

**CITY PLANNING COMMISSION
MINUTES OF MEETING
October 13, 2022 – 5:00 P.M.
TOWN HALL MEETING**

Participants: Commission Members – Mr. Melosky, Mr. Malozi, and Mr. Burgos. City staff included Darlene Heller and Craig Peiffer of the Planning and Zoning Bureau, Basel Yandem and Tiffany Wells of the Engineering Bureau, and Attorney Matthew Deschler as Solicitor to the Commission. Attending in person were Mr. Duane Wagner, Mr. Lewis Ronca, Ms. Lynn Rothman, Ms. Jane Cook, Mr. Will Carpenter, and Mr. Bill Scheirer.

1. APPROVAL OF MINUTES – September 8, 2022.

Mr. Malozi made a motion to approve the minutes of the September 8, 2022 Planning Commission meeting. The motion was seconded by Mr. Burgos and passed with a 3-0 vote.

2. LAND DEVELOPMENT PLAN REVIEW

- A. (22-011 LD&S) – 22080001– 1170 8th Avenue – Tower Place, Lot 1 & Lot 2. – Land Development and Subdivision Plan –Ward 13, Zoned OMU, plan dated August 3, 2022.** The applicant proposes to subdivide Lots 1 and 2 of the Master Plan from 2019. Lot 1 includes a 60,828 sf medical office building and Lot 2 includes a 38,393 building. They share 496 parking spaces.

Mr. Duane Wagner reviewed the plan. Mr. Malozi asked Mr. Wagner what faces Eaton and what faces 8th Avenue. Mr. Wagner responded that both building face 8th Avenue. Mr. Melosky asked Ms. Heller if she wanted to address anything from the October 7th City letter. Ms. Heller stated that Public Works had comments that some approval letters and reports are outstanding. They are working with DEP and LVPC and we will receive those soon. Ms. Wells noted that 8th Avenue is a state road. As such, there is a PennDOT H.O.P that will need to be received. Ms. Heller continued to say that Ms. Wells has been working closely with PennDOT and LANTA because there will be some additional bus shelter improvements that go along with the plan.

All the pavement markings will be in thermoplastic. Forestry would like to see additional vegetation in front of the buildings and in the parking lots. Ms. Heller reviewed the General Comments which pertain to parking and impervious coverage, the Climate Action Plan, the trail system, the Monocacy Way Trail and the designation for CRIZ.

Mr. Wagner stated that he didn't see any issued complying with any of the comments.

Mr. Melosky asked if anyone had any additional comments. Mr. Scheirer, 1898 Eaton Ave., asked if the buildings were going to be three-stories high. Mr. Wagner said yes. Mr. Scheirer asked who would be the tenants at those buildings. Mr. Wagner stated it would be Lehigh Valley Health Network.

Ms. Jane Cook, 208 W. Langhorne, asked would there be vegetation along the buildings. Mr. Wagner stated there would be vegetation.

Mr. Malozi made a motion to approve the land development and subdivision plan for 1170 8th Avenue – Tower Place Lot #1 and Lot #2 conditioned upon satisfactorily addressing all the comments in the City's October 7, 2022. The motion was seconded by Mr. Burgos and passed with a 3-0 vote.

3. ZONING AMENDMENTS

A. Zoning ordinance amendments to address solar panel provisions.

Ms. Heller explained that this amendment was drafted by volunteer work through the EAC Committee. They worked the Planning & Zoning and the Permits Bureaus. She mentioned that EAC had also presented to City Council and it's one of the elements of implementing Climate Action Plan. Ms. Heller explained that EAC wanted to make it a little easier and more flexible so that individual property owners could put solar panels on their roofs.

Ms. Rothman, 870 Wofford Lane, and Chair of the EAC, explained the proposed updated ordinance especially as it pertained to the setbacks for solar panels on a roof. She explained that the EAC had conversations with several solar installers that confirmed that Bethlehem's requirements for roof top setbacks is much stricter than many other cities in the area. The new ordinance adds a new section called Definitions. They removed the requirement for the 3ft. setback from all roof ridges and edges on all sides. It now says that the system needs to be reviewed by the Fire Chief as well as reviewed by the Codes Dept. As appropriate, the systems will be evaluated for visibility by Historic Architectural Review Board or the Historic Conservation Commission.

The abandonment and removal section of the ordinance was pulled out of the ordinance.

Mr. Malozi asked why solar collection devices may extend a maximum of 15ft. above the maximum height limit and are permitted by right in all districts. Mr. Malozi voiced concerns that the City would allow an additional 1 ½ story to be added to a building for solar panels. Ms. Heller commented that on a flat roof, the solar panels would be slanted so that wouldn't be an additional 15ft. and on a sloped roof the panels should be as close to a flush mount as possible.

Mr. Will Carpenter, 224 Wall Street, stated that no one chooses to raise their solar panels 15ft. off their roof, it's a fire requirement so that a fireman can be up top and swing an ax. He continued to say that in certain situations like a flat roof that's when this situation would come into play but it's not a typical situation. Mr. Melosky stated to Ms. Heller that maybe we can add verbiage that on any slope roof, we would prefer flush mounting. Mr. Malozi wanted clarification on if the Fire Chief would decide on a case-by-case basis the location of solar panels on a roof in terms of the setback. Ms. Rothman agreed.

Atty. Deschler asked for clarification about the meaning of several terms. Atty. Deschler stated there is a definition of historic structure in the zoning ordinance and suggested that the term be used in this amendment. Ms. Rothman agreed. Atty. Deschler stated design of the solar energy system within a historic district or on a historic resource property, will be changed to historic structure. Atty. Deschler stated on page 6 it references to Solar Collection devices which general means a defined term. He stated that is not defined anywhere, it should be changed to solar energy system throughout the ordinance. Ms. Heller read the letter from LVPC regarding solar energy. Messrs. Malozi and Melosky commended Ms. Rothman and the EAC on all their hard work and efforts in putting this together.

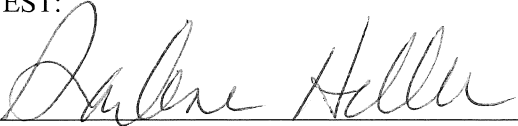
Mr. Malozi made a motion to forward the proposed amendments to the City's zoning ordinance and specifically Article 1318.29 along with the comments that were generated by the discussion this evening at the October 13, 2022 Planning Commission Meeting. The motion was seconded by Mr. Melosky and passed with a 3-0 vote.

4. DISCUSSIONS:

Mr. Melosky asked what items would be coming up for next month. Ms. Heller stated there might be some Linden St. projects and also SALDO will soon be back to the Planning Commission for review.

The meeting adjourned at 6:05 p.m.

ATTEST:

A handwritten signature in cursive script, appearing to read "Darlene Heller", is written over a horizontal line.

Darlene Heller, Commission Secretary