



RECEIVED

DEC 23 2022

SITE ADDRESS: 15 Emery Street

CITY OF BETHLEHEM BUREAU OF PLANNING & ZONING

Office Use Only:

DATE SUBMITTED: 12/23/2022

HEARING DATE: 1/25/2023

PLACARD:

FEE: 500.00

ZONING CLASSIFICATION: Industrial (IN)

LOT SIZE: 34.66 acres

**APPLICATION FOR APPEAL TO THE CITY OF BETHLEHEM ZONING HEARING BOARD,
10 EAST CHURCH STREET, BETHLEHEM, PA 18018**

1. Return one (1) original and eight (8) copies of this application and all supporting documentation to the Zoning Officer, along with the filing fee. Include site plans and/or floor plans as necessary.
2. The application is due by 4PM on the 4th Wednesday of the month. The hearing will be held on the 4th Wednesday of the next month.
3. If you are submitting MORE THAN 10 exhibits at the hearing, you MUST place them in an indexed binder and submit at one time.

Appeal/Application to the City of Bethlehem Zoning Hearing Board is hereby made by the undersigned for: (check applicable item(s):

- Appeal of the determination of the Zoning Officer
- Appeal from an Enforcement Notice dated _____
- Variance from the City of Bethlehem Zoning Ordinance
- Special Exception permitted under the City Zoning Ordinance
- Other: _____

SECTION 1

| | |
|-------------------|--------------------------------|
| APPLICANT: | |
| Name | United States Cold Storage LLC |
| Address | 2 Aquarium Drive, Suite 400 |
| | Camden, NJ 08103 |
| Phone: | ██████████ |
| Email: | ██████████ |

| | |
|--|---|
| OWNER (if different from Applicant): Note. If Applicant is NOT the owner, attach written authorization from the owner of the property when this application is filed. | |
| Name | SAME AS ABOVE |
| Address | |
| Phone: | |
| Email: | |
| ATTORNEY (if applicable): | |
| Name | Kellie A McGowan - Obermayer, Rebmann, Maxwell & Hippel |
| Address | 10 S. Clinton Street, Suite 300 Doylestown, PA 18901 |
| Phone: | ██████████ |
| Email: | ████████████████████ |

SECTION 2. INFORMATION REGARDING THE REAL ESTATE

1. Attach a site plan, drawn to scale, of the real estate. Include existing and proposed natural and man-made features.
2. Attach architectural plans and elevations depicting proposed alterations or new construction.
3. Attach photographs.
4. If the real estate is presently under Agreement of Sale, attach a copy of the Agreement.
5. If the real estate is presently leased, attached a copy of the present lease.
6. If this real estate has been the object of a prior zoning hearing, attach a copy of the Decision.

SECTION 3.

THE RELIEF SOUGHT:

If the Applicant seeks a dimensional variance for any setback, lot coverage, distance between certain uses, etc., please state the following:

| Section of Code | Dimension Required by Code | Dimension Proposed by Applicant | Variance Sought |
|-------------------------------|----------------------------|---------------------------------|-----------------|
| 1306.01(b).7 (Height max.) | 80 feet | 112 feet | 32 feet |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

If the Applicant seeks a use or other variance, please state the **specific section(s)** of the Zoning Ordinance applicable and describe the variance sought.

n/a

If the Applicant seeks a Special Exception, please state the **specific section (s)** of Zoning Ordinance applicable: _____

n/a

If the Applicant seeks an appeal from an interpretation of the Zoning Officer, state the remedy sought in accordance with Sec. 1325.11 (b):

n/a

NARRATIVE

A brief statement reflecting why zoning relief is sought and should be granted must be submitted.

CERTIFICATION

I hereby certify that the information contained in and attached to this application is true and correct to the best of my knowledge and belief.

I also certify that I understand that any and all federal, state or local rules and regulations, licenses and approvals shall be obtained if the appeal is granted.

Heaven Hogan
Applicant's Signature agent

12/20/2022
Date

Heaven Hogan
Property owner's Signature agent

12/20/2022
Date

Received by

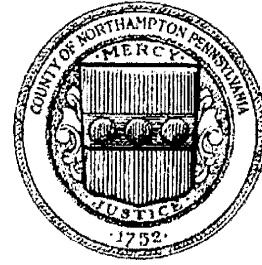
Date

NOTICE: If the Decision of the Zoning Hearing Board is appealed, the appellant is responsible for the cost of the transcript.

COUNTY OF NORTHAMPTON

RECORDER OF DEEDS
NORTHAMPTON COUNTY GOVERNMENT CENTER
669 WASHINGTON STREET
EASTON, PENNSYLVANIA 18042-7486
Area Code (610) 559-3077

Ann L. Achatz - Recorder
Andrea F. Suter - Lead Deputy
Kathy Nansteel - Deputy



Book - 2004-1 Starting Page - 270777
***Total Pages - 5**

Instrument Number - 2004043815
Recorded On 7/13/2004 At 4:44:29 PM
*** Instrument Type - DEED**
Invoice Number - 401011
*** Grantor - LEHIGH VALLEY INDUSTRIAL PARK INC**
*** Grantee - UNITED STATES COLD STORAGE LLC**
User - KAN
*** Customer - COMMERCIAL REAL ESTATE SETTLEMENTS**

*** FEES**

| | |
|-----------------------|-------------|
| STATE TRANSFER TAX | \$31,750.00 |
| STATE WRIT TAX | \$0.50 |
| JCS/ACCESS TO JUSTICE | \$10.00 |
| RECORDING FEES | \$13.00 |
| AFFORDABLE HOUSING | \$14.02 |
| AFFORDABLE HOUSING - | \$2.48 |
| ADMIN FEE | |
| COUNTY RECORDS | \$2.00 |
| IMPROVEMENT FEE | |
| DEEDS RECORDS | \$3.00 |
| IMPROVEMENT FEE | |
| BETHLEHEM CITY | \$31,750.00 |
| TOTAL | \$63,545.00 |

***RETURN DOCUMENT TO:**

COMMERCIAL REAL ESTATE SETTLEMENTS
628 W BROAD ST
BETHLEHEM, PA 18018

I hereby CERTIFY that this document is recorded in the
Recorder's Office Of Northampton County, Pennsylvania



Ann L. Achatz

Ann L. Achatz
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW THE FIRST PAGE
OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process
and may not be reflected on this page.

Book: 2004-1 Page: 270777



DEED

AND NOW, this Indenture, made this ^{9th} day of July, 2004, by and between **LEHIGH VALLEY INDUSTRIAL PARK, INC.**, a Pennsylvania non-profit corporation having its office at 100 Brodhead Road, Suite 160, Bethlehem, Pennsylvania, hereinafter sometimes referred to as Grantor, party of the first part

and

UNITED STATES COLD STORAGE, LLC, a Pennsylvania limited liability company, hereinafter sometimes referred to as Grantee, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of **THREE MILLION ONE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 (\$3,175,000.00) DOLLARS** -----lawful money of the United States of America, unto it well and truly paid by the said party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed unto the said party of the first part, its successors and assigns, forever:

ALL THAT CERTAIN tract of land known as Lot 1 of the LVIP VII - Saucon Tract subdivision as shown on sheet 4 of 38 from the plans entitled "FINAL" "LVIP VII - SAUCON TRACT," dated December 19, 2003, and last revised May 14, 2004, as prepared by Hanover Engineering Associates, Inc., (HEA Project No. 3515), situated in the 17th Ward of the City of Bethlehem, Northampton County, Pennsylvania, is described as follows:

BEGINNING at a found Bethlehem Steel monument on the northerly boundary of the abovementioned tract, said point being in common with lands now or formerly Tecumseh Redevelopment, Inc.; thence along said lands South 73° 08' 50" East, 150.00 feet to a point; thence along a curve to the right having a central angle of 0° 24' 20", a radius of 1753.18 feet, an arc length of 12.41 feet and a chord bearing and distance of South 72° 56' 40" East, 12.41 feet to a point, the **TRUE POINT OF BEGINNING**; thence continuing along said Tecumseh lands along a curve to the right having a central angle of 2° 50' 40", a radius of 1753.18 feet, an arc length of 87.04 feet and a chord bearing and distance of South 71° 19' 10" East, 87.03 feet to a point; thence continuing along the same along a curve to the right having a central angle of 0° 18' 43", a radius of 7192.91 feet, an arc length of 39.16 feet and a chord bearing and distance of South 69° 44' 29" East, 39.16 feet to a point said point being a corner with Lot 4 of the Subdivision; thence along Lot 4 the following eight

(8) courses: (1) South 06° 21' 27" East, 566.42 feet to a point; thence (2) South 83° 36' 46" West, 305.00 feet to a point; thence South 07° 11' 33" East, 317.67 feet to a point; thence (4) South 83° 13' 56" West, 739.88 feet to a point; thence (5) North 06° 53' 59" West, 129.36 feet to a point; thence (6) North 79° 37' 09" West, 155.20 feet to a point; thence (7) South 83° 18' 07" West, 318.82 feet to a point; thence (8) South 83° 25' 04" West, 224.77 feet to a point on the easterly right-of-way of Emery Street (60 feet wide); thence along said right-of-way North 06° 34' 56" West, 248.63 feet to a point, said point being a corner with Lot 3 of the Subdivision; thence along said Lot 3 North 06° 34' 56" West, 487.85 feet to a point; thence along the same along a curve to the right having a central angle of 18° 38' 14", a radius of 113.00 feet, an arc length of 36.76 feet and a chord bearing and distance of North 02° 44' 11" East, 36.60 feet to a point, thence continuing along the same North 83° 38' 33" East, 1616.90 feet to a point, said point being the PLACE OF BEGINNING.

CONTAINING approximately 1,418,341 square feet or 32.5606 acres.

UNDER AND SUBJECT to the Lehigh Valley Industrial Park VII Protective Covenants, dated June 8, 2004, and recorded June 18, 2004, in the Northampton County Recorder of Deeds Office, at Record Book 2004-1, starting at Page 23560, including, but not limited to, Section 201 thereof, Restrictions Relating to Environmental Conditions,

UNDER AND SUBJECT to the requirement that all future use of the premises and any construction thereon shall in all respects be conducted in accordance with the "Remedial Investigation Report / Clean Up Plan," dated April 2004, prepared by Lawler, Matusky & Skelly Engineers, LLP and approved by the Pennsylvania Department of Environmental Protection on April 9, 2004, including without limitation the Soil Management Plan included therein.

UNDER AND SUBJECT to the following Notice:

"Notice is hereby given pursuant to Section 512 of the Hazardous Sites Clean-Up Act (35 P.S. Sec. 6020.512) and Sections 303(g) and 304(m) of the Land Recycling and Environmental Remediation Standards Act (35 P.S. Sec. 6026.303(g), & 6026.304(m)) ("Act 2") that the premises has been formerly used as a steel mill. As a result soil and groundwater contamination with "hazardous substances" including heavy metals occurs throughout the premises. The premises is the subject of a Remedial Investigation Report/Clean Up Plan, dated April 2004 (the "Plan") and approved by the Pennsylvania Department of Environmental Protection on April 9, 2004. The Plan delineates the extent of contamination and proposes attainment of the Site-Specific Standard (SSS) based on a non-residential use of the Property."

UNDER AND SUBJECT to the covenant of Grantee and its successors in title that the subject premises shall not be used for any purpose other than industrial or other business facility uses. The foregoing restriction as to use shall expire fifteen (15) years from the date hereof.

BEING PART OF THE SAME PREMISES acquired by Lehigh Valley Industrial Park, Inc. from Tecumseh Redevelopment, Inc. by deed dated May 27, 2004, and recorded June 2, 2004, in the Northampton County Recorder of Deeds Office, at Record Book Volume 2004-1, Page 209584.

ALSO KNOWN AS NORTHAMPTON COUNTY TAX PARCEL NO. P7-6-6F ~~XXXXXXXXXX~~ ←

TOGETHER with all and singular the improvements, ways, streets, alleys, driveways, passages, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate right, title, interest, property, possession, claim and demand whatsoever of the said party of the first part, its successors and assigns, in law equity or otherwise, however, in and to the same, and every part thereof.

TO HAVE AND TO HOLD, the said lot or piece of ground described with the buildings and improvements erected thereon, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said party of the second part, its successors and assigns, to and for the only proper use and behoof of the said party of the second part, its successors and assigns forever.

AND THE SAID party of the first part, for itself, its successors, does by these presents covenant, grant and agree to and with the said party of the second part, its successors and assigns, that it, the said party of the first part, and its successors, all and singular the hereditaments and premises hereinabove described and granted or mentioned and intended so to be, with the appurtenances, unto the said party of the second part, its successors and assigns, against it, the said party of the first part and its successors, and against all and every other person or persons whomsoever, lawfully claiming or to claim the same, or any part thereof,

SHALL AND WILL SPECIALLY WARRANT AND FOREVER DEFEND


The Lehigh Valley Industrial Park, Inc., the said party of the first part, doth hereby constitute and appoint JEFFREY P. FEATHER, Chairman, to be its attorney, for it and in its name and as and for its corporate act and deed, to execute and acknowledge this indenture before any person having authority by the laws of the Commonwealth of Pennsylvania to take such acknowledgment, to the intent that the same may be duly recorded.

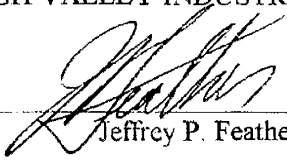
This Deed is made under and by virtue of a resolution of the Board of Directors of the party of the first part, duly passed at a meeting thereof duly and legally held on the 13th day of May, 2004.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its Chairman, and its corporate seal to be hereunto affixed, duly attested by its President, the day and year first above written.

ATTEST:

LEHIGH VALLEY INDUSTRIAL PARK, INC.


Kerry A. Wrobel, President

By 
Jeffrey P. Feather, Chairman

(Corporate Seal)

I hereby certify that the Address of the within-named Grantee is :

100 DOBBS LANE, STE. 102
CHERRY HILL, NJ 08034-1436
ATTN: JAMES SLAMON



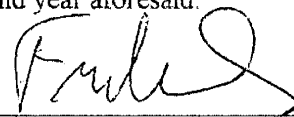
COMMONWEALTH OF PENNSYLVANIA :

ss;

COUNTY OF NORTHAMPTON

I HEREBY CERTIFY that on this 9th day of July, 2004, before me, the subscriber, a Notary Public, in and for the county and state aforesaid, personally appeared JEFFREY P. FEATHER, Chairman, the attorney named in the foregoing Indenture, and by virtue and in pursuance of the authority therein conferred upon him, acknowledged the said INDENTURE to be the act and deed of the said LEHIGH VALLEY INDUSTRIAL PARK, INC. to the intent that the same may be duly recorded.

WITNESS my hand and Notarial Seal the day and year aforesaid.


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
FREDRIC C. JACOBS, Notary Public
City of Easton, Northampton County
My Commission Expires July 5, 2008

City of Bethlehem Zoning Hearing Board

Application of United States Cold Storage LLC

15 Emery Street

Section 3. The Relief Sought

Applicant, United States Cold Storage LLC, is the owner of the property located at 15 Emery Street, Bethlehem, situate in the IN Industrial zoning district pursuant to the Bethlehem Township zoning ordinance and zoning map, as well as within the Lehigh Valley Industrial Park - LVIP VII at the Bethlehem Commerce Center). The Property presently improved with an existing cold storage warehouse (Use 40) and related improvements facilitating a cold storage warehousing use.

Applicant proposes to construct the previously approved phase 4 of the industrial development, consisting of a 99,267 square foot cold storage warehouse expansion, with a building height of 112 feet. The project will include a reconfiguration of the truck access and gate house to facilitate increased efficiency in truck traffic. Applicant also proposes additional parking in connection with the development.

The proposed development is consistent with the previously approved land development, and complies with all use and dimensional requirements of the Bethlehem zoning ordinance. Applicant requests one (1) variance to permit an increase in the 80-foot height limitation to permit a building height of 112 feet. The dimensional height variance is requested to facilitate a modern automation system within the expanded portion of the building.

SITE PLAN

ELEVATION PLAN

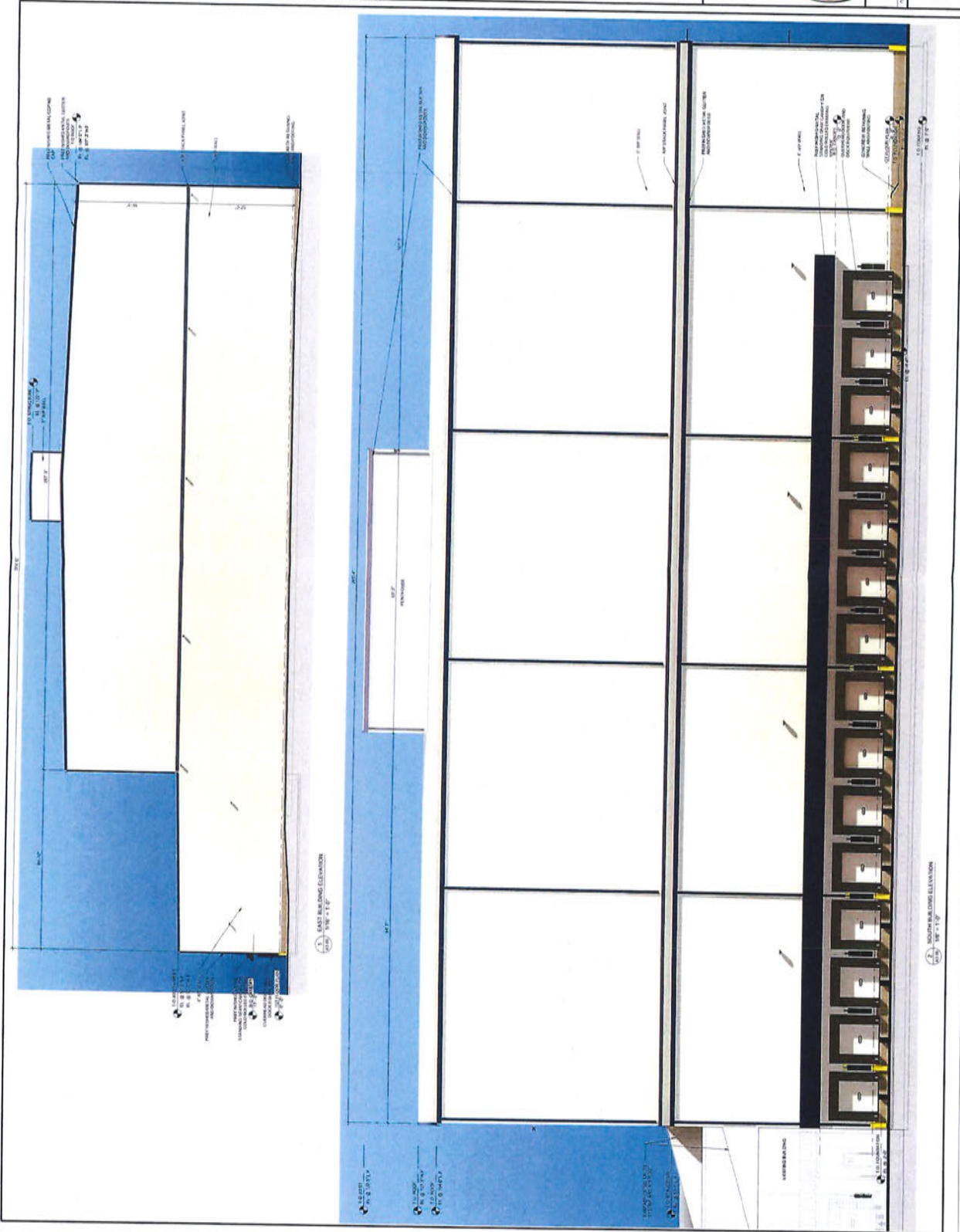


PROJECT: UNITED STATES COLD STORAGE - PHASE IV
 15 EMERY STREET
 BETHLEHEM, PENNSYLVANIA 18015



DRAWING: BUILDING ELEVATIONS
 SHEET: BUILDING ELEVATION

A3.00





SITE PHOTOGRAPHS

