

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, June 15, 2021 - 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

President Waldron called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Grace Crampsie Smith, Olga Negrón, J. William Reynolds, Paige Van Wirt, and Adam R. Waldron, 7.

President Waldron thanked everyone online and in the rotunda for joining us this evening. It is good to have some fellow Council Members back in the room. President Waldron announced we will open up the next Council Meeting on July 6, 2021 to the public for anyone who would like to join us in the meetings. We will still allow for remote comment for the indefinite future and we will update as any changes are made.

CITATIONS

*Honoring Eric Yeakel*

President Waldron read the Citation for Eric Yeakel on the occasion of his retirement from the Police Department after over 20 years of service and stated the Citation will be mailed to him.

*Honoring Rodney Bronson Jr.*

President Waldron read the Citation for Rodney Bronson Jr. on the occasion of his retirement from the Police Department after over 20 years of service and stated the Citation will be mailed to him.

*Honoring Vance Rogers*

President Waldron read the Citation for Vance Rogers on the occasion of his retirement from the Public Works Department after over 30 years of service and stated the Citation will be mailed to him.

PUBLIC HEARING

Prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to accept public comment on a request for a street vacation petition from Kolb, Vasiliadis, Florenz & Recchiuti, LLC, on behalf of petitioners Michael and Gretchen Devers, requesting vacation of unopened portions of Luna and Bushkill Streets. The petitioners recently purchased this property and plan to raze the existing structures to build a new house and detached garage. The proposed plans for the property would require formally vacating the unopened sections of

these roads.

*Communication 6A – City Planning Commission response – request for a street vacation petition from Kolb, Vasiliadis, Florenz & Recchiuti, LLC, on behalf of petitioners Michael and Gretchen Devers, requesting vacation of unopened portions of Luna and Bushkill Streets.*

The Clerk read a memorandum dated May 14, 2021 from Darlene Heller, Director of Planning and Zoning, in connection with the requested vacation of unopened portions of Luna and Bushkill Streets by petitioners Michael and Gretchen Devers. At its May 13, 2021 Meeting, the City Planning Commission voted 5 to 0 to recommend approval of the vacation petition. Also attached is a staff memo stating the Planning Bureau's support of the two street vacations.

*Communication 6B – Lehigh Valley Planning Commission response – request for a street vacation petition from Kolb, Vasiliadis, Florenz & Recchiuti, LLC, on behalf of petitioners Michael and Gretchen Devers, requesting vacation of unopened portions of Luna and Bushkill Streets.*

The Clerk read a comment letter dated May 27, 2021 from Simon Okumu, Transportation and Economic Systems Planner of the Lehigh Valley Planning Commission in connection with the requested vacation of unopened portions of Luna and Bushkill Streets. The commission stated their support for approval of the street vacations and provided extensive commentary in their letter.

Attorney Michael Recchiuti explained he represents Michael and Gretchen Devers who recently purchased 129 Luna Street. He noted that 129 Luna Street is dilapidated and they plan to raze that, build a new house and detached garage. Luna Street is to the south of the property and it is set forth in the petition with a diagram, it is unopened and essentially acts as their driveway right now. Bushkill Street is to the west of the property and it was proposed as part of a subdivision in 1891 that was never opened. That street was never opened and would revert back to the grantors here and then Luna Street we are seeking to vacate. We have consent from the neighboring property owner which is Sharkan Realty and that is attached to the petition. The southern neighboring property is the City of Bethlehem. Attorney Recchiuti noted he did have conversations with Michael Alkhal, Director of Public Works at one point and the Planning Commission and Darlene Heller, Director of Planning and Zoning and it does not seem that the city is opposing this at all with regards to vacating Luna Street. Other than that everything in the petition is pretty much straightforward.

Dr. Van Wirt remarked in the LVPC comments they had recommended that if the city grants a street vacation that we should request that new development on steep slopes over 25% should be discouraged. She asked Attorney Recchiuti if his clients had read that and what their plans were in terms of agreeing to that.

Attorney Recchiuti noted they did read that. The portion of the property that is going to be built according to the site plan where the existing house is and where the house that is proposed would go there with the detached garage. If the vacation is approved that area on the west side of the property would be extended out and they would be able to move this garage out a little bit. Right now there is only about 4 feet between the two. To answer the question about the steep slopes according to the lines on the topography from that point to the back point it is a difference of about 4 feet. So he does not believe we have an impact with steep slopes at all.

Ms. Crampsie Smith remarked while the Lehigh Valley Planning Commission seems in favor of this the last paragraph states they want us to assure that the abutting property owners are aware of the impacts that could result from this vacation. It also says to make sure that the EMS services team had been contacted to make sure there are no problems with utilizing emergency services in that area.

Attorney Recchiuti explained that the abutting property owners are aware. The property owner to the east is actually his client's uncle and a former city employee. He is aware of what Luna Street's impact would be. The other property owner is Sharkan Realty, that is the old paint mill so they do not access their property from this side of their property, they access it from down off of Mauch Chunk Road down the hill from Elizabeth Avenue. This sits up high from there. He does not believe there would be any impact from any of the neighbors as a result of this.

Ms. Crampsie Smith asked if EMS has been contacted regarding any issues with accessing the area.

Attorney Recchiuti does not believe they have been contacted, he believes that as part of the review from the City Administration they are reviewing that, when this was first filed the City Administration takes a view and does that. He would have to ask Ms. Heller if EMS and Fire on that review, he is not sure.

Ms. Heller explained actually they were not officially contacted for a formal response. There is really nothing there right now except a driveway. We are vacating an unopened street. We could reach out with them if you would like a response prior to your first vote that is not a problem at all.

Ms. Crampsie Smith noted that would be great just because it was recommended by the Lehigh Valley Planning Commission. To cover all bases she would like it if they could reach out to them.

Ms. Heller noted they can do that.

President Waldron queried if Attorney Recchiuti anticipates that his clients will have to go to the Zoning Hearing Board for any variances on this project.

Attorney Recchiuti stated no, he does not believe there will be any variances needed if the vacations are approved. One of the reasons we are looking to vacate is to give them some more leeway with their setback requirements as currently they are. He believes they can go to the front of the property without any necessary setback. He asked Michael Devers to explain.

Mr. Devers noted the front of the property is right to the front of the property line. The east and west are 4 foot off the property lines and the rear which is the hill is 20 feet.

Attorney Recchiuti remarked he will not be anywhere close to 20 feet on that.

Mr. Devers stated no, they will not.

*Public Comment*

None.

President Waldron stated the street vacation ordinance will be placed on a future City Council agenda for First Reading.

President Waldron adjourned the public hearing at 7:15 pm.

2. APPROVAL OF MINUTES

May 4, 2021

3. PUBLIC COMMENT (on any subject not being voted on this evening - 5 Minute Time Limit)

*Speeding and Safety on Bridle Path Road*

Thomas Kozlowski, 41 Bridle Path Road, stated he would like the city to look into the safety and car speeding issues on Bridle Path Road. The safety issue is for the runners, bike riders, and pedestrians who use Bridle Path Road and this is the section between Jacksonville Road and Main Street Extension. This is basically a 1.2 mile straightaway with no stop signs or stop lights. The issue is the 35 mph speed limit in Hanover where most people do about 45 mph and where it goes into the 25 mph in our side in Bethlehem. The point of danger if you could look at the area itself is the intersection of where the 35 mph road goes into a 25 mph. This is at the beginning of the bridge and guardrail that goes over the Monocacy Creek. The bridge and guardrail are narrow to begin with and speeding and distracted drivers are a real problem. On the Hanover side of the road it is a downhill slope that goes into the bridge area. If he is on top of the road going 35mph with foot off the gas, by the time he hits the bottom where the bridge and guardrail is he will be doing 45 mph plus. He would have to brake to slow down and stop for the 25 mph. Most people zoom over that bridge area and a number of people who were walkers when that development was made in Hanover have stopped walking because it is dangerous and they may be hit by a car. A speed bump or some other type of signage would help slow down the traffic and alert distracted drivers of people walking, running, or riding a bike over the bridge area. Mr. Kozlowski remarked the way this got worse was that a few years ago there was a railroad crossing on the Bethlehem side and was in somewhat disrepair and that acted as a speed bump but that has been repaired and it is nice smooth transition going over those railroad tracks. He is asking the city to take a look at it. He has noticed the Main Street Extension area by him is undergoing a road surface right now and he presumes the city will be reinstalling those speed bumps on Main Street Extension. Because of the timing, this is an opportunity for the city to look at installing a speed bump on Bridle Path Road. He hopes Council will take a look into this.

President Waldron remarked that the Police Department and the Engineering Department are aware of the situation on that stretch of road and a traffic study was done on that section and the vehicular speeds did not warrant the threshold which is required for installation of speed humps. But they will work on some other options, some traffic calming measures that might help.

Mr. Kozlowski questions the study that was made. Up on the stop sign on Main Street they had installed a gauge for traffic going east to west on a telephone pole that is about 100 feet

away from that stop sign. You will have a study that will show that nobody speeds in that section. How fast can you go in 100 feet? He is talking about the problem all the way down by the bridge that is where they should put the speed study to find out how fast they go over that bridge, not up next to a stop sign where it is impossible to get even up to 25 mph in 100 feet.

President Waldron explained he is not familiar with the details of the study but he is sure that Mr. Kozlowski could reach out to our Director of Traffic which is Tiffany Wells.

Mr. Kozlowski noted she is aware of this; one of the neighbors had approached her.

President Waldron remarked this conversation is best to be had with her because we do not have the details of that study and what the solutions might be. He should continue those conversations with her.

#### *Development*

Sebastian Zawierucha, 341 Spring Street, informed he would like to make some points about the last meeting and his feelings on development in general. In his month of attending Council Meetings he had not heard a single member of the public to take the time and call in to support the developments in question. They have spoken about caution and dissatisfaction with proposed projects. The concern is with the regards to the threat of gentrification but that can be done well with good planning and protection in place. We have numerous large developers who have expressed interest in our area and they would not be interested in Bethlehem if they were not attracted to their future tenants. What Bethlehem has to offer was built on the backs of the people in our community through their determination, imagination, and commitment. We the people are asking you to not make decisions that we see will change our community. With the Martin Tower project a new transportation study needs to be conducted on the area to assess the impact that the new development will have. The developers are using the results of a study that is three decades old. Much has changed since then. The Members of Council who questioned why we look to advocate for walkability in a place where there is none, those same members then go on to push for zoning variances for new development that otherwise would not be there. The flippant use of this logic contradicts itself and he asks Council to continue to recognize the importance of changing our infrastructure to be more accessible to transportation other than cars. This project has been deliberated for two years and this is the call for concern. This property was vacant for around 34 years and the impact will be significant no matter what direction it takes. It is a gem of an opportunity for the developer and they would not be pursuing it unless the numbers paid out handsomely. This is also a gem of an opportunity for our community; we should not feel pressured into decisions that would impact our environment for decades to come. He believes in our community as Council Members do as well but he hopes that we do not bend to the whims of the developers to outshine the needs of all of our members of our community and push us out.

4. PUBLIC COMMENT (on ordinances and resolutions to be voted on by Council this evening – 5 Minute Time Limit)

None.

5. OLD BUSINESS

- A. Members of Council
- B. Tabled Items
- C. Unfinished Business

6. COMMUNICATIONS

- C. *Councilman Colón – Council-initiated Amendment to Bill No. 16-2021 – A Privately Proposed Zoning Text Amendment submitted by the owners of Martin Tower Site at 1170 8<sup>th</sup> Avenue*

The Clerk read a memorandum dated June 2, 2021 from Councilman Michael Colón with an attached proposed Council-initiated amendment to Bill 16-2021, the Bill is on tonight's agenda for First Reading as Item 9 C. The original Bill is a privately-proposed zoning text amendment submitted by the owners of the Martin Tower site at 1170 8<sup>th</sup> Avenue. It would affect the Office Mixed Use District (OMU) at the Martin Tower site by amending the City Zoning Ordinance in connection with parking in front of principal buildings, entering and exiting onto an arterial street, and rear yard setbacks. The originally-proposed Bill did not contain limitations on the number of parking rows that could potentially be constructed on lots in the OMU District. The attached Council Amendment addresses this concern by revising the Bill language to limit the number of driving aisles and rows of parking spaces placed between a principal commercial building and the curb line of an arterial street along the front of lots to two (2) driving aisles and four (4) rows of parking spaces.

President Waldron stated we will discuss this proposed amendment and vote on it when we reach discussion of Bill 16-2021, Item 9 C.

- D. *Housing and Community Development Planner – Memo – Analysis of Impediments to Fair Housing Choice*

The Clerk read a memorandum dated June 8, 2021 from Tina Roseberry, Housing and Community Development Planner with an attached proposed resolution resolving that the city has conducted an analysis of Impediments to Fair Housing Choice; and that the city will take appropriate actions to overcome the effects of any impediments; and that the city is authorized to file the Analysis of Impediments to Fair Housing Choice with the U. S. Department of Housing and Urban Development.

President Waldron stated the attached resolution will be placed on the July 20, 2021 Council agenda.

- E. *Mayor Donchez – Resolution – Authorizing Mayor and Controller to Execute Lease for Christopher Columbus Monument*

The Clerk read a memorandum dated June 9, 2021 from Mayor Robert J. Donchez with an attached proposed resolution authorizing the Mayor and Controller to execute a lease agreement between the city and the Diocese of Allentown for the Christopher Columbus Monument currently located in the city's Rose Garden. The monument will be moved to Holy Savior Cemetery at 2575 Linden Street in Bethlehem.

President Waldron stated Resolution 10 A is on the agenda.

F. *Director of Community and Economic Development – Proposed Affordable Housing LERTA*

The Clerk read a memorandum dated June 10, 2021 from Alicia Karner, Director of Community and Economic Development with an attached proposed ordinance amending Article 342 titled Local Economic Revitalization Tax Assistance, and associated resolution for the creation of an Affordable Housing LERTA zone. This LERTA will require projects that apply for LERTA benefits with 10 or more residential units to either dedicate 10% of the units as affordable or make a contribution of \$25,000 per unit otherwise reserved for affordable housing to an affordable housing trust fund.

President Waldron stated this will be referred to a joint meeting of the Finance Committee and the Community Development Committee. A meeting date will be announced at a later date.

G. *City Solicitor – Use Permit Agreement – McCarthy’s Irish Pub, Inc. – Feast of the Seven Fishes*

The Clerk read a memorandum dated June 10, 2021 from City Solicitor William P. Leeson, Esq. with an attached resolution and associated Use Permit Agreement. The Permittee is McCarthy’s Irish Pub, and the event is the Feast of the Seven Fishes. The agreement covers times on July 24, 2021 and July 25, 2021 and the location is Walnut Street between Main Street and Guetter Street.

President Waldron stated the Resolution can be placed on the July 6, 2021 Council agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Charles Patrick – Historic Conservation Commission – South Bethlehem and Mount Airy*

Mayor Donchez appointed Charles Patrick to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy effective through April, 2024. Mr. Reynolds and Mr. Waldron sponsored Resolution No. 2021-109 to confirm the appointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

*Opening of Memorial Pool*

Mayor Donchez remarked we had a very successful opening of Memorial Pool last weekend on Friday and it was well attended on Friday and Saturday despite the coolness of the weather. He added kudos to Michael Colón who was the first person to jump off the diving board; he is down in the history books.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 17-2021 – Amendment to Article 1713.04 – Relating to Composition of Historical Architectural Review Board*

The Clerk read Bill No. 17-2021 – Amendment to Article 1713.04 – Relating to Composition of Historical Architectural Review Board sponsored by Ms. Negrón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 1713 OF THE CODIFIED ORDINANCES  
OF THE CITY OF BETHLEHEM  
RELATING TO HISTORIC BETHLEHEM

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 17-2021 now known as Ordinance No. 2021-15 was passed on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 18-2021 – Amending Article 145 – Bethlehem Human Relations Commission*

The Clerk read Bill No. 18-2021 – Amending Article 145 – Bethlehem Human Relations Commission sponsored by Mr. Reynolds and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA,  
AMENDING ARTICLE 145 OF THE CODIFIED  
ORDINANCES OF THE CITY OF BETHLEHEM,  
TITLED “BETHLEHEM HUMAN RELATIONS COMMISSION”

Mr. Colón explained two budget seasons ago Council approved a modest budget for the Human Relations Commission (HRC) and then last year when we identified points of action moving forward we realized the HRC did not have its own website. He added that the Environmental Advisory Council (EAC) and the Fine Arts Commission and other Boards and Authorities had its own website so we are in the process as a commission of building a website for the HRC. This is ongoing and we are hoping by the end of this year to have that fully built and operational. With that we wanted to amend the ordinance for people right now. Complaints to the HRC are submitted in writing or via mail or in person to the City Clerk’s Office. We wanted to give the complainants, which there are a few but they are all equally important, the opportunity to submit these complaints electronically. We are working on building that function on the website. That is the genesis of this amendment so when the website is fully running and operational that anyone who has a complaint for the HRC does not have to come in person or put a stamp on an envelope, they could submit everything electronically.

President Waldron asked how the headcount is for the HRC Board currently.



Mr. Colón would say around 8, we did have one resignation due to the time constraints by one of our long time members.

President Waldron asked if they are seeking a new member.

Mr. Colón informed that we always are. We are never at capacity.

Mr. Reynolds thanked Mr. Colón for all his hard work on the HRC and this particular subject and added that pre-pandemic the meetings that he had attended there was a lot of discussion taking a look at how the HRC operates. The traditional model has been a reactive one which is important with people filing complaints but one of the things that came up at those meetings was how can we turn that into a more proactive commission. That could be with public education, working with our business community, there is a lot of opportunity there moving forward with our HRC and its mission. He mentioned that it has been around 10 years for the HRC so he is looking forward to those conversations in the coming months about how we are able to invest in our HRC and give them the resources to do a lot of things they are looking to do with being more active in the community. It is kind of like the chicken and egg situation as well with more members both having that kind of enhanced proactive mission, that will help to recruit members and at the same time give potential members more interest in the work there. Once again, Mr. Reynolds wanted to thank the HRC and Mr. Colón for his work on this.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 18-2021 was passed on First Reading.

B. *Bill No. 19-2021 – Amendments to Article 1739 – Regulated Rental Units to conform to recent changes to the Zoning Ordinance that created the Student Housing Overlay*

The Clerk read Bill No. 19-2021 – Amendments to Article 1739 – Regulated Rental Units to conform to recent changes to the Zoning Ordinance that created the Student Housing Overlay sponsored by Mr. Reynolds and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 1739 OF THE CODIFIED ORDINANCES WITH  
RESPECT TO THE TIMING INSPECTIONS AND  
PAYMENT OF FEES.

President Waldron asked Ms. Karner for an update on this Bill and the changes that are requested.

Ms. Karner related Michael Simonson is also on this call. This is to bring into alignment regulated rental with the Student Housing Overlay. One of the things that was of particular concern to the Student Housing Community was that they be able to preserve their non-conforming status if they put a family in. We wanted to make sure that they were able to be licensed. For example if a non-student tenant spent a year in the unit they would like to still be licensed and preserve that status as a student rental but certainly with a regulated rental ordinance saying they have to provide us with a lease with the 5 unrelated people that becomes

and obstacle. What we did was we made it an option where we could ask for the lease but it is not going to be a requirement that they provide that. Ms. Karner pointed out this is just trying to bring in alignment what we need from the Regulated Rental Ordinance to comply with the Student Zoning Overlay.

Dr. Van Wirt thought that the mandate for requiring the license allowed the city to have control over who was actually renting to students and who was not. If you are not asking for the lease how will you know if they are renting to students or not.

Ms. Karner remarked they may come to us and say, I am not renting to students this year, I have a family and I do not want to violate fair housing provisions, I am going to rent to the family but I have been a student landlord for a certain number of years and I want to maintain the ability to rent to students. We do not want to lose units we just are trying to stop more units from coming into play. This will allow them the ability to engage in a conversation with us. Then we do not need the leases if it is not a student house but we can still license them as if they were with the annual inspection which is not what you get when you are going through a residential rental process that is an every 3 year inspection. This will allow them to continue to keep that regulated rental license and rent to students in the future.

Dr. Van Wirt does understand that but she is asking without your ability to demand a lease from every single person within that zone do you lose a measure of control in understanding how many people are living in this house and does it apply as a student rental housing or is that a moot point because it is already within the overlay district.

Ms. Karner explained this will give us the option of demanding it. This just makes it not something that they automatically must provide to us. We can ask and so that does not stop us asking for it, just if there is a circumstance where it is not a regulated rental unit we do not really need to see the lease.

Dr. Van Wirt remarked they will still be asking for leases regularly it is just that you do not have to demand it from every single person, this will be a discretionary thing, is that correct?

Ms. Karner stated yes, that is a better way to describe it.

Ms. Negrón noted with this change they proposed to present it because it happened, there was actually a developer with a student housing willing and wanting to host a family instead of students.

Ms. Karner stated we are seeing that happen from time to time. We do have examples of that where they had rented to somebody other than 5 unrelated individuals, yes.

Ms. Negrón is curious because she does know there is a need for a rental, she does not know about a need for student housing but for family rental units, there is a great need. She does not know how she feels about this, in her mind if you rent for families, thank you and keep it that way. They do make more money renting to students because they can rent the rooms for more money. She is not sure if she wants to see that happen. She is afraid if it is not a choice they might just never then consider renting to anybody other than students.

Ms. Karner remarked a landlord may not discriminate if they are approached by a family, they can't not rent to a family if they can pay the rental rate. You cannot discriminate against a family, you would run into a fair housing violation. On the south side certainly the pandemic showed a spike in the number of units because people were scrambling and now a lot of the same occupied units, we do not have data to provide, but there are houses that are not rented for this year. We are talking to landlords that are not fully occupied so if we can get them to rent a home or a unit to a family we certainly want them to do that quickly without fear that they are not going to be able to utilize that as part of our Student Housing Overlay now.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 19-2021 was passed on First Reading.

C. *Bill No. 16-2021 – Zoning Text Amendment request by the property owner related to the OMU (Office Mixed Use) zoning district at the Martin Tower site at 1170 8<sup>th</sup> Avenue*

The Clerk read Bill No. 16-2021 – Zoning Text Amendment request by the property owner related to the OMU (Office Mixed Use) zoning district at the Martin Tower site at 1170 8<sup>th</sup> Avenue sponsored by Mr. Callahan and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING PART 13 OF THE CODIFIED ORDINANCES RELATING TO ZONING WITH RESPECT TO PROPERTIES IN THE OMU DISTRICT BY AMENDING SECTION 1311(a)-(b) PERTAINING TO THE CONFIGURATION OF OFF-STREET PARKING AND DRIVEWAY ACCESS ONTO ARTERIAL STREETS AND SECTION 1314.02(b)(5) TO LESSEN THE MINIMUM REAR YARD SETBACK.

President Waldron remarked we have an amendment that was proposed by Mr. Colón that was read as Communication 6 C.

*Communication 6 C*

6 C. *Councilman Colón – Council-initiated Amendment to Bill No. 16-2021 – A Privately Proposed Zoning Text Amendment submitted by the owners of Martin Tower Site at 1170 8<sup>th</sup> Avenue*

The Clerk read a memorandum dated June 2, 2021 from Councilman Michael Colón with an attached proposed Council-initiated amendment to Bill 16-2021, the Bill is on tonight's agenda for First Reading as Item 9 C. The original Bill is a privately-proposed zoning text amendment submitted by the owners of the Martin Tower site at 1170 8<sup>th</sup> Avenue. It would affect the Office Mixed Use District (OMU) at the Martin Tower site by amending the City Zoning Ordinance in connection with parking in front of principal buildings, entering and exiting onto an arterial street, and rear yard setbacks. The originally-proposed Bill did not contain limitations on the number of parking rows that could potentially be constructed on lots in the OMU District. The Council Amendment addresses this concern by revising the Bill language to limit the number of driving aisles and rows of parking spaces placed between a principal commercial building and

the curb line of an arterial street along the front of lots to two (2) driving aisles and four (4) rows of parking spaces. This amendment is sponsored by Mr. Colón and Mr. Waldron.

President Waldron turned to Mr. Colón for any comments on his amendment. President Waldron thinks this is self-explanatory but thought Mr. Colón may want to introduce his amendment.

Mr. Colón noted he will not add too much the conversation that has not been discussed at a handful of previous meetings other than what was discussed at one of the earlier meetings. His original thoughts were that he was not comfortable within 1311.08 (a) removing that cap where the original proposal said that 1311.08 does not apply to the OMU District, he wanted something he was more agreeable to but at the same time keep the ball moving forward with the potential plan for Martin Tower as it related to restricting the rows of parking and the driving aisles. The other two proposals with adding the new driveway and changing the setback, he was on board with that from the beginning. Mr. Colón felt this was a modest change and something that would be in line with something he could live with and hopefully a majority of Council can if that is the will of Council tonight. This would put a cap on that but at the same time accomplish the goal of moving ahead with the project.

President Waldron thinks this is a commonsense amendment and it would have been nice if this was included from the beginning. But this gives the developer specifically what they are asking for so this project can move forward. This is he thinks the fourth conversation we have had about Martin Tower and we have gotten to this point, which is a positive one, where we can take the next step forward. During that time we had a lot of feedback from Members of Council about priorities and things they would like to see included in the larger development of that property which is a crucial one. Some of those concerns and priorities he thinks are important. President Waldron encouraged the Administration to continue those conversations with the developers. Some of those conversations have happened during that time but he was not sure if there were any updates about how those conversations were going.

Mayor Donchez informed the Administration did meet with the developer last week and the developer indicated that he did hire a local firm to assist with improving the master plan. As he said at the last meeting this firm or any third party firm could put a fresh set of eyes on the plan and provide quality feedback. The developer has committed to working with this firm and the city to produce the best plan possible while meeting the needs of his perspective tenants.

President Waldron stated that is great news and he is glad to hear that some of those conversations you have been having with the developer have come to that outcome where the developer is bringing in third party. As Mayor Donchez said a fresh set of eyes is a good perspective to make sure that we get the best possible development at such an important site in the city. Turning back to the amendment at hand that Mr. Colón had introduced, he asked if there is any discussion on the proposed amendment specifically. We will take a vote on this and then we will have the ability to talk more about the overall ordinance.

Mr. Reynolds remarked he has a question on the process. We did talk about this a little last time. The process is that this is not the final approval here as far as Council is concerned. This is the beginning of the review process and he believes since this is a zoning text amendment

it has to go back to the City Planning Commission and the Lehigh Valley Planning Commission, we have to have a Public Hearing and we vote on it twice, is that correct?

President Waldron stated that is correct. As it was described to him by our Solicitor even the smallest change to a zoning text amendment triggers the entire process that the two planning commissions would review our amended zoning text amendment and then back to Council for review.

Mr. Reynolds related we would then have a public hearing and then two votes on it.

President Waldron noted that is correct.

Mr. Reynolds remarked just for clarification the vote tonight is just to start that particular process.

President Waldron stated yes, and also the possibility of further amendments as well. Just because we do this does not mean it is finalized, it is just the next step in our conversation.

Dr. Van Wirt asked when we are talking about the change to the OMU Zoning District currently you are allowed to have one row of parking in front of the buildings fronting the street as well as one lane, is that correct.

Ms. Heller stated that is correct.

Dr. Van Wirt remarked the reason for the limitation for both of these is to create a tight streetscape so that we have a more pedestrian friendly streetscape. Basically, this is why this district was created in terms of why those considerations were put into the OMU Zoning District along 8<sup>th</sup> Avenue. She asked if that is correct.

Ms. Heller pointed out that is correct.

Dr. Van Wirt tips her hat to Mr. Colón for trying to find a way out and he has proposed that we now have 4 rows of parking and 2 lanes of traffic so we are essentially quadrupling the amount of space in front of these buildings from what was originally allowed as of right. She asked if that is correct.

Ms. Heller remarked she guesses it does quadruple it, there are 4 lanes proposed at this point.

Dr. Van Wirt brings this up because in her mind we are talking about two very different things. One is the request, a private developers request to change our zoning code. That is one thing we are dealing with here and then more specifically we are dealing with an amendment to that request for a change to our zoning code. What this process has done is open up a window for us to talk as Council about Martin Tower and about the considerations of what we want to see for our citizens and for our city while moving an economic development project forward that is very important. To her she is still keeping a little bit of these separate. We have what is the whole genesis of the streetscape idea and why did we even make a zoning code that said there should be limitations of the amount of space in front of these buildings. There is the whole other

very important and even more important discussion of the real quality environmental design considerations for this enormous project. Dr. Van Wirt just wanted to put forward her thoughts on this specific action that we are being asked to talk about tonight. She has said this before and she is still waiting for someone to please give her an appropriate answer. She has looked at this map multiple times, there are only two buildings on this map that the developer gave to use for what the changes would look like as is currently proposed and what they would like. There are only two buildings there that are affected by this text amendment in terms of their map. We have a tool for this already in place. When someone wants to make changes to their ability to build within a certain zoning code we do not change the zoning code particularly when it comes from a private developer, we go to the Zoning Hearing Board and then they can plead what are the specific objections to what the zoning code mandates. Then the Zoning Hearing Board who is a professional body that we appoint to make these decisions can decide whether or not if it is an appropriate variance or not. Dr. Van Wirt remarked when we ask the developer why are you not pursuing this path, the reason we were given was convenience which is an unacceptable reason in her mind for making a change to our zoning code. Yes, we only have one OMU District in the city but that does not mean we will not have another OMU District going forward in which these design considerations would still apply. She has grave concerns about fiddling with our zoning code at the request of a developer when we already have a very legitimate process for them to ask for these considerations for a change. She cannot support changing a zoning code without a very good reason to do so, she has not heard that good reason other than for the convenience of the developer. Dr. Van Wirt informed her other concern is one that our Council Solicitor has raised which is the specter of contract zoning and that we are making these changes for a specific tenant and there is absolutely no way we could ever make sure that this is the tenant that is going to be in there. This can be just another consideration for whoever is going to build there and Lehigh Valley Hospital may not be the one, it may be Payless shoes, we do not know who will be there and we cannot mandate who it will be. She has another objection. The letter from the Lehigh Valley Planning Commission about this very problem was very clear. Not only did they feel this did not comply with our regional objectives but also they firmly encourage that these requests for parking changes be taken to our own Zoning Hearing Board. This is the Lehigh Valley Planning Commission and she has seldom heard them come down firmly like this before and she agrees with them. While she understands this may seem like a minor tweak and a path forward she thinks there is already a path forward here. That is to say to the developer please take your considerations for these two buildings to the Zoning Hearing Board and see what they have to say. She is not comfortable with changing the zoning code to accommodate a private developer's request when there is a perfectly viable path forward. She will not be supporting this.

Mr. Callahan thanked Mr. Colón for coming forward with this amendment. It is a reasonable ask and it also keeps the projects that are planned over there and have been worked on for many years now moving forward. He also wanted to thank Mr. Ronca for agreeing to extend the walkways down to the Monocacy and the improvements to the crosswalk that goes over Eaton Avenue. Also he wanted to thank Mr. Ronca for the additional things he did with the water retention pond with the sprinkler system. It is very important to understand also that he is replacing at his cost not 400 trees but 450 trees to replace the tree canopy that existed there. Mr. Callahan added that this developer has bent over backwards at his own cost to meet as many of the conditions that he could possibly meet that City Council raised. Also, it is important to understand when the zoning was changed many years ago it was probably something that should have been fixed at the time, that we should have changed in the OMU Zoning Ordinance, in the zoning that he changed for the tower. That was a prior Council many years ago but the Council

when we changed that at the time, we had many meetings some went to midnight but the Downtown Business Association and the downtown businesses did not want another downtown, a third downtown in an urban setting. That is what they asked for but that was something that we probably at the time should have done and fixed, what we are doing now and what Mr. Colón is now amending, something we should have done but neglected many years ago. So he thanks Mr. Colón for his amendment.

Ms. Negrón thanked Dr. Van Wirt for her words and added that she agrees with her 100%. She does not understand why we have to change our law especially with this zoning. This was not changed too long ago, it was only a few years ago that we made those changes, is that correct?

Ms. Karner stated it was 2015 when the OMU District was created, the end of December of that year.

Ms. Negrón remarked there are areas across the street that are grandfathered in but she does think there was a good reason why it was changed. We cannot just keep turning corners and changing our minds with something so important like ordinances. We have a process and we should be moving things forward and not just change the law because it is more convenient. She cannot support this tonight.

Ms. Crampsie Smith noted that Dr. Van Wirt brought up about the developer going to the Zoning Hearing Board and that is the appropriate process. She is assuming it is too late to go that road at this point, is that correct or is that an option.

President Waldron imagines that would be in the hands of the developer.

Ms. Crampsie Smith mentioned it is possible he can do that. Her other question is for Ms. Heller. She asked if there are any other OMU Districts in the city.

Ms. Heller stated this is the only one.

Ms. Crampsie Smith noted while she agrees with what Dr. Van Wirt said and she appreciates those comments, she has a lot of concerns about the development as a whole. She has voiced those concerns in the last few meetings. The only reason she would consider possibly voting for this amendment is that it will give us the opportunity to provide public input. That is one thing that is very critical because this is a very critical development for our city. She has spoken with a lot of people who have strong feelings about this development. She is thinking that by voting for this amendment it will give her more input from the Lehigh Valley Planning Commission as well as the City Planning Commission and most importantly it would provide a public hearing where the public can come and tell us what they would like to see with this development, specifically with this amendment as well as provide input on the development in general. She is leaning toward voting for this amendment at this time, that is the reason why. She cannot say how she will vote in the final voting.

Dr. Van Wirt thinks that Ms. Crampsie Smith brings up an excellent point. One of the difficulties in a project so big like this is that there is very little places where the public can get input on this. The initial public input was about the OMU District zoning and how much commercial it would allow and how that would impact our downtowns. That was an important

moment for public input. Now there is no further opportunity for public input going forward. That is a strong point. If we allow this process to go forward it triggers the whole review process again, it has to go to the City Planning Commission, the Lehigh Valley Planning Commission and different layers of review and the public hearing as well which will allow our public to give input. She would lean towards supporting this amendment as well because of that point. Thank you for bringing it up.

Voting AYE on the Amendment to Bill 16-2021: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7.

President Waldron stated on the topic of the Bill, as soon as we make a change this triggers the process in which the amended text amendment will go back to the City Planning Commission and the Lehigh Valley Planning Commission for review and for comment. At this point it would be up to Council to schedule a public hearing in which we could receive those comment as well as receive comment from the public. He has worked with the Clerk's Office looking at the calendar when we think we would have those comments back from the two planning commissions and we were looking at the August 3, 2021 Council Meeting to have the review and comments back to us. President Waldron pointed out that August 3, 2021 would be First Reading so July 20, 2021 would be the Public Hearing. As that plays out that would be the process, there would be 3 consecutive meetings, July 20, 2021 for the Public Hearing, August 3, 2021 for First Reading and August 17, 2021 for Second Reading.

#### *Scheduling Public Hearing*

President Waldron stated he will accept a motion and a second to schedule a new Public Hearing on Bill 16-2021 as amended by Mr. Colón's amendment Item 6 C for July 20, 2021.

Mr. Callahan and Ms. Crampsie Smith made the motion.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The motion passed.

President Waldron announced a new Public Hearing for Bill 16-2021 as amended by Mr. Colón's amendment will be held on July 20, 2021 at 7:00 pm. He added that Mr. Colón's amendment will be forwarded to the City Planning Commission and the Lehigh Valley Planning Commission for review. President Waldron queried if it is germane that we make a motion to postpone the Bill or does the change trigger that and we do not need that function.

Solicitor Spirk stated he does not think they need that, now that you have sent it off to somewhere else that takes care of the postponing of it.

## 10. RESOLUTIONS

### A. *Approve Resolution – Execute Lease – Christopher Columbus Monument*

Mr. Reynolds and Mr. Waldron sponsored Resolution No. 2021-110 that authorized to execute a lease agreement between the City of Bethlehem and the Roman Catholic Dioceses of



Allentown as it relates to the relocation of the Bethlehem Rose Garden Columbus Monument to the Holy Savior Cemetery at 2575 Linden Street in Bethlehem.

Mr. Reynolds asked the Administration for some comments. City Council had been contacted with this issue several months ago and Mayor Donchez had worked with all the parties involved so he is curious on the process as to how we go to this resolution today which he does think is a good one.

Mayor Donchez related that his Chief of Staff, Alex Karras can answer this because he was the point person who handled the meetings for the last year.

Mr. Karras explained this has been a somewhat arduous process. We have had a number of meetings. He pointed out that some have called for destruction of the monument and some had called for putting it in storage, others have called for just leaving it where it is. This committee was gathered and the task they had was what to do with the monument. We had reached out to a number of places, DeSales, Notre Dame Church, Saint Francis Retreat Center, and a number of other cemeteries and churches and nobody wanted to touch it. So it was brought up at one of our meetings to reach out to the Dioceses of Allentown. We approached Bishop Alfred Schlert to see if the Dioceses would entertain housing or homing the monument and they agreed. Through the Knights of Columbus and through other Italian agencies it was agreed that would be the best resolution to this situation. Mr. Karras noted it would still remain under the control or ownership of the city but they would house it and take care of it.

Mr. Reynolds remarked that answers his question. There were a lot of strong feelings on all sides but he thinks ultimately moving it out of the Rose Garden was the right decision. He is happy we have moved through this process.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed. Voting NAY: Mr. Callahan, 1.

B. *Certificate of Appropriateness – 72 East Market Street*

Mr. Reynolds and Mr. Waldron sponsored Resolution No. 2021-111 that granted a Certificate of Appropriateness to replace lighting at the perimeter of the driveway/parking area, back steps, and side porch, as well as add new lighting to the carriage house at 72 West Market Street.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

C. *Certificate of Appropriateness – 72 East Market Street*

Mr. Reynolds and Mr. Waldron sponsored Resolution No. 2021-112 that granted a Certificate of Appropriateness to replace three vinyl windows on the second floor of the north side of the residence with new Anderson Woodright, Double Hung, four over one simulated divided light windows at 72 West Market Street.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

11. NEW BUSINESS

*Speeding on Bridle Path Road/Affordable Housing*

Mr. Reynolds remarked that conversation earlier about Bridle Path Road; he believes that where the bridge is that is the dividing line between the City of Bethlehem and Hanover Township. It would have made sense that we would have paid for the speed study on the city side. When you are coming down Bridle Path Road, when you are going east from the western part, he would say 80% of the street is in Hanover Township. He does believe that the bridge is the dividing line which might be part of the reason for why we had done the speed study there. We had a memo today about the Fair Housing Memo and there has been a lot of talk about President Biden taking a look at this issue. This is one of the issues that affects affordable housing and affects a lot of the systemic issues that we talk about. He knows that President Biden is working with the different federal agencies to take a look at this because one of the things about fair housing that he is taking a look at is the long term effects of the redlining that went on 60, 70, 80, 90, 100 years ago and the affect that process had on housing assessments that still go to this day. If a house was assessed at a lower value 70, 80, 90, years ago for racial reasons that is not something that has necessarily gone away as housing assessments have moved on. Mr. Reynolds explained it is a very detailed conversation and there are a lot of moving parts. When you talk about housing affordability and systemic issues of building wealth for every demographic in our city a lot of it comes down to housing assessments. He applauds the City Administration for that work that we had talked about today but he wanted to put on everyone's agenda going forward that it is something we need to look at and we need to pay close attention to this as we start to talk about the issue of affordable housing and just correcting some of the traditional systemic injustices that have gone on for not just decades and not just in the City of Bethlehem but throughout the country.

12. ADJOURNMENT

The meeting was adjourned at 8:14 pm.

ATTEST:

Robert G. Vidoni, Esq.  
City Clerk