

**CITY PLANNING COMMISSION
MINUTES OF MEETING
May 13, 2021 – 5:00 P.M.
TOWN HALL AND VIRTUAL MEETING**

Participants: Commission Members – Mr. Malozi, Mr. Barker, Mr. Burgos, Mr. Melosky, and Ms. Cohen. City staff included Darlene Heller and Tracy Samuelson of the Planning and Zoning Bureau, Matthew Dorner and Amy Rohrbach of the Engineering Bureau, Tiffany Wells of the Traffic Bureau, Michael Simonson of the Code Enforcement Bureau, and Attorney Edmund Healy as Solicitor to the Commission. Attending in person were Atty. Michael Recchiuti, Mike Devers, Atty. James Holzinger, C.J Bock of Bohler Eng., Atty. Debbie Shulski, William Rountree, Engineer, David Horner, Traffic Eng., and Duane Wagner. Attending virtually were Chris Peters, Eng. and Mike Spiegel representing Wawa.

Mr. Melosky explained the new rules of a hybrid meeting as both live and virtual.

1. APPROVAL OF MINUTES – April 8, 2021.

Mr. Melosky made a motion to approve the minutes of the April 8, 2021 Planning Commission meeting. The motion was seconded by Mr. Malozi and passed with a 5–0 vote.

2. VACANT PROPERTY REVIEW

A. 215 Hobart St.

Michael Simonson presented 215 Hobart Street and provided photographs to the Commission members.

Mr. Melosky asked if 215 and 217 Hobart are on the same property. Mr. Simonson stated that they are on different properties but the same owner. Mr. Melosky asked Mr. Simonson to do both properties at the same time but that it would be voted separately.

There were no comments from the public.

Mr. Malozi made a motion to approve the proposed resolution determining 215 Hobart Street as blighted and approving the planning recommendation for future use of the property as per the PA Urban Redevelopment law and various City ordinances including Article 149 of the City Codified Ordinances and to forward the recommendations to the Blighted Property Review Committee and the City Redevelopment Authority. The motion was seconded by Mr. Barker and passed with a 5 – 0 vote.

B. 217 Hobart St.

Michael Simonson presented 217 Hobart Street and provided photographs to the Commission members.

There were no comments from the public.

Mr. Malozi made a motion to approve the proposed resolution determining 217 Hobart Street as blighted and approving the planning recommendation for future use of the property as per the PA Urban Redevelopment law and various City ordinances including Article 149 of the City Codified Ordinances and to forward the recommendations to the Blighted Property Review Committee and the City Redevelopment Authority. The motion was seconded by Mr. Barker and passed with a 5 – 0 vote.

C. 709 Atlantic St.

Michael Simonson presented 709 Atlantic Street and provided photographs to the Commission members.

Mr. Barker asked Mr. Simonson why it took so long if the date of condemnation was 2019. Mr. Simonson

explained it took some time because of COVID and the property changing ownership. Mr. Barker stated that there's a lot of blighted properties in the City of Bethlehem.

Ms. Cohen asked if the last picture was part of the property and Mr. Simonson concurred.

There were no comments from the public.

Mr. Malozi made a motion to approve the proposed resolution determining 709 Atlantic Street as blighted and approving the planning recommendation for future use of the property as per the PA Urban Redevelopment law and various City ordinances including Article 149 of the City Codified Ordinances and to forward the recommendations to the Blighted Property Review Committee and the City Redevelopment Authority. The motion was seconded by Mr. Barker and passed with a 5 – 0 vote.

D. 322 State St.

Michael Simonson presented 322 State Street and provided photographs to the Commission members.

There were no comments from the public.

Mr. Malozi made a motion to approve the proposed resolution determining 322 State Street as blighted and approving the planning recommendation for future use of the property as per the PA Urban Redevelopment law and various City ordinances including Article 149 of the City Codified Ordinances and to forward the recommendations to the Blighted Property Review Committee and the City Redevelopment Authority. The motion was seconded by Mr. Barker and passed with a 5 – 0 vote.

3. LUNA AND BUSHKILL STREET VACATIONS Consideration of the Street Vacation petition submitted by Michael and Gretchen Devers for the partial vacation of Luna and Bushkill Streets.

Attorney Recchiuti presented the plans and photos. Mr. Melosky asked Mr. Dorner if he had any issues. Mr. Dorner stated he had no issues.

Mr. Melosky asked if Ms. Heller or Ms. Samuelson had any comments. Ms. Samuelson stated the Planning and Zoning Bureau recommends the vacation of the two streets.

Ms. Cohen asked does the City of Bethlehem own the streets. Mr. Recchiuti stated that the City owns the streets. Ms. Cohen asked how does this affect the setbacks for your garage. Mr. Recchiuti replied that the streets will be vacated and become part of our property.

Mr. Malozi asked if the subdivision was proposed to Sharken Realty.

Mr. Healy stated that if a street is vacated or is deemed a private street, the owner owns to the center of the street. Without seeing the deed, he cannot give an opinion.

Mr. Malozi asked if the Planning Commission is the recommending body to City Council. Mr. Melosky responded that the Planning Commission is recommending to City Council.

There were no comments from the public.

Mr. Malozi made a motion to approve the vacation of Luna Drive and Bushkill Streets as stated on the April 9, 2021 letter. The motion was seconded by Mr. Barker and passed with a 5-0 vote.

4. LAND DEVELOPMENTS AND SKETCH PLANS

- A. (WAWA), 774-784 Hellertown Road.** The applicant proposes construction of a 5,585 S.F. Wawa Retail Store with 8 gas pumps under canopy and 55 vehicular parking spaces on an approximate 1.8 acre lot.

Atty. Holzinger represented the applicant and presented the plans. He then introduced C. J. Bock, engineer for the project. Mr. Bock reviewed the requested partial waiver on curbing and sidewalk which was described on his letter of May 13, 2021. Ms. Samuelson stepped in to say that we were not requesting action on this item tonight because we don't have a formal response from Engineering. Atty. Holzinger asked Mr. Healy if they can have a conditional approval from the Planning Commission on the curbing and sidewalk until they hear back from Engineering. Mr. Healy stated that he would not normally recommend that until he has the final recommendation from Engineering.

Mr. Melosky asked for a more clear description of the request. Mr. Bock stated that Commerce Blvd. currently does not have any curb. They are looking for a waiver to not install curb. Mr. Dorner does agree with what Mr. Bock is saying but he needs more time to review. Mr. Melosky asked if they need to return back once Engineering has this information. Mr. Healy stated that they would need to return back on the curbing and sidewalk. Mr. Malozi suggested they act on all the items except for the curb and sidewalk item.

Atty. Holzinger addressed the gateway sign and stated they would agree on a \$20,000 contribution and that they did not want any neon or loud colors on the sign. He also wanted to have a committee of four – 2 people from the City, 1 person from Wawa and 1 the owner. The City would request proposals from artists. The committee can make a decision. Atty. Holzinger stated that the easeman would be for 30 years.

Mr. Melosky asked Ms. Heller about the contribution for the gateway sign. Ms. Heller noted that the proposed selection process is similar to one used for other calls for artist. Ms. Heller agrees that we can put parameters in the RFP so that Wawa feels comfortable. Ms. Heller stated the Bureau will make sure to come back to the Planning Commission and share the final decision.

There were no comments from the public.

Mr. Malozi made a motion to approve the application for 774-784 Hellertown Road conditioned upon meeting the items outlined on the Planning Bureau's May 6, 2021 letter and with the conditions that an acceptable agreement with the City be made that includes an easement, access to the site, \$20,000 contribution for a gateway sign and the formation of a four person committee to include 2 members from the City, 1 from Wawa and 1 from owner. The motion was seconded by Mr. Barker and passed with a 5-0 vote.

- B. 501-507 Wyandotte Street and 414-420 Broadway – AutoZone.** The applicant proposes to demolish an existing vacant auto service garage, 3 dwelling units, and two accessory buildings, and combine 4 lots into one 25,507 sf lot to construct an AutoZone retail store with off street parking.

Atty. Debbie Shulski presented the plan. They will comply with all comments on the City's May 7, 2021 letter except for the comment from Public Works #4 Traffic.

Mr. Horner, Traffic Engineer noted that comment #4 Traffic issue addressed the left turn from Wyandotte onto Sheets Streets. As it pertains to AutoZone, the previous developer on that site was a gas station/service station. The traffic volume of AutoZone is less than the traffic generated by a retail gas station. It would be detrimental if they would not be allowed to maintain the left turn. He felt that enhanced signage can be installed. A suggestion would be "do not block the box" signage.

Ms. Wells stated that she had discussed this with the applicant. She stated that there is a "Do Not Block" sign already there. She does not think a bigger sign will help. The McDonalds also has very restrictive access. You can make a right hand turn from Wyandotte. A left turn should not be allowed here.

Mr. Melosky asked Ms. Wells what is the cost for a study. There's no fee for the PennDOT application. Ms. Wells is not sure it would require a study, but she believes it would be under \$10,000 if one is required. Mr. Melosky asked Mr. Rountree if he would be opposed to funding the PennDOT study. Mr. Rountree replied that he would be opposed. He feels this corner needs to be redeveloped. Restricting the left turn into Sheets Street does not work for most commercial development on this corner.

Mr. Rountree does not think a study is warranted. He stated that if they are restricted, he would not be opposed to have a "No Left Turn During Peak Hours". Mr. Rountree would like to be part of the process with the City and PennDOT. Mr. Melosky asked if Mr. Horner would be the person to be involved as part of the meeting with PennDOT. Mr. Rountree concurred and stated he would attend to take notes. Mr. Melosky asked Ms. Heller would it be okay for the applicant to be involved. Ms. Heller stated that the City would be the applicant but yes, AutoZone can be part of the meeting.

Mr. Malozi asked if the southbound lane on Wyandotte was 20ft and is there parking. Mr. Horner states yes and that there is no parking allowed. Mr. Malozi stated that he understands the City's concern. Mr. Malozi stated that he feels PennDOT would consider that AutoZone has 20ft as oppose to 12 ft. Mr. Melosky stated that AutoZone would have foot traffic into the store. Mr. Rountree stated that AutoZone do not see a lot of walk up traffic.

Mr. Melosky asked Ms. Wells what is the typical timeline for the PennDOT application. Ms. Wells stated the typical timeline is 30 days but it's hard to say.

There were no comments from the public.

Mr. Healy suggested the Planning Commission could approve this application subject to the developer complying with the terms of the City's May 7, 2021 review letter except that in lieu of comment #4 that the developer accepts to the following two substitute conditions: first, the developer shall have the opportunity to provide input to both the City and PennDOT with respect to the traffic flow in and out of Sheets Street but ultimately the City shall have sole discretion to determine the content of the City's HOP application to PennDOT for this intersection; and second, to the extent a traffic study is required by PennDot as part of the City's application, AutoZone shall pay for the cost of such study up to a cap of \$3,000.

Mr. Melosky made a motion to approve the application for 501-507 Wyandotte St. as stated by Mr. Healy. The motion was seconded by Mr. Barker and passed with a 5-0 vote.

- C. 2958 & 2970 Linden Street– SKETCH PLAN REVIEW.** The applicant proposes to demolish the existing restaurant and rental home and erect a 2400 sq. ft. restaurant with a separate 61 unit 4 story apartment building. The property contains 2.81 acres.

Mr. Duane Wagner presented the sketch plan. Mr. Melosky asked if the road next to the beverage center is paved. Mr. Wagner stated it is paved but it's in poor condition. Their plan is to repave it. Mr. Melosky asked if it will be used for emergency vehicles only. Mr. Wagner said it would.

Mr. Melosky asked if the fire comments in the May 7th letter were an issue. Mr. Wagner said he did not believe they are an issue. He spoke to Fire Marshall Craig Baer and the Fire Dept. approved the plan as it was submitted. Fire Marshal Baer agreed that if there was a need for wider aisles to provide proper turning radius throughout the site, that he would support that. Mr. Melosky asked what is the width of the driveway entrance. Mr. Wagner stated it is currently 16 feet but it will be widened to 24 feet.

Mr. Melosky stated that he felt the one building scenario allows for a better flow for emergency vehicles. Mr. Wagner concurred.

Mr. Melosky asked if the new restaurant was still going to be run by the same owner. Mr. Wagner stated that the existing restaurant would be demolished and all the improvements would be rebuilt to provide for the revised parking layout but it would still be run by Mr. Lombardo.

Ms. Cohen asked about elevation drawings of the exterior of the building. Mr. Wagner agreed to provide drawings with future submissions. Once the determination from the Zoning Hearing Board is issued they will finalize elevations based upon that meeting.

Mr. Malozi asked for the proposed height of the building. Mr. Wagner stated it would be 4 story and 56 feet. Mr. Malozi asked if it would be visible from behind the gas station from Linden Street and potentially from the residents to the East. Mr. Wagner stated that it would be visible. Mr. Malozi stated that attention to detail will be important for the benefit of the residents on the East to have an attractive residential development. Mr. Wagner stated that he would take Mr. Malozi's comments into consideration. The building has to look good to everyone.

Ms. Samuelson requested that the drive aisles be narrowed to minimize impervious paving and increase greenspace. As they are shown now, they are wider than required. We would like to see what that looks like before the plan is finalized. Mr. Wagner agreed to look into that. Ms. Samuelson also brought up Tree Conservation. She would like a site meeting with the developer to discuss what trees need to be removed. She would like to see what trees can be preserve.

There were no comments from the public.

Mr. Wagner asked if the Planning Commission can waive the variance for not having commercial retail space on the first floor since the restaurant is in front of building. It was clarified that is not the authority of the Planning Commission.

Mr. Melosky made a motion to support the sketch plan as presented by Mr. Wagner and support the Zoning relief that is required. The motion was seconded by Mr. Barker and passed with a 5-0 vote.

The meeting adjourned at 7:45 p.m.

ATTEST:



Darlene Heller, Commission Secretary