



ALLENTOWN CITY PLANNING COMMISSION  
435 HAMILTON STREET  
ALLENTOWN, PA 18101-1699  
(610) 437-7611

## **ALLENTOWN CITY PLANNING COMMISSION**

**PUBLIC MEETING      FEBRUARY 9, 2016**

### **MINUTES**

#### **MEMBERS PRESENT:**

Oldrich Foucek, III, Esquire, Chairman  
Mark Buchvalt, Vice Chairman  
Richard Button, Secretary  
Christian Brown  
Jeff Glazier  
Damien Brown  
Richard Niesenbaum

#### **CITY STAFF PRESENT:**

Shannon Calluori, Planning Director  
Barbara Nemith, Zoning Supervisor  
Steve Neratko, Chief Planner  
David Kimmerly, Senior Planner  
Craig Messinger, Interim Director of Public Works  
Mark Geosits, P.E. Senior Civil Engineer/Assistant City Engineer  
Nelson Varughese, Traffic Controls Superintendent  
Jeanne Marsteller, Recording Secretary

#### **OTHERS PRESENT:**

See attached sign in sheet

#### **MINUTES:**

The minutes of January 12, 2016 were approved as written.

ADAPTIVE RE-USE APPLICATION:

**146-148 N. 10<sup>TH</sup> Street 16-1 (SP). Application of CDC Land Developers, Inc. to convert vacant building into 8 dwelling units. Section 1327 of the Zoning Ordinance provides the Planning Commission with the opportunity to review and provide comments to the Zoning Hearing Board.**

Atty. William Malkames and Joe Clark, Jr. of CDC Land Developers were present.

Atty. Malkames explained that the property was built as an industrial use building located in center city where workers walked to the workplace. Approval was given in the past to convert the property into four efficiency units and an application was submitted to convert the building into four live/work units; neither approvals were acted upon. An application to convert the building into a twelve patron temporary shelter, art gallery, retail facility, restaurant and two dwelling units was denied by the Zoning Hearing Board.

Mr. Clark of CDC Land Developers stated he purchased the property in December, 2012 at a Judicial Sale. The condition of the property was rundown, vacant and in disrepair. Atty. Malkames asked Mr. Clark about the condition of the building's interior. Mr. Clark replied that there was evidence that people used to live in building because there were remnants of belongings scattered throughout the building.

Atty. Malkames asked when the building was last used productively. Mr. Clark answered that he did not know, but it was at least several years and prior to Mr. Clark owning the property. Atty. Foucek stated that he did not believe that anyone had been legally allowed to live there because it is zoned for industrial use. Atty. Malkames agreed that no one could live there legally, but there were remnants of possible squatters.

Atty. Malkames continued by asking if any improvements were made to the property. Mr. Clark stated he recently installed a new commercial rubber roof and replaced the parapet on the front of the building above the top windows. Atty. Malkames stated that the proposal includes four parking spaces located at 241 N. 10<sup>th</sup> Street, which is 485 ft. from the main entrance to the building. A Planning Commission member asked if anything had been done to search around the neighborhood to see if there were any additional parking spaces that could be leased. Mr. Clark stated that he did ask any property owners in the area about available parking spots. Atty. Malkames asked Mr. Clark if he was aware of any parking spaces in the area that would be available for use with this property. Mr. Clark stated that he believed there is a lot owned by the City between 10<sup>th</sup> and 11<sup>th</sup> on Linden, but he is unaware of any private parking spaces available.

Atty. Malkames asked Mr. Clark how he proposes to develop the building. Mr. Clark stated that he plans to rehabilitate the property into nice high-end apartments, with a one bedroom and a two bedroom unit on each floor. The units would rent for around \$900 for a one bedroom and \$1,100 for a two bedroom, but possibly lower if needed. Atty. Malkames asked if there was going to be any changes to the exterior of the building. Mr. Clark answered the only thing that needs to be changed are the windows. The property is located in a historic district and he is willing to work with HARB and comply with the codes that govern the historic district.

Mr. Button asked where the rest of the people will park. Mr. Clark stated there is a good amount of street parking available, along with the four spots down the street. Mr. Button asked about the zoning requirements for parking. Mr. Clark stated a total of 11 spaces are needed. Ms. Calluori clarified that 1.5 spaces are required per unit, which actually comes to 12 required spaces. She further stated that a previous zoning hearing board ruling provided for a non-conforming parking allowance for one parking space. This allowance is grandfathered into the application which is why only 11 spaces are required. Mr. Button summarized then the remaining tenants will park on the street. Mr. Clark confirmed yes. Atty. Malkames interjected that some people may not have cars at all.

Atty. Foucek stated that he has the same issue with the parking, but agrees this building is not suited for an industrial or commercial use anymore. The previous work/live case sounded like a good idea at the time, but the economics of the city were not as they are now. Mr. Foucek agrees that eight units is a good number for the property. He asked Mr. Clark about the number of square feet per floor. Mr. Clark stated roughly the layout is 25 sq. ft. x 100 sq. ft. on each floor. Atty. Foucek continued by saying two units on each floor sounds about right, but there is an issue with a lack of parking. He continued by stating that the market will dictate if someone will want to live there if they have nowhere to park. Atty. Malkames pointed out this building never had parking. Atty. Foucek replied that is because it was industrial and people most likely walked to work. Repurposing this to a residential structure is an appropriate reuse. Ultimately this is a decision for the Zoning Hearing Board whether we review it favorably or not. Going before the Zoning Hearing Board with the four spaces and a lease or commitment to lease additional parking spaces would give it a better chance of being approved. There is no other re-use option but residential; no one is going to put a factory or commercial use at that location. Christian Brown agreed and stated the parking situation could be a lot worse if it were 10,000 square feet of employees working there during the day. An adaptive re-use is the only strategy.

Mr. Glazier stated there is municipal parking on Linden Street. The Allentown Parking Authority does have a lot and it might be a possibility to explore. Atty. Malkames stated they will explore that option.

Mr. Button explained he is concerned not about where the tenants are going to park but rather where the people who already live there are going to park when the tenants move into the building. This is a neighborhood where a lot of single family homes have been converted into multi-family homes and it is a very dense area.

Atty. Foucek reviewed the staff report. Ms. Calluori pointed out in the staff report does recommend that the applicant consider other options for parking, which is in line with the discussion.

Mr. Buchvalt asked if any of the parking spaces will be ADA. Atty. Malkames stated they will look into that.

Mr. Button mentioned that high end rental units are being put in downtown, but there is a need for moderate income rental units downtown as well.

Damien Brown suggested that when replacing the windows, the full window wells should be utilized. Mr. Clark agreed to keep them the same size window wells, as that is part of the appeal and look of the building. He will work with the Historical Architectural Review Board regarding the replacement windows.

Mr. Neisenbaum made a motion to FAVORABLY RECOMMEND the staff report of the adaptive re-use to the Zoning Hearing Board. Mr. Glazier seconded. Motion passed unanimously.

Mr. Glazier asked if it is appropriate to ask for public comment at this time. Atty. Foucek apologized and asked if anyone is interested in speaking.

Heidi Semmel, one of the owners of C.E. Roth Formal Wear addressed the Commission. She had a concern about parking. Ms. Semmel owns three parking lots next to her building and leases out a few spaces for people who work nearby. She constantly polices the lot for people who do not have permission to park there. Unauthorized cars take away parking for their customers. Ms. Semmel also asked about where the dumpster will be located for the tenants of Mr. Clark's building. Mr. Clark answered that the tenants will put the trash on the curb for city-wide pickup. He will pay for the service per unit, as is required by the city. Ms. Semmel asked if a dumpster is required for the property. Atty. Foucek stated that an 8 unit residential unit would not require a dumpster. Ms. Nemith concurred.

Atty. Foucek stated that the Planning Commission meeting is the first step and Ms. Semmel will have the opportunity to express her concerns at a future Zoning Hearing Board meeting.

Mr. Neisenbaum asked if there is a way to revise the staff report from "the applicant consider other parking options" and make a motion to change to wording to "the applicant pursue other parking options". Atty. Foucek concurred this will be an amendment to the staff letter accompanying a recommendation to otherwise favorably recommend the adaptive re-use by the Zoning Hearing Board.

Mr. Neisenbaum made a motion to FAVORABLY RECOMMEND the staff report with a revised comment that emphasizes the importance of the applicant to pursue additional options for tenant parking. Motion passed unanimously.

#### STREET VACATION:

#### **Fairview Street portion west of South Saint George Street requested by Brian Borzak, City Surveyor for the City of Allentown.**

Mark Geosits represented the applicant.

Mr. Geosits stated this street vacation is essentially to facilitate a lot consolidation along Fairview Street. When the applicant discussed the lot consolidation it was found a home is built in the right of way. The street vacation is being presented to carve out a partial vacation around the existing home. There was a concern that the house was built over the center of road, but it was found it was not. Atty. Foucek stated that this discussion is occurring because when a street is vacated the adjoining property owners get the title to the center line. What is being proposed is to vacate only to the center line, thereby allowing the owner of the tract to the west, with which this parcel will be consolidated, access to the parcel. Atty. Foucek asked if the width of the remaining right of way is sufficient for vehicular access. Mr. Geosits stated that with some reworking of the curb lines, the width is sufficient for vehicular access. Damien Brown asked if the house is part of the house consolidation. Mr. Geosits said yes. Damien Brown asked if Mr. Geosits knows the intention of the lot consolidation. Mr. Geosits said no.

David Harte of Pennsylvania Venture Capital, Inc. explained that there is approval from the Zoning Hearing Board for a self-storage project on the property. A condition of the Zoning Hearing Board is the lots are consolidated. There is an existing block building on the property, for which permits have been obtained and it has been remodeled with storage lockers within the building. Half of the twin home is being remodeled for the office for that business. A condition of getting a C.O. is to complete a lot consolidation. When the plan was submitted, the city surveyor requested to clean up the property lines in the area by the house. Mr. Harte agreed to adjust the property lines as long as it did not hold up obtaining a C.O. for the business. Atty. Foucek asked where the access to the storage facility will be located. Mr. Harte said there is an access point from St. Elmo Street and one on Fairview Street. Both access points have a fence and gates which will not facilitate drive-thru traffic. The traffic currently gets by the house, and there are no plans to adjust the road.

Mr. Buchvalt asked that after the properties are consolidated, if there will be a land development plan submitted. Mr. Harte answered for this phase there will not be a land development because the building is existing, but he will be back at a future date with a land development plan. Mr. Button asked what kind of vehicles he expects to travel into the site. Mr. Harte answered cars and pickup trucks; commercial vehicles are not allowed.

A motion was made by Christian Brown to FAVORABLY RECOMMEND to City Council the vacation of this portion of Fairview Street west of South Saint George Street. Second by Damien Brown. Motion passed unanimously.

HAMILTON STREET OVERLAY DISTRICT REVIEW:

**1116 Hamilton Street – Design review to erect 2 ft. x 2 ft. flat wall sign, exterior illuminated and maintain “open” window sign, interior illuminated requested by Luzon Group Consultants Inc.**

Enrique Luzon, the business owner for the sign being discussed, was present. Atty. Foucek summarized that the applicant intends to install a flat wall sign advertising his business and tax service on the front of the building at 1116 Hamilton Street. There were indications of a previous sign in that location. Mr. Luzon confirmed that a sign was previously in that location. He intends to put a new sign in its place, as well as a spot light to light the sign.

Ms. Calluori confirmed that the proposed sign meet the zoning ordinance requirements.

Atty. Foucek asked if someone had been contracted to install the sign. Mr. Luzon answered that someone is making the sign, but that he will install it himself. There was a previous sign and the holes in the building still exist.

Christian Brown asked if the sign had been manufactured yet. Mr. Luzon answered no. Mr. Brown stated that Mr. Luzon should consider limiting the amount of information on the sign. He also stated that the sign may look better if it is trimmed out to match the doorway/window frame to make it feel more of an integral element to the façade. The current approach does not meet the spirit of the guidelines. Even though there was a sign there before, it may have pre-dated the ordinance. This would be a good candidate for a small projection sign that would be mounted perpendicular to the face of the building with a bracket. Mr. Luzon stated that that is what he wanted to do, but he was told that he could not place the sign perpendicular to the building.

Ronald Coleman, the owner of the building, addressed the Commission. Mr. Coleman stated that previously there was a sign on the building that was perpendicular, but it was the subject to numerous acts of vandalism.

Mr. Luzon stated that he would consider eliminating some of the information on the sign. Christian Brown clarified that the message on the sign is up to the discretion of the business owner, but that a sign shouldn't be used to describe all of the services of a business. Mr. Brown continued by stating that the application shows that the intent is to use three millimeter sign board. The sign could be improved by adding the trim and some backing material. Also, if the open sign is to remain, it should be constant and not blinking. Mr. Luzon said he was told the open sign cannot be blinking and will be changing that.

Ms. Nemith asked the Commission if they would agree to what has been done in the past and have the applicant work with staff to finalize the sign design, based on the discussion held during the Planning Commission meeting. Atty. Foucek asked the applicant if this is a fair suggestion. Mr. Luzon answered yes. Atty. Foucek suggested that the applicant comes back again only if nothing can be worked out with staff.

Mr. Buchvalt made a motion to grant **CONDITIONAL APPROVAL** to work with staff to create a sign based on the Commission's recommendations that is consistent with the Hamilton Street Design Guidelines. If an agreement is not obtainable then applicant shall return to a future Planning Commission meeting for further discussion. Second by Christian Brown. Motion passed unanimously.

**NEW BUSINESS:**

**Request of the Redevelopment Authority of the City of Allentown for a recommendation for the reuse of the following properties certified as blighted pursuant to the Urban Redevelopment Law (Section 1712.1) entitled Blighted Property Removal (Tabled from January 12, 2016 meeting)**

Ms. Calluori reviewed the process and the staff recommendations.

621 N. Front Street: This is a three unit residential property at the end of a row. Given the residential zoning of this property, the staff also finds that a residential or related use as defined by the Urban Redevelopment Law would be in accord with the City's Comprehensive Plan.

918 W. Green Street: This is a two unit residential property at the end of a row. Given the residential zoning of this property, the staff also finds that a residential or related use as defined by the Urban Redevelopment Law would be in accord with the City's Comprehensive Plan.

621 W. Gordon Street: This is a single family residential property located in the Old Fairgrounds Historic District. Given the residential zoning of this property, the staff also finds that a residential or related use as defined by the Urban Redevelopment Law would be in accord with the City's Comprehensive Plan.

Mr. Buchvalt made a motion to support the staff recommendation that residential reuse is the recommended reuse of these three properties and that in each case the reuse would be in accord with the city's comprehensive plan. Mr. Glazier seconded the motion. Motion passed unanimously.

**SIDEWALK POSTPONEMENT:**

**1110 American Parkway (N. Dauphin Street-American Parkway) requested by Patriot American Parkway LP**

C. Richard Roseberry, P.E. of Maser Consulting PA represented the applicant.

Mr. Roseberry stated that the property was developed in 1999 and originally was Lucent, then Agere and now St. Luke's. The property is currently owned by Patriot Equities, which purchased the property last year. St. Luke's is occupying about half the property. A minor subdivision plan was submitted to split the 141 acre lot into three lots. Lot 1 consists of the existing building and a majority of the existing parking areas. Lots 2 and 3 are generally vacant at this time but are slated for future development. Portions of the property are located within the city limits and the remaining in Hanover Township. The property has access to both American Parkway and Dauphin Street. During the review by the city there was no record of a postponement of sidewalk for this site. The review letter only commented that a deferment was required on American Parkway, if sidewalks were not going to be built, but the applicant is also requesting for Dauphin Street.

Mr. Roseberry continued that along the property frontage on American Parkway, the signaled intersection has ADA ramps but no sidewalks in either direction. A half mile to the west, on the new American Parkway Bridge, sidewalks were built on the south side of the roadway but terminate just on the east side of the bridge. Looking at the topography of the area, sidewalks may be possible the south side of the street, however this property is on the north side of the street. The situation is similar on the small portion of Dauphin Street that is part of the subdivision. There are no sidewalks in either direction from the driveway.

Mr. Buchvalt asked Mr. Roseberry if there are obstruction or grade issues that would prohibit installation of sidewalks in the areas reviewed for the subdivision. Mr. Roseberry answered in the vicinity of the

driveway there are some utilities and the mass for the traffic signals that would be problematic. Going east there are guiderails right to the curb and beyond the guiderails it drops off into a ravine. There is approximately 150 feet of frontage on Dauphin Street.

Atty. Foucek asked if there is a timeline to have the property subdivided. Mr. Roseberry answered there is conditional subdivision approval from Hanover Township and the Lehigh Valley Planning Commission. He received the comments from the city and agreed to make the technical changes to the subdivision. He anticipates filing the minor subdivision plan within the next month or so. There are no confirmed plans for land development.

Atty. Foucek suggested that maybe in respect to American Parkway, the Commission grant the postponement until it is decided what is being done with the parcels. He also suggested that the Commission provide a full ten year sidewalk postponement along Dauphin Street. Mr. Roseberry said the goal right now is to get the minor subdivision approved.

Damien Brown asked which of the three lots will be within city limits. Mr. Roseberry answered Lot 1, which consists of the existing building.

Mr. Buchvalt asked about the frontage for the other two lots. Mr. Roseberry replied that Lot 2 has frontage on Dauphin Street and Lot 3 has frontage on Lloyd Street. There is an interior road network that guides the shape of the lots. There will be a common deed with cross access easements between each lot. In 1999, the developers received approval to build double the square footage that was actually built. They received approval to build a mirror image of the building on Lot 1.

Mr. Button made a motion to GRANT the postponement of the construction of sidewalk on the portion of Lot 1 along Dauphin Street that is located within the City limits for ten (10) years and the portion of Lot 1 along American Parkway that is located within the City limits for a period of five (5) years or further land development. Second by Damien Brown. Motion passed unanimously.

There being no further business, the meeting adjourned at 1:29 p.m.

Respectfully submitted,

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Jeanne Marsteller, Recording Secretary