's responsibility to make sure that Lehigh University communicated with the neighbors. Mr. Melosky asked Mr. Hesser if he can speak more on the glare. Mr. Hesser explained that solar panels are built by design to accept as much light as possible and to avoid glare. The reason for that is the sunlight is converted into electricity. To the extent that sunlight is reflecting off the panels; that is energy that is not being converted into electricity. In order to maximize the yield of the solar panel, the solar panels are built with an anti-glare coating. Mr. Hesser stated

they ran these glare studies from the perspectives of the condominiums along the western side at both the balcony level and the second story. The glare study did not show any significant hazard of glare.

Mr. Melosky stated he understands the concern on the home values for resale. He continued to say that when he bought his home there was an empty field but he knew that a development could at any given moment be placed there. Mr. Melosky asked Solicitor Deschler to give some examples of what can by law, be built in the Institutional District. Solicitor Deschler stated that in the Institutional District it is permitted to have cemeteries, colleges and universities, community recreation centers, crematoriums by special exception, funeral homes, adult day care centers, child day care centers, dormitories, hospitals, etc. Mr. Melosky stated that this is a by right project. Some of the items mentioned by Solicitor Deschler can be placed there by right.

Mr. Melosky asked if Lehigh University is opposed to extend the berm in front of buildings 3 and 4 at Saucon and would Lehigh University be opposed to adding to the size of the berm. Mr. Barker asked if it was possible for both sides to talk and come to a happy medium before moving forward on this project. Mr. Burgos reiterated what Mr. Barker said. Mr. Barker asked Atty. Durso if she saw the presentation Dr. Clark presented at the meeting. Atty. Durso saw it a few hours before the meeting. Atty. Durso stated that Lehigh University had two meetings with the neighbors, then Lehigh submitted the plans to the City and then they heard comments from the neighbors. Lehigh incorporated comments into the resubmission to the City. She continued to say that Lehigh will not have any more meetings with the neighbors because every time there's a meeting, the neighbors keep adding changes and it's a never ending cycle.

Ms. Cohen stated that Dr. Clark's presentation discussed the tree line and diagrams with trees and straight lines. She continued to say that Lehigh University's landscaping plan clearly shows that the trees are staggered which was one of Dr. Clark's suggestions to create more of a buffer. She also stated that there is a mix of deciduous and evergreen trees. Ms. Cohen stated that there will be more of a buffer than what is shown on the presentation made by the residents. She feels Lehigh has done a good job in creating a buffer with a variety of staggered trees while still allowing them to make this solar array on the site with the limitations that they have.

Atty. Durso said Lehigh would be willing to consider extending the berm down further in front of buildings 3 and 4 in a curved fashion (not straight to avoid moving the cross-county track). She stated that Lehigh would not be willing to elevate the median any taller than what it is because of the concern with losing solar panels and having to relocate the running track. She also stated that Lehigh would be willing to consider placing some additional trees on the berm to create a more staggered approach.

Ms. Cohen made a motion to approve the submission for the solar array field at Lehigh University based on the conditions of the letter dated April 8, 2022 from the City. She included that the applicant will extend the berm and plantings on a curved fashion to the south to buildings 3 and 4. The motion was seconded by Mr. Melosky and passed with a 3-1 vote. Mr. Barker voted no.

4. ZONING AMENDMENTS

A. Miscellaneous zoning ordinance amendments to address a variety of Zoning Ordinance Articles.

Ms. Heller reviewed all the amendments.

Mr. Melosky requested the following two revisions be added to the parking amendment;

- Miscellaneous ordinance Section 4(ii) Multi-family dwellings/ apartments with two or fewer bedrooms - one and one-half three-quarter parking spaces for each dwelling unit. If **existing and** proposed streets are not adequate to provide for on street parking in addition to the required parking for individual units, then the development shall provide for clustered parking spaces at another location on

the lot convenient to a majority of the units to result in a total minimum of ~~two~~ **1.75** spaces per dwelling unit.

Mr. Barker requested that the RG district be added to Article 1322.03.II(5)(i) related to parking setbacks to a building. The section would be revised as follows:

- Miscellaneous ordinance Section 6. Except within the **RG, RT, IR-R, CB** and CL zoning districts, all parking spaces and access drives shall be at least 15 feet from any multi-family dwelling on the lot. This shall not apply to an interior garage and/or a driveway intended to be used as a parking space for one particular dwelling unit.

No other revisions were suggested.

Mr. Melosky made a motion to forward to City Council the changes suggested by the Planning Commission on the parking from 2 to 1.75 spaces per dwelling unit and adding the RG District to Section 6 in the Zoning Ordinance Amendments. The motion was seconded by Mr. Barker and passed with a 4-0 vote.

5. DISCUSSIONS:

Summary of Upcoming PC Agenda – Ms. Heller reviewed all the projects.

The meeting adjourned at 8:20 p.m.

ATTEST:



Darlene Heller, Commission Secretary