
**MEETING MINUTES
PLANNING COMMISSION BOARD
DECEMBER 12, 2024**

MEMBERS PRESENT

Robert Melosky, Chairman
Matthew Malozi, Vice Chairman
Joy Cohen
Thomas Barker
Eddie Burgos

MEMBERS ABSENT

VISITORS PRESENT

Jeremie Schadler, PE, PMP of Acela
Architects and Engineers
Monty Kelsey R&D Home, LLC
John VanLuvanee, Esq. Eastburn and Gray
Creigh Rahenhamp, Creigh Rehankamp
and Associates

STAFF PRESENT

Matthew Deschler, Solicitor
Darlene Heller, Bureau of Planning & Zoning
Craig Peiffer, Bureau of Planning & Zoning
Basel Yandem, Public Works

The December 12, 2024, meeting of Planning Commission held at the City of Bethlehem Town Hall, was called to order by Chairperson, Robert Melosky at 5:00 PM.

AGENDA ITEM #1: APPROVAL OF MINUTES November 14, 2024

Motion #1: Ms. Cohen

Second: Mr. Barker

Result of Vote: The motion carried 4-0-1 Mr. Burgos abstained.

AGENDA ITEM #2: WAIVER REQUEST

Property Location: 1742, 1746 & 1800 Elliot Avenue

Property Owner: R&D Home, LLC

Developer/Engineer: Monty Kelsey /Mr. Schadler of Acela Architects and Engineers

Proposed Work: Representing the property was Mr. Schadler and Mr. Kelsey who discussed the proposed plan's waiver request.

Discussion: Mr. Schadler gave a brief overview of the waiver request. Mr. Melosky asked if the grading was a known issue at the time of the previously submitted sketch plan. Mr. Schadler explained the issue was not known at the time.

Mr. Melosky asked Mr. Yandem about Public Work's stance on the waiver request. Mr. Yandem explained that Public Works has been working with the Applicant on this matter over the past year. What the Applicant is proposing is difficult based on the shape of the road. Mr. Yandem does not believe that there is another way for the project to move forward until the grading issue is resolved. Mr. Yandem added that the proposed retaining wall will be the Applicant's responsibility. Mr. Kelsey agrees and notes that the adjacent property will be notified and must be in agreement with the proposal.

Mr. Malozi asked if Elliot Avenue would remain a City street. Mr. Schadler stated the road already exists and the Applicant is improving the street.

Ms. Cohen questioned if the Planning Commission was just looking to vote on the waiver or will they also hear a Land Development project. Mr. Schadler explained that the waiver is the only case for this address at this time. A resubmission of Land Development needs to occur prior to the Planning Commission.

There were no comments from the public.

Motion #2: Mr. Malozi made a motion to approve the waiver request.

Second: Ms. Cohen

Result of Vote: The motion carried 5-0.

AGENDA ITEM #3: ZONING TEXT AMENDMENT REVIEW

Developer/Engineer: Abraham Atiyeh

Proposed Work: The Applicant proposes to amend the Zoning Text to Article 1304 Allowed Uses in Primarily Residential Districts and Article 1322 Additional Requirements for Specific Uses to establish and add provisions for Health Care Adaptive Reuse, as permitted by-right in the RS-Residential Single Family and the RT-High Density Residential Zoning District.

Discussion: Representing the Zoning Text Amendment was John VanLuvanee, Esq. of Eastburn and Gray, PC and Creigh Rahenkamp of Creigh Rahenkamp and Associates represented the Applicant.

Mr. Rahenkamp began by giving a brief overview from the Land Development perspective. Attorney VanLuvanee also explained that the change to the Zoning Text would only be to the assisted living facilities that are already in existence.

Mr. Melosky asked City staff which districts currently allow treatment facilities. Attorney Deschler explained that the allowed districts can be found in the Memo from the City in paragraph five. The five districts are CG (General Commercial), CS (Shopping Commercial), LI (Light Industrial) and IN (Industrial).

Mr. Melosky questioned what type of care occurs at these treatment centers. Mr. Rehankamp explained that the individuals who are patients are the treatment center typically do not leave the facility due to their health and/or mental state. The only people that will frequently leave the facility is staff.

Ms. Heller reviewed the City's memo and states that the way the uses are allocated is in compliance with the existing comprehensive plan. The City states the amendment should be consistent with the provisions in the Zoning Ordinance as it is written now. Ms. Heller referenced the proposed definition for Adaptive Healthcare and there needs to be clarity on how many parcels and their locations would be affected in the RS and RT districts with the Zoning Ordinance change.

Ms. Cohen asked if a facility was abandoned and a new owner came in with the same concept, would they also need to seek a special exception. Attorney Deschler explained that yes, another special exception will be needed to the new owner of the parcel. Ms. Cohen asked if a school or church was allowed by special exception, it would also require going through additional new adaptive use or some other kind of facility. Attorney Deschler stated the way the Zoning Amendment is written the healthcare adaptive reuse the lot must already be occupied by an existing lawful assisted living facility or person care home. Therefore, this ordinance does not apply to schools or churches. Attorney VanLuvanee explained that the intent of the Zoning Text Amendment is to give suggestion of what could be used for already existing health care facilities in the RS and RT districts.

Mr. Melosky asked instead of changing the text in the zoning ordinance this be on a case-by-case scenario. Mr. Rahenkamp explained that these facilities already exist in this district and they all need to be worked on.

Attorney Deschler asked for clarification on the Zoning Text Amendment in regard to the change of use. Mr. Rahenkamp answered that it only applies if it is legal right to be that use. Attorney Deschler asked Attorney VanLuvanee if the intent is to limit the applicability of the amendment to lawful assisted living facilities or personal care homes that exist as of the adoption of the amendment. Attorney VanLuvanee affirmed that is the intent of the Zoning Text Amendment.

Ms. Cohen stated that in their original statement schools and churches were mentioned so if those were in the residential districts and were allowed by special exception, it would not be appropriate in this ordinance.

Mr. Malozi stated that zoning text amendments are serious and there needs to be real legitimate reasons to change the ordinance. The Zoning Text Amendment as submitted is narrowly focused and Mr. Malozi does not believe that this rises to the level of a Zoning Text Amendment. Mr. Malozi stated that the character of the neighborhood needs to be protected and the Applicant is looking at this from a business stance.

Attorney Deschler asked if after the amendment is adopted and a lot was previously healthcare, could one use the ordinance to put in a healthcare adaptive reuse facility on that location. Attorney VanLuvanee answered that is precisely what the Applicant is here to do.

Attorney Deschler asked if this amendment does occur, should the change occur elsewhere in the Zoning Ordinance. Mr. Rahenkamp agreed with Attorney Deschler as the amendment is close to putting another provision in the non-conforming use section. Attorney VanLuvanee stated that with all the comments and questions the Planning Commission has, the Applicant does not appear to be ready for the City Council to make their decision.

After discussion the Planning Commission and the Applicant came to the decision to table the motion until the Applicant can return with a more detailed Zoning Text Amendment.

There were no comments from the public.

AGENDA ITEM #4: DISCUSSION ITEMS

Mr. Peiffer gave an overview of upcoming items for the Planning Commission.

There being no further business, upon a Motion by Robert Melosky, a Second by Matthew Malozi, and a unanimous vote, the meeting was adjourned at 6:00 PM.

ATTEST:

Darlene Heller, Commission Secretary