

**CITY PLANNING COMMISSION
MINUTES OF MEETING
May 12, 2022 – 5:00 P.M.
TOWN HALL MEETING**

Participants: Commission Members – Mr. Melosky, Mr. Malozi, Mr. Barker and Ms. Cohen. City staff included Darlene Heller 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 Ms. Alicia Karner, Mr. Dave Ronca, Atty. Jim Holzinger, Mr. Steve Walsh, Mr. Bob Smith, Mr. Joe Rentko, Mr. Domenic Villani, Mr. John Callahan, Mr. Rick Roseberry, Mr. Richard Mercado, Eng., Mr. Brian Gasda, Eng., Ms. Peg Church, Mr. Mike Kladias, Ms. Lisa Ronca, Ms. Joanne Gerontidis, Mr. Bill Scheirer, Ms. Anna Smith, Ms. Anne Evans, Mr. Matt Hengeuerd, Allison Mickel, Ms. Kim Carrel-Smith, Mr. Connor Morharty, Mr. Art Wuerth.

1. APPROVAL OF MINUTES – April 14, 2022.

Ms. Cohen made a motion to approve the minutes of the April 14, 2022 Planning Commission meeting. The motion was seconded by Mr. Barker and passed with a 3-0-1 vote. Mr. Malozi abstained.

2. LERTA Boundary – Reconsideration of current boundaries.

- A. Ms. Alicia Karner reviewed the boundaries distributed a map showing a reduction of the existing LERTA area. Mr. Melosky asked if this was an analysis of the South Side. Ms. Karner concurred. Mr. Malozi asked if the blue section was going away as of December 31st and all that was remaining was the pink section. Ms. Karner stated that is what is being proposed. Mr. Malozi asked if the blighted properties are encompassed in this proposal. Ms. Karner concurred.

Mr. Melosky asked Ms. Heller if the Planning Commission is making a recommendation to City Council based on the analysis Ms. Karner presented. Ms. Heller agreed based on the Map boundaries.

There were no public comments.

Mr. Melosky made a motion to recommend approval of the changes highlighted by Ms. Karner on the May 5, 2022 memo and the LERTA map revisions. The motion was seconded by Mr. Barker and passed with a 4-0 vote. The recommendation will be forwarded to City Council.

3. LAND DEVELOPMENT AND SUBDIVISION REVIEW

- A. **(21-018 LD&S) – 21120008 – 413-415 E. 3rd Street – Land Development & Subdivision Plan – Ward 4 Zoned IR-R, plan dated September 28, 2021 and revised January 17, 2022.** The applicant proposes to develop a 5 story mixed use building on Lot 1 containing a 9,060 square foot commercial first floor and 35 apartments on the upper floors. Lot 2 is the proposed parking garage. A 3rd floor connecting bridge is proposed from the mixed use building to the parking garage.

Mr. Callahan explained the project. Mr. Melosky asked Mr. Callahan how many parking spaces they are leasing from the Bethlehem Parking Authority. Mr. Callahan stated they will be leasing 115 spaces for this project.

Mr. Roseberry reviewed the history of the garage and the plans for this mixed use project. Mr. Mercado explained the architectural design of the project. Mr. Melosky stated that the façade is all brick and doesn't have a pop as Mr. Callahan's other project on 3rd & Taylor Streets. Mr. Melosky asked if Ms. Heller had anything else to add. Ms. Heller stated that this project has been seen by the Planning Commission in the past but it came back to them because the lot is being subdivided. Ms. Heller stated the City's letter is straight forward. The Planning Commission also received a letter from the Environmental Advisory Council

(EAC). Mr. Melosky asked about the City's General comment #4 in the letter related to affordable housing. Ms. Heller stated they are always looking for a contribution of affordable units from developers. We request they allocate 10% of affordable units in their projects. Mr. Callahan stated that the project falls under the residential LERTA. As such, they have not decided if they will dedicate 10% of the units to affordable housing or make a payment to the City in lieu of the affordable units. Mr. Callahan continued to state that they will comply with the City's letter and feel they have made all efforts to make possible the comments from the EAC. Mr. Melosky asked if Mr. Callahan can address the façade of the building. Mr. Callahan stated that they made the decision to make the building uniformed to the Community College building right next to them.

Ms. Joanne Gerontidis, 418 E. 3rd St, stated that there were rumors that the turn lane next to the building is going away. She wanted to know if that was true. She also asked if there was going to be any parking spaces on the side or back of building. Mr. Roseberry stated that the turning lane will remain and that there will be no parking space on the side or back of the building.

Mr. Malozi made a motion to approve the land development and subdivision plan contingent upon the conditions outlined in the City's March 27, 2022 letter for the property at 413-415 E. 3rd Street. The motion was seconded by Mr. Barker and passed with a 4-0 vote.

- B. (21-019 LD) – 21120009 – 1763 Madison Avenue – Land Development Plan – Ward 14, Zoned RT, plan dated December 15, 2021 and revised on March 14, 2022.** The applicant proposes construction of a 3 story building containing 12 dwelling units on a 0.53 acre lot.

Mr. Steve Walsh, Eng. reviewed the plans. Mr. Melosky asked if this plan was previously in front of them for a Site plan review. Ms. Heller concurred. Mr. Melosky stated that on the Site Plan review the Planning Commission gave some feedback on the aesthetics of the building. Mr. Walsh stated that they did submit some elevations back in January addressing the Planning Commission's recommendations. Ms. Heller stated that the City was in discussions with the developer about facades because the building is turned sideways. The City wanted some of the materials and details carried over to the side façade since that is what is really facing the public. She stated the applicant agreed to do so.

Mr. Malozi asked if there was a lot line adjustment already completed for this project or is it part of the application. Mr. Walsh stated that it is part of the application.

There were no comments from the public.

Mr. Melosky made a motion to approve the land development plan at 1763 Madison Avenue contingent with the conditions in the City's March 27, 2022 letter. The motion was seconded by Mr. Barker and passed with a 4-0 vote.

- C. (22-001 LD&S) – 22020010 – 1210 Eaton Avenue– Land Development and Lot Consolidation Plan – Ward 13, Zoned RG, plan dated February 9, 2022 and last revised March 29, 2022.** The applicant proposes to consolidate two lots and construct a 3 story apartment building with 18 dwelling units on a 1.04 acre lot.

Mr. Barker stated to Mr. Melosky that he had an interest to this project and, therefore, I will recuse myself for this project.

Mr. Joe Rentko, Eng. review the project. Mr. Melosky asked Ms. Heller if she had any comments. Ms. Heller stated she only had the one comment on the City's April 20th letter regarding supplemental landscaping.

Ms. Cohen remembers the Planning Commission giving some comments on the elevations on the Eaton Avenue side. Ms. Heller stated that she didn't think the comments were for this property but she stated that

the applicant is carrying some materials from the front elevations around the side which would be the first floor and the roof line dormers. She stated that is what the City typically looks for. Ms. Cohen was satisfied with Ms. Heller's response. Mr. Malozi stated that the applicant from the landscape plan had robust screening which is important on a small lot which has neighbors on both sides.

Mr. Mike Kladias, 1206 Eaton Ave., asked what size storm can handle that area and store it. Mr. Rentko stated 100 year storm would be stored with the chambers. Mr. Kladias asked has there been any testing done. Mr. Rentko stated six specific locations have been tested. Mr. Kladias asked how dense will the vegetation be. Mr. Rentko stated there will be 15 feet of vegetation screen and there are no parking space along the neighboring property. Mr. Villani added that they are willing to work with the neighbors to assure that everyone is happy.

Mr. Melosky made a motion to approve the land development and lot consolidation plan at 1210 Eaton Avenue pending all the comments made by the City's letter dated April 20, 2022. The motion was seconded by Mr. Malozi and passed with a 3-0-1 vote. Mr. Barker abstained.

- D. (21-014 LD&S) – 21090004 – (Isabella Court Apartments) 130 W. Goepp Street– Land Development Plan – Ward 8, Zoned RT, plan dated September 16, 2021 and revised April 3, 2022.** The applicant proposes the construction of a 3 story building containing 18 dwelling units on a .6662 acre lot. Mr. Rentko stated that this site has closed depressions on the site. The applicant had a professional geologist look at the site to make sure there was no possibility of a sinkhole or no Karst topography on the site. It was cleared as a good candidate for infiltration. Mr. Rentko stated the site does not release a lot of stormwater, the majority of the water stays on these pockets and goes into the ground naturally.

Mr. Joe Rentko reviewed the plans. Mr. Melosky asked Ms. Heller if there were any comments that she would like to address from the City's letter. Ms. Heller stated that this project, had to go to the Zoning Hearing Board to get variances for the parking to go in the front of the property. Ms. Heller stated typically we ask that parking go in the rear of the property but in this case, it was better served in front. Mr. Melosky asked Mr. Rentko if they would be able to address all the comments on the April 26th letter from the City. Mr. Rentko stated he is confident that he can address all the comments.

Mr. Malozi asked about the screening and plantings along the front where the parking will be. Mr. Rentko stated they are providing a privacy fence and vegetation on the northern side of the property. They are also doing street trees along Orchard Street and a small screen wall. The reason for the wall is to block the headlights for cars that park in that area so that it doesn't shine over to the neighbors. Mr. Rentko also stated along Monocacy Street, it will have the required street trees.

Ms. Cohen asked about the rubbish and trash removal. Mr. Rentko stated the applicant has placed a dumpster pad in the upper parking lot. Mr. Melosky asked if it would be fenced in. Mr. Rentko stated it would be a masonry decorative wall.

Ms. Kimberly Walker-Stookie, 920 Monocacy St., asked if the fence was going towards her property or the applicant's property. Mr. Rentko stated the screening privacy fence would be on the applicant's side and the vegetation would be on Ms. Walker-Stookie's side. Ms. Walker-Stookie asked if the screening fence could be on her side and the vegetation on the applicant's side. Mr. Melosky asked Ms. Heller if this was something the City would be okay with. Ms. Heller stated that it can be done. Ms. Walker-Stookie asked how often the garbage will be picked up. Mr. Melosky asked if the applicant can consider the garbage being picked up at least twice a week during summer months. Mr. Rentko stated they would consider it.

Mr. Malozi asked if the applicant has to do a Phase 1 assessment to the site. Mr. Smith stated they will have one done. Mr. Malozi made a motion to approve the land development plan at 130 W. Goepp Street contingent upon meeting all comments made by the City's letter dated April 26, 2022. The motion was seconded by Mr. Barker and passed with a 4-0 vote.

E. (21-003 LD&S) - 21020002–SOUTH NEW STREET APTS – 319-27 S. NEW STREET – Land Development & Subdivision Plan – Ward 3, Zoned CB, plan dated October 29, 2020 and revised February 21, 2022. The applicant proposes the consolidation of 3 lots and the construction of a multi-story retail and apartment building on a .4421 acre lot. There are 61 total dwelling units. The commercial space will be 2,925 SF located on the first floor only. It will be a 9-story building. The upper floors will extend out over Graham Street with columns extending into the Greenway for support.

Mr. Brian Gasda, Eng. reviewed the plan. Mr. Melosky stated that because the applicant or the architect were not in attendance he would prefer to get an extension or table the proposal. Mr. Melosky also stated that a lot of the questions that he has require that the applicant be present. Ms. Heller stated the applicant submitted a response on April 26th from Ballina Group which is the architectural firm and a letter was received today from Don Miles of the Sierra Club related to this project. Ms. Heller stated the project has been through Historic Commission review. They will need to come back to HCC to show details of the materials, etc. Ms. Heller stated the general comments are the big picture comments. Especially when it comes to the elevations, you can see that it is proposed to crossover Graham Place and anchor the northern edge of the building in the Greenway.

Mr. Melosky asked if Ms. Heller can explain comment #5 under General. Ms. Heller stated that Mr. Deschler is probably more appropriate to answer the question. Mr. Melosky read the question, “In the event the City and developer are able to reach agreement to permit the developer to access or encroach with its building into the City’s street right of way over Graham Place and onto the Greenway, such agreement is to include appropriate compensation to the City. The developer shall execute a recordable easement and license agreement with respect to the proposed building encroachment in such form as shall meet the requirements of the City.” Mr. Deschler stated the aerial rights over Graham Place and the Greenway owned by the City on which the applicant proposes to put the four columns would need the approval of the City to accommodate this project. The City has the final say as to whether there’s any concession made with respect to the aerial rights or to the columns being planted on the Greenway. Mr. Deschler stated that any decision made tonight by the Planning Commission binds the City in any way to allow for the building to protrude over Grand Place and onto the Greenway. He stated at tonight’s meeting, there will not be a decision made as to whether this applicant can build the way that it’s proposed.

Ms. Cohen asked how you go from owning three lots to deciding to take over space that the City owns. Mr. Gasda responded, unfortunately, he did not have an answer for Ms. Cohen. Ms. Cohen also asked if the height of the space beneath the Graham Place underpass is sufficient for garbage trucks and fire trucks to pass under. Mr. Gasda responded there is 16 ft. of overhead clearance between the surface of Graham Street and the underside of the overhang of the building. Ms. Heller stated that fire approved the height for trucks to go through.

Lisa Ronca, lives on the West Side and owns a business on the South Side (Cutters Bike Shop). Her biggest concern is the Greenway easement. She stated it is a public space and taxpayers have paid to have it placed there. She continued to state that the folks on the South Side don’t have much open air space. It is a great area to ride your bikes and walk to get through town quickly and safely.

Anna Smith, 631 Ridge Street, stated numerous folks spoke against this project at several meetings, including HCC, City Council, etc. She stated the Greenway is one of the most important assets on the South Side and the City should carefully scrutinize any projects that will impact the Greenway’s gateway along South New Street. She stated after visiting the Greenway, she feels this project would cause irreparable harm to this public park and that no easement should be granted to any developer seeking to build on top of the Greenway. She continued to say that we need our projects to be held to high standards that don’t burden the residents of the South Side and business owners with increased traffic and poor air quality due to poorly situated loading zones and public parks and encroachment overshadowed by massive high rises.

Tina Kuzakis, corner of 4th and New Street, stated she attended the merchants on New St., East 3rd St., and East 4th St. She referenced an article written in March 2022 in the Saucon Source. Although

Council approved the HCC recommendation, it wasn't a unanimous vote. Council members were concerned that if they did not vote in favor of the plans, the developers (Palomino and Quinn) would have brought a lawsuit against the City. Ms. Kuzakis stated that on New and East 4th Streets at least 40 businesses will be impacted by this project. She is requesting that the Mayor, City Council and Planning/Zoning consider a buffer zone between her property line and this building along with a driveway between the properties to avoid flooding on our properties and provide a way out for our residents and patrons in case of an emergency.

Peg Church, 435 Brighton St., stated that this developer is pushing the boundaries by building nine stories. She would appreciate this developer working with the community and the City to make it right.

Anne Evans, 464 Montclair Avenue, stated the large issue is the encroachment on the Greenway. The Greenway belongs to the citizens of the City. It is part of the park system and we are the taxpayers. She stated that it is not the job of our City to approve easements or making life easier to make a project more profitable for a developer. She feels the concern should be for the citizens who live and work here in our City. She feels that putting an easement on the greenway for this building is the wrong decision.

Matt Hengeveld, owns Lit Coffee Roaster and Bake Shop, 26 E. 3rd St. He stated that he can't see how a 96 gallon tub can be enough to collect the amount of garbage that this size of building with food courts and 60 units will generate. He feels that this amount of trash will ruin the experience of the park.

Allison Mickel, 1204 W. Market St., stated that she does not want encroachment to the Greenway.

Connor Moriarty, 23 E. 3rd St., he stated that greenspace is accessible, free and effective for mitigating impact of major mental health issues. He stated rather than taking away our greenspace, we need to increase the greenspace that we have in our City.

Al Wuerth, 525 6th Avenue, stated that he echoes what everyone at this meeting is saying. He stated that the City should not give away the Greenway. He feels the City needs to walk away from this project.

Kim Carell-Smith, 833 Carlton Avenue, stated that this building is massive and the traffic would be terrifying. She stated that we need relief on greenspace.

Mr. Melosky stated that he was very disappointed that the developer and the architect of this project were not at this meeting to answer all the questions.

Mr. Malozi concurred with Mr. Melosky. He added that the value of the Greenway and open greenspace are important. Removing them is not in keeping with the public good.

Ms. Cohen and Mr. Barker agreed with both Mr. Melosky and Mr. Malozi.

Mr. Melosky made a motion to table this submission for the project at 319-327 S. New Street with the condition that the applicant gets an extension letter to the City within five business days. The motion was seconded by Ms. Cohen and passed with a 4-0 vote.

4. DISCUSSIONS:

The meeting adjourned at 8:52 p.m.

ATTEST:



Darlene Heller, Commission Secretary