



ALLENTOWN CITY PLANNING COMMISSION  
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## ALLENTOWN CITY PLANNING COMMISSION

PUBLIC MEETING      JULY 11, 2017

### MINUTES

#### MEMBERS PRESENT:

Oldrich Foucek, III, Esquire, Chairman  
Richard Button, Secretary  
Christian Brown  
Jeff Glazier

#### CITY STAFF PRESENT:

Steve Neratko, Planning Director  
David Kimmerly, Chief Planner  
Frederick Andrayko, Zoning Supervisor  
Craig Messinger, Interim Director of Public Works  
Mark Geosits, P.E. Senior Civil Engineer/Assistant City Engineer  
Nelson Varughese, Traffic Controls Superintendent  
Richard Rasch, Utility Engineer  
Tawanna Whitehead, Deputy City Clerk  
Jeanne Marsteller, Recording Secretary

#### OTHERS PRESENT:

See attached sign in sheet

#### MINUTES:

The minutes of June 13, 2017 were approved as written.

## **STREET VACATION:**

### **South Lynn Street abutting 729 S. Poplar Street 17-5 (V) requested by Thomas Carson**

Mr. Carson was present.

Atty. Foucek explained information received in regards to this street vacation shows it has been unopen for quite some time as it is grass covered. Atty. Foucek asked Mr. Carson if he has already erected a shed or did somebody else. Mr. Carson replied that is somebody else.

Mr. Button asked staff to explain their recommendation. Mr. Neratko explained the owner of 825 Poplar Street are using the street that accesses their property and wanted to notify the Commission of this.

Mr. Glazier confirmed we are talking about the 700 block of Poplar. Mr. Neratko answered yes, 825 is the corner property and will if vacated get a portion of the street, but a survey has not been done.

Atty. Foucek asked then 729 is in the middle of the block. Mr. Carson stated yes. Atty. Foucek continued by pointing out it appears the property of 825 at the corner, has installed macadam to park a boat. Both the 700 and 800 block of property owners were notified, however not all responded. 704 Poplar Street, which is at the opposite corner, disapproved of the vacation.

Christian Brown pointed out the reason 704 gave for the disapproval doesn't sound like it was understood, as the reason is the opposite of what will occur.

Mr. Button stated the issues with 825 uses the full pad as it appears leaving no access for 820. Atty. Foucek pointed the to be vacated street and not encroaching on anybody's rights except for those who might want to use it now.

Christian Brown is curious as to whether or not this could be vacated for this particular applicant since it is unopen as it is and 730 hasn't objected and 729 & 730 could share the benefits of a partial vacation. Atty. Foucek answered alternatively it could be vacated from the north (Harrison Street) down to the southern property line of 820, that would 825 and 824 to fend for themselves, but doesn't appear that anybody else on that unopen street is using it for any access purposes.

Atty. Foucek asked who maintains the grass behind the properties. Mr. Carson answered all the property owners maintain the grass.

Mr. Button is concerned about the guy on the end to appropriated the entire paper street behind his property for his private driveway. Christian Brown asked how are the overhead utilities handled in this situation. Atty. Foucek interjected there are easements in place. Mr. Geosits added there is language in the ordinance that preserves the easement for the utilities. Christian Brown clarified then they can come in and do that what have to do at any time, but if there are sheds and boats in the way how is that handled. Mr. Geosits answered we have not control over that, the bottom line is the City has no rights. It is between the utility companies and the private home owners.

Atty. Foucek asked if Harrison Street to the north, is that also unopened. Mr. Geosits answered it is only opened to 11<sup>th</sup> Street, but doesn't come to Lynn Street.

Atty. Foucek pointed out down at the southern end at 825, there is actually a curb cut and is curious who may have installed it. Mr. Glazier said it may have been done when things were built. Christian Brown added maybe to establish the line and grade of the curb.

Atty. Foucek asked if there was a response from 824. Mr. Geosits answered no. Atty. Foucek continued by stating if the entire street is vacated, the property owner at 825 would technically lose the right to use a portion of what they are currently using for access to boat storage and/or driveway. Atty. Foucek sees no reason doing what is being requested, but to what extent we are able to do that. If the street is vacated to a point north of Colorado Street, the southern boundary of 825. Christian Brown suggested maybe 815 being that 825 was not even polled. Atty. Foucek asked is this a survey issue or just define it as such. Mr. Geosits replied yes, he believes it can be defined to the property line if that is what you want to do, but would like to see the whole street vacated. Atty. Foucek commented the idea is not to generate a dispute between the two properties owners. Mr. Button said he would feel bad to penalize 825 & 824. Atty. Foucek said this would currently create a border war as this is currently an unopen street, but technically the boundary of the properties are outside of the alley. If 824 want to come in later and do what the rest of the block has done, then it would impact the 825.

Mr. Glazier referenced the vacation last month where the neighbors negotiated the split and would be in favor of not vacating the whole block and if the issues pertinent for the property owners, let them do their own process to negotiate a solution. Atty. Foucek stated this doesn't prevent us from moving on this today.

No one from the audience was interested in this street vacation.

Mr. Button clarified with Mr. Carson he just wanted the street vacation to put up a shed. Mr. Carson responded yes.

Christian Brown made a MOTION to recommend the partial vacation of South Lynn Street from Harrison Street (unopened) to the southern boundary of 815 S. Poplar Street. Second by Mr. Glazier. Motion passed unanimously.

### **SIDEWALK CONSTRUCTION POSTPONEMENT REQUESTS:**

#### **121 East Wyoming Street, S17-5, requested by Joseph and Cindy Young (tabled at June 13, 2017 meeting)**

Mr. Young explained he is asking for the postponement due to the fact he just had his kitchen remodeled, a new roof, siding done and would love to have sidewalk, but cannot pay for one at this time. Mr. young continued by pointing out this is also a cause for problems for his neighbor. As it sits right now and it rains, her backyard is flooded due to the pitch of his yard. Putting a sidewalk in could possibly direct more water into her backyard. Atty. Foucek asked which neighbor. Mr. Young stated it is the neighbor at 111 E. Wyoming St.

Atty. Foucek recalled some discussion about this at the last meeting. Christian Brown answered 121 was tabled last month and asked the neighbor to submit and evaluate the neighbor as well before making a judgment and suggested starting with the neighbor as this will have a bearing on 121.

Ms. Colon was not present, but was here at the last meeting. Atty. Foucek recalled her mentioning some feature of her property with the grade change/rock wall and asked Mr. Young to describe what is between the two properties. Mr. Young explained between his property and hers the grade pitch drops to the back drastically and pointed out he has a garage in the back of his property.

Atty. Foucek indicated the typography drops off belong the grade of the street and obviously any rain that falls will flow downhill to the back. The Commission is more concerned about the nature

of the land where the sidewalk would be installed having something that would perhaps be cost prohibited or some engineering required would be taken into consideration.

Mr. Glazier asked if the ground on 111 between the fence and the curb is flat or does it slope down. Mr. Young answered it slopes. Mr. Neratko answered there is an incline going up the hill, but did not notice the slope when he did a site visit. Atty. Foucek stated he did a site visit last month and didn't recall there is any substantial difference in grade between the curb and the fence, but is unclear of what is between the driveway and 121. Mr. Young explained his driveway is cutout and drops.

Atty. Foucek pointed out where the sidewalk is to be installed there seems to be no major issue that would impact the installation. Christian Brown asked if the fence would be required to be removed. Mr. Geosits explained it could be worked around. Atty. Foucek recalled a comment being made until the development behind these properties is developed this is a remote area and few pedestrians walk there. Mr. Young explained it is a pretty big hill and not many people walk up the hill.

Mr. Button suggested what about a 5-year postponement to see if the development goes in and what impact it would have on the neighborhood. Atty. Foucek agreed and suggested we could do 5-years or until the first phase of the development is completed, whichever is earlier.

Mr. Glazier asked do we do this in one motion for both properties or one for each. Atty. Foucek said duplicate motions, but each application requires its own action.

Mr. Glazier made a motion to GRANT the postponement of the construction of sidewalks at 121 E. Wyoming Street for a period of five (5) years or until the development of Phase 1 of Penn Square is completed, whichever occurs first. Second by Mr. Button. Motion passed.

### **111 East Wyoming Street, S17-10, requested by Monica Colon**

Ms. Colon was not present. This sidewalk postponement was discussed with the sidewalk postponement request of 121 E. Wyoming Street (see previous discussion).

Mr. Glazier made a motion to GRANT the postponement of the construction of sidewalks at 111 E. Wyoming Street for a period of five (5) years or until the development of Phase 1 of Penn Square is completed, whichever occurs first. Second by Mr. Button. Motion passed.

### **1006 Hanover Avenue, frontage along N. Kearney Street, S17-7, requested by Kenneth Grossman.**

Mr. Grossman was present and explained he has been maintaining the area between the chain link fence and the curb. He continued by stating this is a whole block and currently cannot afford to install sidewalk and second nobody walks on this side of the street. The cars park on this side and there is not enough room between the curb and the fence. At the top of the block by the alley, they installed a handicap ramp that goes straight into the fence, and there is no real way to go from the street to the sidewalk.

Atty. Foucek asked if the fence is on his property line, because there is also an easement. Mr. Grossman said yes it is on his property. Atty. Foucek noted there may be some pedestrian traffic with the youth center a block away, but there is sidewalk on the other side of the street.

Mr. Glazier pointed out a telephone poll and guidewire that would impede the installation of a sidewalk. Atty. Foucek noted there is no access to his property from Kearney Street. Mr.

Grossman agreed.

Mr. Glazier made a motion to GRANT postponement of sidewalk for ten (10) years. Mr. Button seconded the motion. Motion passed unanimously.

**1312 South 8<sup>th</sup> Street, west side of S. 8<sup>th</sup> Street, S17-8, requested by Paxos Group LP**

***Atty. Foucek recused himself. Mr. Button assumed the chair.***

Mr. Glazier asked if this can be heard with three people. Atty. Foucek answered yes.

Mr. Button asked if anyone was present regarding 1312 S. 8<sup>th</sup> Street to request sidewalk postponement. No one was present. Mr. Button asked if it could be tabled until the next meeting or can it be discussed without representation. Mr. Neratko explained they can't claim their case. Mr. Button then decided to take a look at it. Christian Brown concurred.

Mr. Button explained they want a 2-3-year extension because they are going to raze the building and will install sidewalk at that point. Christian Brown stated from what is seen based on the characteristic and condition of the property, surrounding density residential and proximity to park areas it is a natural candidate to be in possession of sidewalks. Future construction can happen around sidewalk, it happens all the time. There is no other major restriction based on the information that was presented.

Mr. Glazier stated he doesn't disagree with Mr. Brown, but the practice in the past if the applicant doesn't show it is tabled and give them the opportunity to state their case. Christian Brown asked if that is going to work with the timing of the road work. Mr. Messinger answered the curbing is going to go in and as long as the curb is in it won't hold anything up.

The Commission agreed to TABLE this matter until the next meeting. Atty. Foucek abstained.

***Atty. Foucek returned and resumed the chair.***

**1011 Lehigh Parkway East, frontage on W. Wyoming Street, S17-9, requested by Mark C. Van Horn, Esq. for Emerson Lloyd & Bendu Lloyd**

Mr. Neratko stated the applicant was granted a continuance per their request.

**LAND DEVELOPMENTS:**

**The Waterfront, 2 Riverside Drive, LMA-2015-00009, preliminary/final plan approval requested by Waterfront Redevelopment Partners LP. The application is seeking approval of modifications made to the plan approved by the Planning Commission on November 10, 2015**

Bryan Smith of Barry Isett & Associates, Inc. represented the applicant.

Mr. Smith explained the main modifications are widening Riverside Drive to 3 lanes, adjusting the alignment of Allen Street to end at Waterfront Drive and terminate into a cul-de-sac and the adjustment to lot 5, which was made possible after being able to obtain a triangle piece of property from the adjacent property owner in order to square up the building to be more efficient as a parking garage with a residential wrap and retail. The staff comment letter was received. Atty. Foucek asked if that is the letter dated July 10<sup>th</sup>. Mr. Smith answered yes and most of the items relate to drafting and some final clarification that need to be obtained for the Engineering Dept. otherwise there are no issues. Atty. Foucek then stated it is a will comply. Mr. Smith answered yes.

Atty. Foucek asked for clarification on what is being meant by the final and tentative plan submission. Mr. Neratko explained the tentative plan is for the entire master plan for the site and final plan is for Phase I. Mr. Smith added in the RRO (Riverfront Redevelopment Overlay) there is a separate procedure process for approval. Atty. Foucek clarified it is for this specific site only. Mr. Smith said yes.

Atty. Foucek asked these are not major modifications that were review on a preliminary basis. Most all the comments are technical in nature and some require further improvements from other agencies. Any approvals would subject to you complying with the comments.

Atty. Foucek asked if there was anyone who would like to comment on this application.

Christian Brown stated the Shade Tree Commission was unable to meet because of the Fourth of July holiday and therefore met before this meeting. There will be a few comments coming in regard to quantity and scheduling to clarify some of the summary and would like any action taken should include compliance with any future comments coming from the Shade Tree Commission.

Mr. Button asked if there should be two motions, one for the final and one for the master plan. Mr. Smith concurred there should be one for the tentative and one for the final plan.

Mr. Button made a MOTION to grant final conditional approval for the Final plan subject to the comments in the city staff letter dated July 10, 2017 and any forthcoming Shade Tree Commission comments to the satisfaction of City staff. Second by Mr. Glazier. Motion passed unanimously.

Mr. Button made a MOTION to grant final conditional approval for the Tentative plan subject to the comments in the city staff letter dated July 10, 2017 and any forthcoming Shade Tree Commission comments to the satisfaction of City staff. Second by Mr. Glazier. Motion passed unanimously.

**Quebec Contractor Warehouse, 1701 Union Boulevard, LMA-2017-00004 preliminary/final plan approval requested by Union Boulevard Development, LLC. (withdrawn from June 13, 2017 meeting) The application proposes to construct a 9,280 sq. ft. warehouse/storage building for contractors.**

The application was withdrawn by the applicant.

There being no further business, the meeting adjourned at 1:00 p.m.

Respectfully submitted,

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Jeanne Marsteller, Recording Secretary