

ALLENTOWN CITY PLANNING COMMISSION

PUBLIC MEETING DECEMBER 13, 2022

MEMBERS PRESENT:

Christian Brown, Chairman
Mark Buchvalt
Damien Brown
Jeff Glazier
Kelli Holzman
Hannah Clark
Anthony Toth

CITY STAFF PRESENT:

Mark Hartney
David Petrik
Jesus Sadiua
Nelson Varughese
Melissa Velez
Adam Rosenthal
Brandon Jones

OTHERS PRESENT:

Andrew Fernanda, Shropshire Association
Michael Roche
Bill Matz
Megan Hart, Allentown Redevelopment Authority
Joseph Rentko, Black Forrest Engineering
Scott Pasterski
Matt Hainzl, Woodmont Properties
Anthony Amadeo
Joe Zator
Joe Correia
Robert Lysek
Jim P

Meeting Called to order

MINUTES:

Minutes of the public meeting of November 9, 2022. Minutes stand as written.

Minutes Approved.

Sidewalk postponement withdrawn

LAND DEVELOPMENT:

Item #1 - 1051 American Parkway

(Mark recused himself)

Marty Smith- Developer Representative – Presenting final plan; received letter from city staff and memo from LANTA. Some changes made - the two smaller single-story buildings were combined into one, so the facility is only a partial 2-story building. With this change, with the lower part half footprint and the upper part a full footprint, it comes to 21,600 SF as labeled on the plan. Parking proposed along the building. Compared to the last plan the impervious area and the area of the lot that is proposed to be disturbed has been reduced. This is a self-storage facility, a 3-story main building, making this a 3-story building, we were able to adjust grading on exterior where it is accessible on all 3 floors. We anticipate the retention basin using spray or drip irrigation on the north end of property to preserve the trees and wooded area there now. To get rid of storm water volume that needs to be controlled, we will be making water line connection to the Business Park Lane to Dauphin; we've coordinated with UGI as well for an extra gas line to Business Park Lane and American Parkway. There will be access from both levels.

The front of the building is two-story, on the lower level of the property, and you can access the 2nd level from the back. The 2nd level is the full footprint and lower level is 30 x 240 with steep grade and topography. We've coordinated with PPL and had plans revised to address those issues and have been approved by PPL.

At this point, we have not selected an architect, so we do not have drawings of what the buildings will look like.

Chris Brown – Tell us about the sidewalk situation.

Marty – Property sidewalk will connect American Parkway and North Bradford. Between this project and the associated one at 1024 N Bradford, we would be doing pedestrian improvement at the American Parkway and North Bradford intersection, providing pedestrian access across the islands where there is currently none. We are requesting postponement of continuing the sidewalk up North Bradford with this project. Building to street is situated at front of building to access down to American pkwy. The slopes are too steep going to Bradford to try to get any sidewalk access the (1024 site). We are proposing to build sidewalk around the North Bradford frontage of that property; the pedestrian work will be extensive with doing sidewalks along American parkway and all along North Bradford.

Chris – As of today, have you submitted the postponement request or not?

Marty – We may have noted in in the plan, but I don't know if we have submitted a formal request.

Chris – Ok, so any action today will assume you are doing so. The switchback pedestrian connection that you have down to American Parkway. Is that a full ADA ramp?

Marty – No, we kept it a less than 5% so we didn't have to worry about railings.

Damien Brown- Is the project going to be fenced?

Marty – Fencing is shown on the site and landscaping plan around the parking area and smaller building near the north wall so you can drive onto the site quite a distance to access gates without backing up on to North Bradford, waiting for gate to open. We are also providing a gate in yard so PPL can access their easement.

Damien -On the separate pedestrian connections, how do you manage that? Will there be a lower amount of traffic using that?

Marty – Pedestrian access comes to the main building and that is outside the fence, so you can walk to the main building but not the units.

Chris – The 45-foot spaces, six of them, to the north side of the building, what are those?

Marty – Those are to meet ordinance requirements for containment truck loading, at dock height.

Chris – The parallel spaces in front of the building, those have been resolved?

Marty – Yes, we will make them 8 x 22, losing one on either side; still gives us required parking, the only variance we will be requesting will be slope disturbance and retaining wall height. All other items have been resolved in design.

Chris – Anything in the memo comments or letters that you feel you are not able to comply with?

Marty -There are a couple of items we want to discuss further. (#1) regarding traffic, we have a left turn lane from North Bradford into the site; we've looked at that and there's a fairly short distance from the site driveway to American Parkway. In looking at the geometry, if something were to be required, it would require the existing left most turn lane from North Bradford to American Parkway to be shortened some – and we would coordinate with staff to resolve that. We can accommodate a short-left turn stacking into the site.

Nelson Varughese – We received the sketch plan this morning but haven't had a chance to look at it. I think there is something we can work out though.

Marty – The second item is the second access -- it is a challenge due to the topography and the current design of the stormwater management on the north end of the site.

Chris – Is there a planning requirement for that access? Or is it just a recommendation?

Marty – It is a recommendation.

Marty – The sidewalk is drawn in, it's hatched with concrete on the American parkway side, but when it gets past the crosswalk at Highland and North Bradford it's not hatched.

Damien – I see the lines, but not the pattern.

Marty – We left the pattern out of the part that we were asking to be postponed.

Joe Zator – There is one more item I want to mention. Under your ordinance, Section 660-63, subsection E-3, the ability for planning commission to look at situation on site and grant a reprieve with respect to steep slope disturbance. It was noted that we do need to go to zoning review board, and we will do that. But I'm hoping we can cut down on the variance relief we need to request based upon action from the planning commission. We would not that part of the site, with topography, geometry, need for locating driveway where it is, and the existing PPL easement combined with the fact most of the topography is manmade. This section here, you are probably familiar with, in terms of construction streets, access, driveway, regarding public and private facility, you do have the ability to reduce the requirement without the zoning hearing board weighing in on it.

Marty – I've expanded slope disturbance table to indicate areas that can be disturbed because of bringing the driveway and the water line extension. There is a little bit there under the column that says OMITTED; that would be the percentage of disturbed area that we are seeking for relief from Planning commission based on the ordinance section.

MOTION: Damien moved that plan is conditionally approved based on staff comments assuming sidewalks will be installed along the full public right of ways, also granting relief or access to property from city steep slope requirements.

Zator – The provision would cover the public and private utilities?

Damien – I will amend the motion to include public utilities as well regarding the steep slope relief. Hannah – Seconded.

Motion carried with (1) abstention.

Item #2 - 1024 North Bradford – Allentown Flex Center

(Mark recused himself)

Marty – This is a 14-acre site, large industrial flex building, of 146,000 SF, from initial sketch plan to this current plan, we've flipped the building around to put loading dock at rear of building are for potential trailer storage and the north end of the building. We have reduced impervious cover to about one acre due to previous work initially done on site. The sidewalk is to extend from the existing terminus from North Bradford and American Parkway intersection, along the full North Bradford frontage, to the potentially two-user site. Sidewalk improvements continue to Dauphin, coordinating with city staff and the DNL Trail Planning Committees to determine impact on that project. We would be submitting a request to postpone our side of Dauphin Street due to the fact the trial would be on the other side of Dauphin Street.

Damien – I see the right corner on Bradford and Dauphin, doesn't reach the intersection on drawing. The angles appear to be 45 degrees to some point further down on Dauphin. Can you explain the logic in that?

Marty – We are working on the design of the crossings. Right now, the existing signal and existing controller box are right behind the curve back there. We are envisioning the main sidewalk on this angle and having a ramp or sidewalk extension going to the curb. We just have to fine tune that crossing design yet. Our traffic engineer is working on the pedestrian analysis.

Damien – I believe there is an existing walk/don't walk signal at that intersection. So, you'll have a ramp then?

Marty - Yes.

Nelson – There is no signal there now.

Marty – We're going to put in pedestrian crossing and update the signal plan as needed per city comment about signal improvements. We just like to coordinate our improvement on North Bradford with the city and DNL's intent working with the trial and working with Executive Education Academy on property sway. When N Bradford was put in, some parcels were cut in half where some of our land is on the other side of North Bradford and they own a small triangle on our side.

Damien – I want to correct earlier comment – there are no crosswalks at Dauphin and Bradford. While not up for review today, I wanted to get a feel for the slope of the land on the east side of Dauphin. There are some difficult slope conditions on the other side of Bradford heading toward Union Blvd. This didn't appear to be the case at Bradford towards American Parkway Bridge. It looks like level land there to build sidewalk, with some vegetation, but I guess that will be part of the discussion if or when that time comes – for relief on the Dauphin area. You mentioned a land swap with Executive Education –

Marty- We have a lot of consolidation plan in land set LD2. When North Bradford was created, it went across a few oddly shaped parcels and small remnant of existing parcels were left on either side at right of way. We are doing a swap there to consolidate multiple parcels into one for the development here.

Damian – So the existing lot lines more or less straddle both sides of N Bradford?

Marty – Bradford cuts them off – it used to be square shaped, but Bradford was cut diagonally and it left little non-conforming parcels here and there in the tax records. City staff has commented that we either need to do swap (it's in the review letter) or Executive's part owner of the development would have to sign off. We are working with them to get resolved per the city review letter.

Chris – We would be covered either way. Any comments in the letter you have issue with?

Marty – One on this project, which goes back the last one as well – and that is street lighting. Some tie in of the two projects for street lighting has been mentioned. We ask for that not to be – this project is its own. We understand lights need to go in on North Bradford along the frontage and same with the other project. We just want to clarify this issue.

Chris – I assume the intent is the projects are designed and coordinated together but they're dealt with as separate projects. Is that what you're asking?

Marty – Yes, but that's not how one of the review comments reads on the storage site.

Nelson – Review comments say whichever development comes first has to do the street lighting.

Chris – Ok, I see. This is under traffic (#3); with either project you'd only be installing lights respective to frontages, right? Is the idea that one frontage is going to fulfill all requirements on the road, or could it be split across both frontages?

David Petrik – The intent was to have all lights secured by whichever project happens first, no that that project must secure all the lights. The intent was to have all lights secured by whichever happens first. Only for that project to install the lights along that frontage, but we would hold security should the other project not happen or if there's a lengthy delay.

Chris – Seems to me to be convenience because it's the same applicant, but we wouldn't be having this conversation if for that fact.

Marty – Similar owner is also a consideration.

Chris – I understand the intent, but we need to find a way to split them to satisfaction. I think storage site pick from American parkway to its terminus on southern end from North Bradford. From a security standpoint, the warehouse picks up from there on.

Damien – There's no scenario where they would pay twice but the developer in theory, could have to post collateral twice...no different than if there were different developers.

Marty – That's where it gets tricky. If you were designing streetlights on Bradford from American Parkway to Dauphin, you would probably want to do that on the west side of Bradford. That's not really the frontage road of the 1051/American Pkwy project – it's across the right of way. Do you just have that overlap at 1024 Bradford double the security?

Damien – Seems like that is the most thorough solution where we don't end up without lighting in that street.

Zator – From a developer perspective, we want to treat these as two separate projects, as if there were two different developers. While we all expect both projects to move forward in a timely manner the worst-case

scenario is where the warehouse market in the Lehigh Valley disintegrates (very unlikely) and the project doesn't happen. We wouldn't want to be in a position where the other project, the self-storage must subsidize in part, the development of the warehouse project and what should go with it – mainly the lights. At this point, what's going to be owned by Petrucci, what's going to be sold hasn't been decided or worked out. It might make it difficult to impossible to sell a project that has something tied up to a different project particularly with different parties involved.

Jeff Glazier -In terms of the project already being conditionally approved this condition is not in those terms – where you have to post security for the light, is that correct?

Dave- Correct

Chris – It seems to me it is something that can be worked out. Any other comments?

Marty – No other comments on the letter. We have been coordinating with LCA on the water extension. We did have a meeting with Lehigh County Conservation District regarding the MPS permit required. We are working on sewer use facility planning module for sewer as well. Coordinating with LCA on that also. We've spoken with UGI for gas coordination and PPL so we know where we are getting service.

Marty – We will have zoning variance request for steep slope. There's no real driveway and no real relief needed.

Chris – I want to first acknowledge and support our staff planning recommendations. In trying to promote the goals of vision 2030. This is a situation where the workforce would benefit from designated bicycle parking and ask that you add some that are somewhere near employee entrance that are convenient.

Marty – Yes, we can do that.

Kelly- I thought I read there was a traffic study of some sort. Any results on the impact?

Marty – There is no impact. Separate from that, we had to do a pedestrian study and we will do the upgrades the city has requested, emergency signaling, equipment and GPS. We'll be preparing signal plans to city review and PennDOT.

Chris – Anyone else with questions?

Ok, looking for a motion to grant conditional preliminary/ final plan approval conditional on the December 10th staff review letter, December 13th recommendation about bicycle parking review memo and a workable solution to fair separation of lighting between the 2 projects– just for clarification, the agenda indicates the 1024 N Bradford for final approval, not for preliminary/final approval. Can we clarify – is this a final or preliminary final?

Marty – We were instructed to submit a preliminary/final previously; this is a final

Anthony- So a conditional final?

Chris – It might be procedural hiccup there – the application was checked for preliminary/final, but we never granted preliminary approval. I'm fine with a final, but it should have been treated as a preliminary final. Good job pointing that out. Any procedural concerns? Ok, I'll amend the motion to be for final plan approval. Someone want to make a motion?

Jeff – I make the motion as stated and amended the motion to reflect final plan approval. Damian – seconded

No oppose; 1 abstention. Motion passed

#3 – 1901 S 12th Street - Warehouse

Jim Preston- Local counsel for Woodmont Property and Steve Santola, Exec VP and general counsel of Woodmont Property; Mark Bonac, Project Engineer with Van Cleef Engineering.

Jim -We've gone over city review letters and have representative from our engineering, traffic, legal, and architectural teams here to be able to address all concerns the planning omission has.

Steve – The property is under-utilized, in a good location, redevelopment site of 130,000 square feet.

Mark Bonac – The site is 8.36 acres, in the I3 Genal Industrial Zone, owner is present. Current use is a fitness center, Saucon Valley Auction facility and Merchant Square Mall. The proposed development of the site will result in reduction of impervious surfaces instead of an increase. The proposed use warehouse permitted by right in district is 133,000 square feet, 45 feet high, 31 loading docks, 30 trailer parking spaces, and 95 employee parking at the edge of I3 zoning district. Adjacent uses are similar in fashion Empire Lumber Warehouse to the east, LV Logistics to the north and the new Pepsi facility across S 12th Street. The property fronts on S 12th at an intersection with Vultee Street which is a very busy place.

We have car and truck traffic between S 12th and Vultee, and there is also a skew or diagonal crossing of intersection which is a rail line, that is active and owned by Norfolk-Southern. That rail lines right of way is approximately 90 feet in the middle. If you've been down that street recently, you're aware this is an active rail line – there's two active rails within that facility and about 38 trains per day are run at maximum speed of 45 mph. This configuration has been in place for many years and there are warning lights, and mast arms on all four legs of the intersection including at the access to our site. It is our intention to utilize the same point of access onto S 12th Street as well as crossing Norfolk Southern's lands at the same spot where access is today and that came from discussion with development team as well as feedback from city staff. That's how primary access from cars and trucks will be dealt with at property and controlled by stop sign at termination of our driveway as well as there are lights and mast arms for rail safety and our driveway as well.

We received two letters – one from Planning and one from Engineering. I want to touch on a couple of things from Engineering. In engineering review letter, regarding water and sewage use – yes, we do anticipate an increase in use, and we will process in the planning module with DEP and with city. We have had meeting with conservation district relative to PCSM and ENS configuration, the reduction of impervious cover certainly very helpful from that perspective. We have begun conversations with Norfolk Southern in relation to access to their property from ours with this new configuration. So, currently, we have no issue from that perspective. In the letter, comment #12, refers to item discussed at length on numerous projects by this commission and this is the provision of sidewalks. The plan has been updated since originally submitted and the proposal as applicant at this point relative to sidewalk access is shown in the rendering handed out today. The plan provides for that city staff reviewed sidewalk configuration at the back of the property the car parking is located, and at the office facility, there are sidewalks at that portion of the site to get from office to ADA parking and the balance of employee and visitor parking is in the back. Our proposal this afternoon is to update the sidewalk access two different ways – (1) ADA requirements in place today include the need for us to have ADA compliance from the office facility and the ADA parking we have adjacent to it, along our access drive which you can see is shaded a little darker on the drawings handed to you this afternoon, there would be a crossing of the truck access to the site that would extend along S 12th street on the southern portion. Staff requested and we are providing internal sidewalk from office to 12th St, with no issue with that request at all.

(2) of comment #12 – on the rendering, there is a red line; this depicts the property itself and beyond that to the northwest, the land owned by Norfolk Southern. The subject property has frontage on S 12th St from our driveway to the south down to the border of adjacent access drive that goes to the adjacent industrial use. The city ordinance requires us to provide sidewalks and curbs along that frontage. This plan would in fact provide that and

we have no issue doing that as well. That's our sidewalk access proposal regarding compliance with engineering comments as well as city requirements from ordinance that pertains to sidewalks.

Mark Buchvalt-Is there a triangle piece of land owned by Norfolk Southern between you and city right of way? I'm trying to understand...like your property line skews and I must believe there's some right of way for S 12th street.

Mark Bolak – Yes, there is.

Mark B (Board) – So you don't own all the way to S 12th street right of way?

Mark Bolak – Correct. Where have frontage is what's shown on the plan in the renderings. Aside from that, our boundary is to land owned by Norfolk Southern.

Mark B (board) – So for that little bit of work in front of your driveway you mentioned you've already approached them to do that connection?

Mark Bolak – Yes. There're two aspects to that from point of view of our site improvements. One point of access is not changing. The intent is to put in new blacktop at that point of access so that would be a request for us to have construction within their lands. Also, the storm sewer connection from internal piping turns into existing piping along that side of the street of S 12th, so that tie in would be in their lands as well. So, we have a need to approach them with those two items as well. We have in fact begun that conversation.

Damien – This brings up the question of concrete crossover. It is standard city crossover in the drive aisle.

Mark Bolak – I would say we could ask Norfolk Southern but if Norfolk Southern says no, there's no way can require it.

Damien – If we wanted to in in our heels about the crossover would it follow property line or would it push it back the tangent point of property?

Mark Bolak – Typically a crossover is a crossover from the cart way to property line. In this case, there is no place to put a crossover.

Damien – I see, so where the driveway intersects with Norfolk Southern is not our affair.

Mark Bolak – Correct

Damien – There is a piece of the driveway that does apply to the right of way. It's a minor issue but we do have to have the crossover discussion. The bigger issues are, since we were technically thought the interception comment, about crosswalks crossing the intersection, does that need to be evaluated? Also, I see a traffic comment about the need for traffic lights. Do we know who the user is? That will impact the amount of pedestrian and vehicular traffic.

Mark Bolak – Based on comments received from engineers and planning, two different things are set up. One is engineering is confirming and we agree to have sidewalk along the frontage street and to have the internal sidewalk and we have no issue with that. Planning is recommending that consideration is given to go beyond that do to two things (1) envision the sidewalks end at the radius oat the southern part of our driveway. Planning is saying we should extend the sidewalks across Norfolk Southern's right of way, all the way to the northern side of the right of way where you're back on city property and into the sidewalk that terminates today. They've also asked us to consider a crosswalk from the corner of Vultee and S 12th to put a crosswalk across S 12th. If there wasn't a rail line involved in their conversation, it'd be relatively simple, and we'd just make it happen. There's two parts - it's an active rail line, so whatever discuss on this side we still have to go to them, and they have right of first refusal.

Jeff- Is there a LANTA route on S12th?

Mark Bolak – The stop is at Vultee and Lehigh, about 1,000 feet right of the plant.

Mark B (Board) – How wide is the driveway? Normally it would be 30 feet, but yours looks wider.

Mark Bolak –Yes, we configured it for truck turning, but we can look at that.

Mark B – That intersection is already very wide open and broad, just wondering if here’s a way to define a newer entrance. A crossover would help.

Jeff – Once again, the railroad people have that say. Are there other ways to guide pedestrian traffic and safety without cement sidewalk that are acceptable? Does painting crosswalks get us part of the way?

Damien - In the intersection, that’s the only option?

Mark B (Board) - We’re assuming Norfolk Southern will say no to everything. But we don’t know. You have approached them?

Anthony Toth? - Try to dovetail on everyone else here. Have couple of questions onsite itself. There are three existing building that are essentially going to be demolished as part o the project.

Mark Boalak – Correct

Anthony –That existing driveway that goes on S 12th St across from Vultee St...correct?

Mark Bolak – There’s a stop sign, flashing light for rail and arm for the rail, we’re using all of those at that location.

Anthony – The proposed driveway the exit/entrance is going to be at that location?

Mark Bolak – Yes

Anthony – I want to ask about the Norfolk Sothern property. You said they own it fee simple? What is the relevance of hat? What is the importance of that as to other type of ownership?

Mark Bolak – If it was an easement, their rights within the land would be subject to language in and easement agreement. A fee simple ownership we have no rights, you have no rights – it is their land.

Anthony- Do you know if there is an access easement in place now for Merchant Square Mall between Norfolk Southern and the existing land owner?

Mark Bolak – to our knowledge there is not. These buildings were developed in (checked with audience member) in 1942.

Anthony – so this doesn’t apply to easement.

Mark Bolak – you can make that argument. Aw3e have rights to access that street at that point today, but they may not be defined in writing.

Anthony – it’s your assumption than going forward when the property change=s hands that access will still exist to you by default of current situation there, is that correct?

Mark Bolak – Correct. WE believe3 it runs with the land.

Anthony – I believe this is simar to when an HOP is in for an existing facility and when it changes use, so there may be more truck traffic, something similar along those lines, where might have an existing driveway, but increase traffic pushes you to a different HOP category. This kind of seems similar in nature, because its Norfolk Southern’s property and ultimately, they have the right to say yes or no. but your opinion is that access will run with the property

Mark Bolak - We've gone beyond theory to...

Steve – I'll take it here. Norfolk Southern property would be servient estate, we would be the dominant estate. We would have those rights and they would run with the land. Could they at some point make an argument we changed the burden? Possibly but extremely unlikely.

Damien – I imagine you're going to have that conversation with them before you put shovels in the ground?

Steve – Absolutely – we're not just going to show up; we're going to have that conversation, but I think you're trying to get to a legal point of what rights do we have. We have absolute right to maintain what's there. We have absolute right to reasonable expansion.

Anthony – the other question – what role does the PUC play? Do they have to be involved with the railroad crossing?

Mark Bolak - The PUC has jurisdiction over the operations with Norfolk Southern. I would think if we were unable to come to terms with them, we could appeal that with the PUC.

Anthony -the reason I ask that is because of the existing facilities in place to control train traffic versus automotive and pedestrian traffic, you are assuming that what's there now is going to suffice as opposed to any new infrastructures that may be built in accordance with any new policy or regulation.

Mark Bolak- My opinion is that we need to construct a storm water facility that makes connections on lands owned by Norfolk Southern. If we can't redesign my plants to get away from that, I need their permission to do that. Our plan proposed that we're going to reconstruct some black top and put down new blacktop. I think I have to request to occupy their land. Access is a legal department issue. Pedestrian crossing is a whole different conversation. There is no definite pedestrian crossing either through painted crosswalk or a sidewalk within their area. If you read Norfolk Southern's documents on how to construct rail lines, they're ok with controlling cars, but pedestrians are something different. They prefer to have a "not at" rate of crossing.

Anthony – this is a similar situation as to Lehigh Street with the right of way under Penn Dot – city ordinance says you must put in sidewalk, but who ultimately maintains the trump card on that? I see similarities here. Does the city maintain the right to stipulate what needs to be done even though it is Norfolk Southern property?

Damian – Look at 31st street – looking at Google – they figure out a solution there. Looks like small bars to block pedestrian access and physically black topped when walking over the tracks.

Anthony – My point is that on a new development, you're going to have to adhere to the most current set of regulations that are out there whether whatever is there now worked before. This is a brand-new proposal. What will you have to do in accordance with new regulations if there are new regulations that will apply to that crossing?

Mark BOLAK – You mean relative to Norfolk Southern regulations or city regulations?

Anthony – Norfolk Southern, PUC and or the City.

Mark Bolak – I would think in case of doing any kind of construction of sidewalks and/or pedestrian crossing on Norfolk Southern lands, I would have to comply with their regulations. They would be the controlling entity not the city.

Jeff – I think since Norfolk Southern is not present, the best we can do is express the hope that the applicant and Norfolk Southern come up with a solution.

Damien – I don't know if we have enough information regarding this matter. The conversation hasn't taken place to determine if it's feasible. The city has laid out what we need to see. The matter has to go to Norfolk Southern and maybe it is not as big a deal.

Mark Bolak – Is there a difference between the two positions? We’re happy to approach them – with Norfolk Southern providing feedback; we’ve already done that.

Engineering (Dev) – Mr. Bolak is correct if it wasn’t Norfolk Southern property, we wouldn’t be having this conversation.

Damien - Are they saying they don’t want pedestrian crossing, are they saying go around the intersection or are they saying there are standards along the public right of way?

Mark. Bolak (?) – Oftentimes, they don’t say anything. They are hard to reach and get through their numerous layers.

Damien – One other point the city staff mentioned – it is considering traffic light there? No idea how much traffic will be generated compared to current use. It is an important conversation to have whether the railroad tracks are there or not.

Mark Bolak – The traffic questions, our traffic engineer can address concerns and comments.

Chris – Any feedback from engineering?

COA Engineer – As applicant pointed out, they’re willing to go to Norfolk Southern and discuss. Our jurisdiction for curb and sidewalk is within the right of way only.

Mark Bolak – We’d include the city engineers on those discussions.

Damian – We’d prefer everyone try to figure out a solution, rather than just saying it’s not our problem

Anthony- Do we view this as outside agency approval or not considered within legal standing considerations outside because it’s Norfolk Southern and PUC.

Mark Bolak – An outside agency approval is typically something one must have in order to proceed with a plan. It would be a necessary component to continue as required by law. This is not. This is something the engineering department has identified what I required, and we’re agreed to provide that; this is something the planning commission is asking us to do and we will do that. In that context, it’s not technically an outside agency in terms that it’s going to be required that we get Norfolk Southern to agree to these modifications. It’s not really an outside agency approval. It’s the kind of thing the planning commission wants to push it in that direction, and we don’t have a problem with that. We’ve agreed to include city engineering in the conversation so your interest is represented and I think that’s where it should end up.

COA Eng (?) – it’s a requirement from the city on the development, it might need to get approval from the railroad to get to that point.

Mark Bolak – Forgetting Norfolk Southern, the traffic engineer can show there won’t be enough volume. What we are prepared to do to keep the ball moving, we would agree to go to Norfolk Southern with the city and the city’s plan as conditionally approved and if they say yes, we would implement the plan with whatever conditions they may put on that. Because none of us knows what those would be. If they say no, in fairness to us, because we’ve done our due diligence and everything we can do, we would go forward with the way Norfolk Southern is compelling us to do. That would be our suggestion.

Jeff- I appreciate you want to walk out with a result today. I have a feeling that the feedback from Norfolk Southern isn’t going to be so black and white. There might be some options in there. I’d like to hear what their feedback is and what we’re dealing with before weighing in on approving the plan as a whole.

Mark Bolak – I was speaking more of a condition that we would have to go to them for satisfaction with your engineer my fear is that they may not speak with us if we don’t have approval, because one of the first

conversations we had with them they were like “go get it approved, then we’ll talk”. So, it’s hard enough to get them to the table, it would be exponentially harder by saying “wed like to talk some more.” If we can say to them, we have a condition of the city of Allentown, that we need to review with you based on final plan approval, I think its going to be a lot easier for us to move forward with strength of your engineers to get what we all want rather than not getting anything back.

Damien – You could say you have a recommendation from city staff for approval.

Mark B – the other option, to give us a little protection is you have³ to do what’ in the letter and if Norfolk Southern won’t agree, then you hav^{3e} to come back and amend your plan

Chris – That’s pretty much how it must happen

Mark B – Instead of leaving it open that you don’t have to return if they don’t agree.

Jeff -So there’s still a conditional approval given?

Mark B – that’s up to the Board I’m just suggesting if we want to move this along, the condition is what’s in the letter, if Norfolk Southern says we’re not going to let you do that then that condition can’t be met, then they have to come back with a revised plan.

Jeff- That’s why I asked if it was outside agency approval because we can’t hold up a project for an outside agency approval.

Mark B – it’s not outside agency. My opinion is they can’t do the work in the little triangle area until they go to Norfolk Southern.

Jeff- But it’s our condition, so its conditional upon them meeting our condition. To meet our condition, they have to go to Norfolk Southern. So we’re not saying you need Norfolk Southern approval – the applicant is saying they probably need Norfolk Southern approval. If they don’t get it, what you’re saying is they come back and find another away to get approval or mend their plans.

I don’t know what it’s to entail. We can’t assume what requirement are at this point

Mark Bolak – Sounds like you handing it over to Norfolk Southern. But there are time constraints

Mark B (Board) – What I’m hearing is you got to go the them no matter what

Anthony- Is there any documentation between the applicant and Norfolk Southern regarding whatever comes here today?

Mark Bolak – If Norfolk Southern says that’s great. That’s what the city wants, but in no way we want to invite a pedestrian to cross at this part of the intersection. Then we have to come back to you. I don’t know if as a matter of law you can actually deny the application . All I’m saying is we get a conditional of that approval it would avoid us coming back.

Chris – Personally, I’m in favor of giving staff the ability to work that out on behalf of th³ city.

Damien – That would involve tabling it.

Chris – No, if the city is at the table with Norfolk Southern and they hear you say you can do xyz, but cand do this, they’re going to hand le it accordingly.

Damien – If we paint crosswalk, we will lose all leverage

Anthony – I'm more concerned with the vehicular traffic – were their hours limited at the market -like Thursday through Saturday?

Mark Bolak – They were open Friday through Sunday, two thousand cars in and out. Since then, ecommerce type of tenants that are utilizing the property has brought people in the entire week. Most of the traffic is delivery coming into the property now.

Jeff – Going back – there are some unknowns where we expect city staff to do their best to fulfill our ideals and handing. This situation is not much different except entity isn't the developer but a third party that really has no interest in this which goes to leverage. I don't believe the developer has any, they're pretty much a supplicant.

Damian – Let me give an example. If Norfolk Southern says "you can paint crosswalks, but you have to upgrade to new gates," the applicant can paint the crosswalks, but they might not want to install new gates. We think gates are expensive; I think three should be an opportunity to has that out.

Jeff – I'd be happy to delegate that to staff because we trust them on many things and I would trust them on this.

Anthony - Only leverage we have is that it's a comment in the letter and that's the leverage we have. To this point, they haven't fulfilled that. But in history, you're right, we do that. I kind of see this as an outside agency and was hoping you'd agree with me. Just like the planning commission, if there's a plan in front of us and there's an outside agency the applicant has to get approval from, like MPDS or HOP, we can't hold up a plan because of those outside agency approvals. If they meet our condition within our purview, we must approve it, correct?

Damian – Within 90 days of submission. So, this is the 1st time we're seeing this. Obviously, we've uncovered a gap of information. I don't think it's that difficult to get a little more info regarding the best way to handle this intersection. We could simply table it for 30 days, continue conversation hopefully with some more information to make an informed decision.

Jeff – And if Norfolk Southern hasn't deemed to respond to the applicant, then what do we do?

Damian – That's a piece of information we'd have to weigh in.

Anthony – I understand your point of view, but I'm more in favor of letting them move forward and having the applicant and city staff approach Norfolk Southern and letting the process unfold. Ultimately if it's not going to work it's not going to work.

Mark H – From the city staff perspective, for us, we're do our best to hold Norfolk Southern feet to the fire and advance what we've heard from the applicant today.

Mark B (Board) – I was more on Damian's side of keeping a tighter look on this to see what the outcome would be. Sounds like the consensus of the board is more in favor of putting a condition that the applicant approach Norfolk Southern with our staff and letting staff kind of weigh in and help shepherd that process. I wasn't as strong going the other way – it was just a suggestion to keep them moving. You got an approval based on the letter to go to Norfolk Southern. And if they don't want to play ball, you have to come back and amend your approval. If we don't think that's critical, then let city staff take that on. I don't see anything else in this plan that is an issue other than the access.

Mark H – The other option is they agree to an extension of a month or so and come back showing they reached out to Norfolk Southern and see where the chips fall after that. That's the other option.

Jeff – We know they are going to reach out to Norfolk Southern.

Mark H – I also want to be clear about the situation you pointed out before. In your example, they said sure, you can do the crosswalk, but you have to upgrade the gates. If there was ever a question on city staff's mind, such as,

well, would the Planning Commission want this, we are going to bring it back and ask and let you guys answer it. I think our goals are in line with yours.

Chris – I want to weigh in on the intersection. The whole thing is such a mess regardless of whether it's vehicular safety or not. Something should be done commensurate to a project of this magnitude. I personally would like to see a lot of cleanup. I hope that between city staff, the applicant and Norfolk Southern, we can, I mean, all four corners are really a mess. Anything we can do to improve it ought to be pursued as hard as possible. It's a miracle to me that here hasn't been a tragedy there at least that I'm aware of. The fact that it was there and we're still looking at it, I mean, I'm wondering if we can abandon this mess and look elsewhere but I know that's not likely to happen. Anyway, I'm in agreement with the conservation thus far to basically stick with the letter. I did have a couple of comments. There is some screening from the truck docks from the right of way that may meet ordinance, but it inadequate. It involves three-foot shrubs right up against the side of the truck dock or trailer storage. I'm wondering if we can do a more robust screening from the public right of way of that side view of the truck court. And then, on the eastern side, there's a section of 20-foot-wide double gates. I'm just curious as to what those are for. They're swinging out onto someone else's property.

Mark Bolak – It's our proposal for consideration by our neighbor to have a point of access between the two projects. This would only be for emergency access for both properties. Otherwise, those gates would remain closed and locked.

Chris – the way it functions now, there is no interconnectivity, correct

Mark Bolak – yes

Hannah – Something I recall from your previous appearance was you mentioned employee respite areas to allow for folks to take their breaks somewhere. IT seems there I opportunity for some picnic tables and there was mention before something about bike parking in both zoning and staff letters. I know biking brings up some other complications that should be evaluated and you have plenty of space to allow for that.

Mark Bolak – we have no issue to allow for bike parking area. We would certainly encourage that. With your rendering of the site in front of you, where the proposed office area is, directly from that corner of the site, there's a place where we can have table for employees to be put there.

Chris – any other comments or questions? Ok, after lengthy discussion I believe we have reached a point to recommend a preliminary/final approval with conditions being based on the December 10th staff review, think we've talked about the recommendations relative to crosswalks and internal walkway. I think we should incorporate the rendering shared today, dated only as December 2022, let the record show it as being submitted today. I don't think we need any further elaboration on conditions unless somebody feels strongly.

Anthony – Just want to mention one thing I quickly found – there is mention that “nothing in this article shall be construed as limiting the authority of the Pennsylvania Public Utilities Commission (unclear) location, maintenance, structural or rendering s of public Utility Service. So, there is within the MPC that trump card for the PUC.

Chris – Any motions?

Jeff – So moved

Hannah – Second

All in favor, no oppose

#4 – 426 N 6th St – Proposed Housing Development aka – The Lofts on 6th

Joe Rentko, BFE– I was before the commissioner in February, and we were willing to table this plan to pursue zoning and address the staff comments from the city engineering department. In August, we were before the Zoning Board, and we made some adjustments to get relief we needed for building coverage and parking. We cleaned this plan up and resubmitted it for hopefully for a final approval. We've received some comments from staff as well as city engineering department. Engineering letter is pretty brief, and items noted are technical things that need to happen before the plan can be record. In summary, most of the staff comments had to do with the recommendation on the building facade and other details with the building. I know the applicant has taken everything to consideration. Mark, one of the comments you made when I was here months ago was about providing ADA access off 6th street and we've incorporated that switchback ramp.

Chris – Let's talk about that Joe. That ended up being your only way of getting – what was the deal – was the driveway not conductive grade-wise?

Joe – the driveway is not really that safe. This dovetails into the comment where we have greenspace on the southside of the building covering that access. If you look at the plan, we have the sidewalk basically all around the northside of the building to the front two entrances. We have two accesses to the sidewalk; we have steps and the switchback ramp. We want to direct anyone using parking lot around to the north and around the building because the height of the building there is a retaining wall on the south side of the property. It meets minimum requirement and standard, but it is not safe to direct pedestrians there with traffic potentially coming in and out of that driveway. We are like 20 feet on the driveway.

Joe – the minimum drive aisle is 24 feet and that's for a parking lot. Since there's no parking in that section, once you make a right into the parking lot, we open it up to 24 feet.

Chris – Ok, I'm good. The switchback shown, does that meet ADA?

Joe – Yes, we met ADA.

Joe – The staff recommended it. They wanted an ADA connection to the street and that was unfortunately doing the best we can with what we have. One more thing, it was a request for a turning template, by staff and traffic department to show how we'd get garbage out. We proposed a dumpster pad – that was discussed at our meeting too. One of the comments, well, condition, from the Zoning Board was they asked if we previously had a dumpster at the northwest corner of the parking lot. Our response was that we weren't worried about getting a truck back there because trash would be wheeled down to street for pickup on the street. So, one of the conditions from one of the Zoning Board members was that we move the dumpster to that straight shot to make it more convenient for the owner and to take trash out., which was a fantastic recommendation. So, we aren't planning on having trash trucks on property to collect trash.

Chris – This is directed to staff – I know it's been coming up a lot with various applicants. Is the ADA access like for this particular project for instance, enumerated somewhere it's a requirement in our ordinances?

Mark B – I think that comes up in building permit review.

(City staff – unknown) – Right, it's part of the building code. If you have an access from the building to public sidewalks, you need ADA compliance route. If there was no pedestrian access at all, you wouldn't have to provide it. But since pedestrian access is provided by way of the steps, there needs to be equal accommodations.

Joe – My question is, even though we have pedestrian access in back, but this was the whole conversation last time, you can only get there by vehicle, so I'm not sure about the building code regulation.

Dave- It's in the building code regulation

Dave – It's in the ADA code and it is kind of confusing. I think Dave is right. You must have access from a stall for the door and you also must have a route to the public sidewalk, right of way, thinking someone could come from a bus. If you were providing pedestrian access than it must be ADA compliant. Which to me, would almost discourage people from providing access.

Chris – so it doesn't discriminate between commercial, residential, or number of units or anything like that? It seems a bit foreign to me here. Unfortunately, because it's the kind of thing we deal with from time to time in the historic districts, these components being interjected in an area that is trying to maintain its historical character. Technically something like this would be subject to HARB review. Cause you can't just slap up aluminum or stainless-steel railing an aside from feeling forced...

Chris – Joe, the floor plan and the rendering shows the bay windows, and your footprint is a rectangle. Just curious...

Joe – The footprint I have is the outer shell of foundation. I have a foundation plan, so those bay window may pop out a little bit from there.

Chris – OK, so they go all the way to the ground?

Joe – Yes

Chris – So the back walkway would be reduced where the ...

Joe – Potentially

Chris – Interesting. I was just curious about that. I do agree with the one staff comment about the cladding on those bay windows in a contrasting material as opposed to brick. Typically, you can see in photograph, the bay window is usually clad in wood or in this case some **azac** or other material. But that is within our purview of the TND as far as TNDO overlay goes. Has HARB approved this latest rendering?

Joe – Not yet

Chris – OK, so they'll get a shot at it and I think they'll probably agree. From a design standpoint, amassing architectural details, I think this is a poster child for what we should be doing in our historic districts and traditional neighborhoods and design overlays. I think that is good. We all know the merits of this project, and I don't think we're trying to give it a hard time. I noticed in a couple of the staff review letters, there were comments about shadetree quantity. I did double check it and it is like 3.12 trees. We round down when dealing with fractions if it's below half. So, I think it showed up in a couple of staff reports. The shadetree commission did find quantity sufficient, they just asked that you replace the old ageing tree instead of keeping it and counting it towards the quantity.

Chris – Anyone have any other comments?

Hannah – Just a couple of clarifying questions – the staff report specifically mentions eight affordable rental units and there is a recommendation about providing some sort of guarantee of certain level of affordability. Is there an idea for the range of the rents of these properties? Is it being calculated to area AMI. I think this is great – it looks wonderful. It sets a great tone for what can be done in the affordable housing market. Did you have estimated numbers?

Joe – I can't answer that. I'm sure there's a lot of factors involved as to what they could charge in rent. But nothing more specific than that.

Mark H – A lot of that will depend on funding source and most likely it's going to be affordable to 80% of area median income.

Hannah – Ok, just because “affordable “ was specifically called out on the staff report, I wanted clarification. Thank you.

Damien – I like it, I like everything about it; even if at the end of the day, they’re billed as market rate units. I think it’s a great addition to the neighborhood. And I really appreciate you7 guys putti8ng forth so much effort. Without getting too technical, sometimes you see these submissions and you get a feeling when people tried and put some care into what they are proposing, and you have certainly done that here. Honestly regarding staff comment about wood material used for the bay windows, everyone is on the same page with staff, I don’t have any opposition to that. I’m OK with the brick as well. I think bay windows as well are kind of a strong nod to what exists in the neighborhood. The brick treatment adds a little variety to the block. Otherwise, I think it’s well executed proposed. Well planned I should say. I think you guys did a great job. I’m curious, who is your architect on this?

Joe – A&E Drafting – I worked with them on other projects.

Chris – There’s a question about bike parking. Is that going to be indoors? Are you going to accommodate storage inside somehow or is the bike parking inside?

Joe – We just talked about this before we came up here. We ill find a place for adequate storage. I’m running out of space outside, honestly but will find space for bike parking to make sure we satisfy that need.

Chris – These units exceed the need for separate storage units; they are sizeable, approximately 1100 square feet; so, you don’t have separate storage units. Looks like in the foyer in the area adjacent to the stairway, that could be used. All right, just curious. It’s noted or units eight and up that must provide that.

Kelly – Just from our experience, people take their bikes inside. Even if you provide parking for them, people will keep their bikes inside into apartment, onto their balconies.

Chris – Any audience comments?

(Caller on phone) I have a question about the waiver request for section 35511D. Can you explain that please?

Damian – Yes. The grading within the five feet of the property line

(caller) – That’s what I’m here to listen to.

Chris – Thank you sir. Can you give us your name and address please?

(caller) – My name is Ken Cush and I own the property at 442 N 6th St.

Chris – ok, thank you. Mr. Cush, this is a provision in city ordinance when a developer does construction that encroaches within five feet of the property line, they need to seek a waiver which gives us an opportunity to talk about how to provide fencing and other safety provisions that is done in a manner that is safe to the adjoining property. It’s a “blet and suspender s” kind of ordnance. It gives everyone a chance to get this out I the open and everyone is aware that this work would be taking place. Except under extreme or extraordinary circumstance, it almost always gets granted. Gives the opportunity to avoid potential problems.

Mark B – Are you to the north or south.

Ken – North of the property

Chris – Joe, please describe the grading on the north side for the benefit of the omission and the caller.

Joe – The grading is minimal. Because of how tight the site is, we’re pretty much staying on grade. There’s going to be some disturbance essential right up to the property line because we’re going to be putting in a buffer

between this property and the property to the north that the gentleman is on the call for. Where this waiver protects the residence is that it requires us to even if we don't have necessarily an E&S plan, this waiver protects because it would require us to put either a silk sock or sock fence right on property line so there is no disturbance to your property.

Ken – I don't want anything waived. If you're going to be changing the slope or drainage, I think that's going to be detrimental to the property.

Joe – Sure and that's why we're not proposing to have any disturbance on your property.

Chris – You're not giving up any of your rights sir, but what it does is just make sure we all look closely at what's going on so there is no adverse effect to your lands, so drainage is to the south. The grading we're talking about is lowering the grade as it approaches the property line, so the draining would be directed away from your property.

Ken – How far would the two buildings be apart?

Mark B – It appears to be 10 feet of side yard and another two to three feet, so approximately 13-15 feet.

Ken- There is a tree on the property line between us. I want to know how that stands.

Joe – there is vegetation, but if anything on the property line...

Ken- The tree is 30 feet high

Joe – There is a buffer of greenspace between any concrete facades. Any existing vegetation, we'd incorporate into our proposal. We're not removing trees.

Ken – OK. I don't understand why it says waiver request when its everyone's interest is going to be protected. Why am I getting this?

Joe – There's an automatic requirement by the city of Allentown that property owner cannot do any grading or disturbance within five feet of their own property line. They must leave a five-foot cushion. If they want to encroach in those five feet, they must request this waiver which allows the staff and Planning Commission member to look at this closely and make sure it's being done correctly. Also, enforced is that we put in erosion control measurements on property line to delineate when your line is, so any contractor or builders on site don't encroach into your land.

Ken – Ok

Chris – Any other questions?

Ken – What is the future time frame for this – when do you expect to break ground?

Joe – There's still a lot of things that must happen so I'm not able to answer that.

Ken (passes call to his wife) – what about parking – it is on the street?

Joe – The parking is private behind the building and space will be assigned to each of the units

Chris – Ok are we ready to move? Can we entertain a conditional preliminary/final plan approval based on the December 10th staff letter, the December 12th Shadetree letter and talked about items in review and recommendations. You're going to look into bicycle parking for us. Final architectural review will be subject HARB review.

Damien motioned; Kelly seconded. Motion carried unanimously.

NEW BUSINESS

Chris – Ok this next item is an informative piece on the Energov introduction.

(unclear) ...schedule for next year

Chris – comments?

Anthony (?) – Moved that the 2023 schedule for ACPC is approved as presented. Jeff seconded. Motion carried.

Chris – Now to Energov...

Mark H - This is an online permit system. Building, land development, all paper will be going away. Every application for planning commission will be electronic via customer facing portal or we can assist. Target launch is the 1st quarter of 2023. Impact on the board is that all applications submitted will be online only. No paper copies will be required. The CPC members will provide digital files via SharePoint in advance of tall meetings. You will no longer receive packets of copies at home.

Mark B – I had my packet at home, and I wanted to view those docs. I went online it could have been my computer but there were so many caveats about information being shard – I signed with an email, but was getting questions like “do you trust the city of Allentown”?

Jeff – That’s your firewall

Kelly – The code you get may end up in your spam mail first, so be sure to check that.

Mark H – we are updating salvo and zoning ordinance. This has begun but will be picking up next year (2023) to allow the new planning director to come aboard. She starts in January (she is in process of moving family from Florida to Allentown). As we work through that, it will be a transition of existing salvo ordinances and how that interact with Energov. As we mov to new ones, we will write the requirement into Energov so it’s clear.

Damien – Has the contract with the consultant been extended? I can imagine a huge task to jump into a new job and complete in three months.

Mark H – No, it’s going to take longer. They were delays with covid and other mitigating factors.

Chris – Ok, sounds exciting – scary but exciting. I’m sure there will be bumps long he way.

Chris – Before we adjourn, Jeff has something to bring to our attention off agenda.

Jeff – the last time we met, we discussed the Jb Riley project on 6th street, where the Morning Call is and if you recall they’re kind of recreating a new street between the old building standing and the new apartments. They’re planning parking-angled street parking spaces. Also, small parking deck at ground level and that parking will exit onto Chestnut Str. I believe it was represented to us that Chestnut was a one-way street going east and Law St was one-way going north. I walked the streets after our meeting, and this is incorrect. Both streets are two-way, in fact, the owner at Chestnut & 5th, the financial planner that was here, he has client parking on Chestnut, and he directs people with signage to go west on chestnut. I think staff should contact developer and he this corrected. Having that much potential traffic coming out of those parking spaces onto very narrow two-way alleys is recipe for disaster.

Chis – Those are tight, very narrow, very unforgiving at least in one stretch on Chestnut

Jeff – The building is set back so there is opportunity to make that wide, I don't know how wide it would have to be to safely accommodate traffic. I think it needs to be resolved at some point and wanted to bring to boards attention.

Chris – That's something you guys (addressing city staff) can be on the lookout for

Nelson – We will look at it and make it a one way if we can. We can sign it accordingly.

Jeff – What are the steps to make it one way? There are any number of neighbors there on both sides.

Norge -We send a letter to residents on the street and then get opinion from (unclear)

Jeff – Do you need council approval for that?

Nelson – No, we do ordinance, quarterly change

Chris – Ok, anything else? If not, can I get a motion for adjournment?

Jeff – So moved; Motion passed

DRAFT