



CITY OF BETHLEHEM BUREAU OF PLANNING AND ZONING

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

Phone: 610-865-7094

Fax: 610-865-7330

TDD: 610-865-7086

February 5, 2025

Roufakis Pantelis & Peter Axiotis

RE: (23-012 LD&S) – 23110028 – 1746, 1742 & 1800 ELLIOT AVENUE (to be known as 1818 & 1822 Elliot Avenue) – Land Development and Subdivision Plan – Ward 13, Zoned RG, plan dated November 9, 2023, last revised January 13, 2025.

Dear Messrs. Pantelis & Axiotis:

The above-referenced plan has been reviewed by the appropriate City offices. We offer the following comments:

PUBLIC WORKS

Engineering

1. Submit legal descriptions for the three lots proposed to be consolidated.
2. Sanitary easement agreement shall be fully executed prior to execution of the developer's agreement.
3. In accordance with Ordinance No. 4342, at the time of the execution of the developer's agreement, a sanitary sewer tapping fee of \$2,527 per EDU will need to be paid. The total amount will be determined when a sanitary sewer facilities planning module application is submitted. A cover letter, describing the project, and a utility plan shall be included in the planning module submittal. Please note that building permits cannot be issued until the Planning Module is reviewed and approved by the Pennsylvania Department of Environmental Protection.
4. A stormwater fee of \$1,310.00 will be assessed on this land development for the increase in impervious coverage of 13,100 SF. This fee shall be paid at the time of execution of the developer's agreement.

Forestry

1. All street trees shall be planted within the public right-of-way. See also Zoning Comment 1.

ZONING

1. Previous Zoning Comment 5, Sheet LP-1, Landscaping Plan, Landscape Requirements, Tree Conservation, 41 required. The revised plan indicates that 12 replacement trees have been provided; however, this number includes the required eight street trees. Replacement Tree and Street Tree requirements are separate calculations. Correct the plan to indicate 41 required, four proposed, 37 to be planted on City-owned property. A Tree Replacement Fee of \$18,500.00 (37 x \$500) shall be paid at the time of the execution of the developer's agreement. If the City Forester determines that one or more street trees cannot be accommodated, then an additional \$500/tree shall be added to this total.
2. Previous Zoning Note 9, Provide a proposed building elevation verifying that the design intent meets the definition of the 2 ½ story height limitation. The response indicates that building elevations were added to Sheet SP-1; however, neither this sheet nor any other sheets contain building elevations.

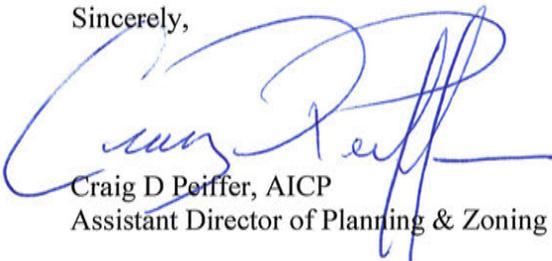
3. For purposes of verifying tree clearing limits, dimension and verify that adequate clearing to the rear of the buildings is shown to meet both 'Fire Lane' and eventual Building Code Clear Yard requirements (either 40' or 60' depending upon eventual building design).
4. Developer is advised that additional signage shall be required for Accessible Parking noting potential fines; Ref. ZO §1319.02(n) and Pa. Title 75, §3354(d)(3)(iii).
5. Confirm that there is no intent to install surfaced walkways from 'Trash & Recycling Areas' to public sidewalk (or other pedestrian ways), that these areas will be screened from view from the public right-of-way, and that the screening will not hamper the ability to access, pick up and return totes.
6. Sheet TS-1, Variances Granted, reference at their August 16, 2023 Hearing, the Zoning Hearing Board Granted the requested relief , with Written Decision dated September 14, 2023.

GENERAL

1. Previous General Note 1, Sheet SP-1, Garbage Collection Note, states, " Tenants will be responsible for securing a garbage collection company and utilize container totes for garbage and Recycling. Garbage collection will be set roadside on a designated day." This proposal is in conflict with City of Bethlehem Ordinance Art 1162, §1162.05(a):
"Owners shall be responsible for preventing accumulation of solid waste on their premises and for violations of City ordinances or regulations dealing with storage of solid waste. All owners shall provide for solid waste collection services by a hauler. The responsibility imposed upon owners by this Article 1162.05 may not be satisfied by delegation to tenants, lessees, householders, or any other person".
2. Previous General Note 3, Sheet TS-1, Title Sheet, Variances Granted, correct the numbering of conditions to reflect those in the Written Decision; ref. attached pages 13 and 14. Note: the conditions are identical for Motion One and Motion Two.
3. Provide documentation that the Applicant has merged the unopened and adjacent portions of Moll Street and Craig Avenue into the consolidated parcel. It is understood that this documentation will be provided in the form of a Subdivision Plan (Lot Consolidation) and Legal Description and as part of the Land Development approval.
4. Sheet TS-1, change Waivers Requested to Waiver Granted and reference at their December 12, 2024 Meeting, the Planning Commission granted a waiver from SALDO 1347.05(a) Street Grades.
5. A Recreation Fee of \$12,000.00 (8 x \$1,500) shall be paid at the time of execution of the developer's agreement.

This item will be placed on the February 13, 2025 Planning Commission Meeting Agenda.

Sincerely,



Craig D Peiffer, AICP
 Assistant Director of Planning & Zoning

C. Basel Yandem
 Geoffrey Karanja
 David Taylor
 Craig Baer

Olivia Teel
 Mike Halbfoerster
 Sean Billings, P.E., Acela Architects + Engineers
 Chris Geary, P.E., Acela Architects + Engineers

Enclosures

development of adjoining properties will not be impaired by the granting of Applicant's 3 requested additional variances.

Finally, the granted variance relief is the minimum relief necessary to permit Applicant to reasonably develop and use the Subject Property as a consolidated single lot for a permitted by right residential use in a manner consistent with Applicant's testimony and evidence, including but not limited to the Revised Plan admitted to the record as Exhibit A-4. But for the three variances sought and granted in this Appeal, and the 2 prior variances granted in connection with the Prior Appeal, Applicant's Revised Development will otherwise comply with all other applicable City Ordinances and other applicable federal, state and local law.

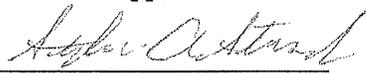
VII. Decision of the Board.

Based on the foregoing, the Board determined that Applicant met Applicant's burden or legal standards under the applicable law to establish Applicant's right to the 3 variances sought by Applicant, and the Board voted as follows:

1. The Board voted unanimously (5 members voting in favor and 0 opposed) to grant Applicant a Variance to Section 1316.01(c) of the Zoning Ordinance that otherwise requires that the Subject Property have a minimum lot size of 10 acres and a maximum impervious coverage of 5% due to the existence of steep slopes exceeding 15% situate upon the Subject Property. The variances granted shall enable the Subject Property to be developed with a minimum lot area of 0.67 acres (a variance of 9.33 acres) and a maximum impervious coverage of 46% percent (a variance of 41%) under and subject to the following express conditions of relief:
 - i. Applicant shall acquire legal title to the unopened portions of Craig Avenue, Moll Street, and Elliott Avenue abutting the Subject Property and extending to the center line of said unopened streets shall be added to the Subject Property to ensure that the total lot area of the Subject Property is 29,250 square feet in a manner consistent with the testimony and evidence presented in this Appeal, and that the development of the Subject Property shall occur in a manner consistent with the Revised Plan, and;
 - ii. To extent there are existing utility, water and sewer infrastructure situate within the unopened portions of Craig Avenue, Moll Stret, and Elliott Avenue abutting the Subject Property, Applicant shall take all necessary steps and grant all easements, rights of way or other agreements as may be required, requested or recommended by the City of Bethlehem in connection with the Subdivision and Land Development (SALDO) approval process conducted in connection with Applicant's development of the Subject Property, inclusive of any future easements or requests by the City of Bethlehem, and;
 - iii. Any retaining walls situated upon the Subject Property shall be constructed and maintained in strict conformance with all applicable provisions of the Zoning Ordinance, applicable municipal ordinance, or other applicable law.

2. The Board voted unanimously (5 members voting in favor and 0 opposed) to grant Applicant a Variance to Section 1316.01(h) of the Zoning Ordinance that otherwise requires that on areas with a slope of 25 percent or greater, a maximum of 25 percent of the tree canopy shall be cut or removed, within any 3 year period. The variance was granted so that Applicant may remove up to a maximum of 79% of the existing tree canopy on portion of the Subject Property featuring 25% or greater slopes (a variance of 54%). This variance was granted under and subject to the following conditions:
 - i. Applicant shall acquire legal title to the unopened portions of Craig Avenue, Moll Street, and Elliott Avenue abutting the Subject Property and extending to the center line of said unopened streets shall be added to the Subject Property to ensure that the total lot area of the Subject Property is 29,250 square feet in a manner consistent with the testimony and evidence presented in this Appeal, and that the development of the Subject Property shall occur in a manner consistent with the Revised Plan, and;
 - ii. To extent there are existing utility, water and sewer infrastructure situate within the unopened portions of Craig Avenue, Moll Stret, and Elliott Avenue abutting the Subject Property, Applicant shall take all necessary steps and grant all easements, rights of way or other agreements as may be required, requested or recommended by the City of Bethlehem in connection with the Subdivision and Land Development (SALDO) approval process conducted in connection with Applicant's development of the Subject Property, inclusive of any future easements or requests by the City of Bethlehem, and;
 - iii. Any retaining walls situated upon the Subject Property shall be constructed and maintained in strict conformance with all applicable provisions of the Zoning Ordinance, applicable municipal ordinance, or other applicable law.

Steckel and Stopp, LLC

By: 
 Stephen A. Strack
 Conflict/Alternate Solicitor

/s/ Paige Stefanelli *
 Paige Steffanelli
 Zoning Officer

The Board:

/s/ Terry Novatnack *
 Terry Novatnack, Chairman

/s/ William Fitzpatrick *
 William Fitzpatrick, Member

/s/ Jessica L. Lee *
 Jessica L. Lee, Member

/s/ Mary Frances-Stone *
 Mary Frances-Stone, Member

/s/ Carol Ritter *
 Carol Ritter, Member