

Allentown

*435 Hamilton Street
Allentown, Pa. 18101*



Minutes - Final-revised

Tuesday, February 11, 2020

12:15 PM

Council Chambers

Planning Commission

MEETING VIDEOTAPED FOR PUBLIC RECORD ON THE CITY'S WEBSITE**Call to Order****Minutes of Public Meeting of December 10, 2019****Minutes of Public Meeting of January 14, 2020****NEW BUSINESS:****Election of Officers****Sidewalk and Curb Postponements:**

- 895 North Fenwick Street, S20-1, requested by 702 Realty LLC.
- 868 Constitution Drive, S20-2, requested by Allentown Community Development Company.
- 1633 Airport Road and American Parkway NE, S20-3, requested by Victory Real Estate Development.
- 423 E. Tioga Street, S20-4, requested by Tammy Walbert and Diane Walton.

Street Vacations:

- South Albert Street from East Wyoming Street to North Terminus, 20-1(V), requested by Allentown Community Development Company.
- Portion of South Ann Street from Constitution Drive to North Terminus, 20-2(V), requested by Allentown Community Development Company.

REZONING:

- Amends the Zoning Code by rezoning 1940 W. Fairview Street and 303 S. Saint Elmo Street from P (Parks District) to R-MP (Medium Density Residential District - Planned District) 19-3(Z) requested by St. Elmo Development, LLC.

OLD BUSINESS:**REZONING:**

- Amends the Zoning code by rezoning 201-221 N. Front Street, 115-143 N. Front Street, 51-97 N. Front Street and 113 N. Front Street from B5- Urban Commercial to B/LI-Business/Light Industrial and to revise the Zoning map to apply the B/LI District to those parcels as requested by Charles Street Capital,

LLC.

STAFF REPORT:

ADJOURN

**!! APPLICANTS ARE REQUIRED TO
ATTEND !!**

**ANY QUESTIONS? CALL
610-437-7611**

Approval of Minutes

PUBLIC MEETING FEBRUARY 11, 2020

MEMBERS PRESENT:

**Oldrich Foucek, Chairman
Richard Button, Secretary
Damien Brown
Anthony Toth
Chris Brown
Jeff Glazier**

CITY STAFF PRESENT:

**Irene Woodward, Planning Director
Tawanna Whitehead, Deputy City Clerk
Fred Andrayko, Zoning Supervisor
Craig Messinger, Public Works
Mark Geosits, Public Works
Hannah Clark, Senior Planner**

OTHERS PRESENT:

**David Kutser
Chris Williams, Barry Isett & Associates
Tammy Walbert
Diane Walton
Art Swallow
Atty. Ronald Corkery
Scott Unger, AEDC
Andrew Schantz**

MINUTES:

Motion made by Atty. Oldrich Foucek to approve the minutes of December 10, 2019 and January 14, 2020 as written. Motion passed unanimously.

NEW BUSINESS:**Election of Officers**

Atty. Foucek states Mr. Button, Mr. Buchvalt and I are all prepared to stand for re-election and asks if there are any other thoughts or nominations.

Tony Toth states a number of years ago after I went through about 12yrs on the commission I was Vice Chair for about 7 or 8 years and at that point my term expired, and it was not re-approved and then I was re-appointed by Mayor O'Connell and recently came back, I would take consideration for Vice Chair if anybody would be so inclined.

Atty. Foucek states we would need a motion if anyone would like to make that otherwise I think with Mr. Buchvalt having being in that position capably and you coming back fairly recently, and if we were to do it we would do it next year, so I would nominate the existing officers for 1 more year, Jeff Glazier moved to nominate existing officers for 1 more year, Damien Brown seconded and the board unanimously approved.

Sidewalk and Curb Postponements:

895 North Fenwick Street, S20-1, requested by 702 Realty LLC.

David Kutser states who he works for and represents could not hear him clearly (microphone was not on at this point in the meeting).

Atty. Foucek asks this is before us because this is now a vacant track, is there going to be some development on this parcel.

David Kutser states I would say before 2005 it was probably a vacant lot at some point in time before 2009 someone was at the property and utilized its parking and then one time the parking was paved, a plan came in for 702 at that point in time we didn't realize we needed the second parking lot and we didn't meet the parking requirements and had to go through land development.

Atty. Foucek asks is it going to remain as an open parcel.

David Kutser states it will remain as a parking lot as it is now, curbs, storm sewer.

Atty. Foucek states so there will be curbing down on Fenwick as there is on other sides and down that street, then there is a slope up to the parking lot, I visited the

site recently and the whole area and I guess it is notable for the lack of sidewalks, it's a commercial industrial area.

David Kutser states one area was developed across the street (microphone not on cannot hear).

Atty. Foucek states given the history, I suspect if someone did this properly and came before some body or staff for the development, or installation of the parking lot they might have noted that it would have been appropriate to grade that West side of the parcel in such a way that you could install sidewalks, at this point there is an issue with one of the criteria that allows us to defer sidewalks and that's the grade to put a sidewalk there I think you have to do some significant cutting and filling, so you are not asking for a curb postponement, you will put the curb in and maybe at that time you do that you can clear away that.

David Kutser states plan on grade, and street trees (microphone not on cannot hear).

Atty. Foucek states that satisfies me not sure if anyone else has any comment on that.

Tony Toth asks engineering, in regard to the curb what is the engineering department stance on the request for the curb.

Engineering states curb will be required along the stretch there.

Tony Toth asks so transition from full reveal to like the crest curb where the driveways are or will be at the crest.

Engineering states cross street.

Tony Toth states so curb will be going in.

Chris Brown states that we consider the fact that as the applicant had presented that this occurred without proper permitting and approval, so I almost think we consider it as a vacant lot, so to take that topographic concern into account, its relative today because there is a parking lot that exists that was created illegally essentially.

Atty. Foucek states that is the paradox that I was referring to earlier.

Chris Brown states the areas in desperate need of anything that it can get to clean it up, happy that the curb will be required, I am concerned with the adjacent property

and the fact does this set us up for any sort of at some point that property adjacent may become redeveloped I know this is not subject to this particular application but I just wonder how it is going to relate someday down the road the property to the North of this site is a real mess and I hate the decisions we make the day could affect that.

Damien Brown states In my opinion the neighborhood does not meet the criteria outlining the character of the neighborhood as a reason for exemption because most of the neighborhood at this point does have sidewalks at this point, absent this side of the street, at this point it doesn't immediately adjacent, however there are some unique physical conditions that would create a hardship, it sounds like there is going to be some grading on this property my only thought would be whatever grading is done doesn't prevent sidewalks from being installed in the future after all this is a deferral not a waiver so I would hate to see new grading completed then several years later we are here again for some other reason and a unique physical condition was created that creates a hardship at that point.

Richard Button states if we give them an extension now anything that they want to do in the future will have to come back.

Irene Woodward states yes.

Atty. Foucek states I could go for a shorter even if it was 10, we have done this in the past if there was further development of this property then we are back at square 1 in other words if a building gets put up there, they don't boot strap the postponement, so its 10yrs or further development of the parcel whichever comes first is how I would look at it we have done that in the past .

Damien Brown states my point is I would hate to see a steeper grade, or a new grade created up to the curb line.

David Kutser states we have graded the blue plot that we can achieve a leveling area behind the curb, 3 to 1 slope up to the proposed curb up against the parking lot.

Atty. Foucek asks what is it now.

David Kutser states 3 ft horizontal (mic still not on cannot hear).

Atty. Foucek asks you are going to start at the same level and go to the same level.

David Kutser states it will be the curb, the leveling area and the 3 to 1 slope.

Atty. Foucek makes a motion to grant the postponement for 10yrs or until there is

further development of this property.

Chris Brown asks so it's being graded for the sidewalk but we are not putting it in but the reason for not putting it in is the topography hardship, did we not just say we were grading in the leveling pad so it could be built but we are not putting it in.

Tony Toth states so if we are grading how is it a physical a hardship, I don't think there is a physical hardship, it's an economic hardship because they have to construct sidewalk.

Atty. Foucek states its either not suitable as it is now for sidewalk or not if they are going to grade it spend some money and not put sidewalk then that is there choice.

David Kutser asks could it be postponed until possibly either additional further development on the property or adjacent properties, I could understand that because it is the only property on the street that doesn't have curb, the rest of the properties on that street are stellar in appearance.

Atty. Foucek states there is going to be curb.

Tony Toth states we can give it a time period or actionable item on the parcel such as minor subdivision, land development, minor land development.

Atty. Foucek states or an adjacent parcel, I will accept that as a friendly amendment for the development on this parcel or adjacent parcel for 10yrs, Damien Brown seconded, and the board unanimously approved

868 Constitution Drive, S20-2, requested by Allentown Community Development Company.

Art Swallow states Arthur A Swallow associates prepared the plans for Allentown Community Development company this is in connection with the Penn Square flats development which was conditionally approved in September, as we are working through the conditions of approval outside agencies and technical matters this is one that we would like relief from the sidewalk requirement and postponement I think would be appropriate, the photograph is at the township line the Salisbury, would be the far Northeast corner of the Penn Square site we are constructing a private road way through the development and the second means of access, egress would be approximately at this point, we are proposing an improved intersection design with Constitution drive that incorporates some curbing in order to make a nice clean attachment, In this particular area we find that, I believe this is looking South.

Atty. Foucek asks your development is on the left side of this photo.

Art Swallow states we are on the right side as your looking South, the topography of that area drops off pretty quickly there so constructing a sidewalk there would be a little difficult and furthermore there is really not a square of sidewalk in this area that would take you anywhere, within the project we do have a pathway system that is part of the multifamily development, this also involves cooperation with the City of Allentown with obtaining access on a portion of their property, so it's kind of a complicated issue right now, we are working with the Planning department on jump starting, reviving, otherwise getting the property review committee started again, but we thought if we asked for the postponement of the sidewalk that would be one issue that we wouldn't have to address in the future.

Art Swallow responds there is actually an access road there that has been used for multiple reasons, the railroad gets access through this gravel driveway, it serves as access to the rest of the site and the City actually uses this access to gain access for the sewer.

Richard Button states there is a little settlement there with some kind of a business that has to do with cars it's got like a garage and a bunch of houses.

Art Swallow responds that is way up.

Atty. Foucek asks your development is to the far right of that photograph in other words it's not up the hill its down the hill and where that van is that the only access your talking about.

Art Swallow responds its up in the approximate location, that whole area we propose to install almost 300 ft of curb and widening in order to stabilize that road and improve it along that frontage.

Atty. Foucek asks who owns that road is that a city road.

Art Swallow responds its partly our property and partly the city's.

Atty. Foucek states it is in terrible shape.

Art Swallow states there is other places on constitution drive where we are going to be installing sidewalk more towards, I think you pointed out there is some old stone, I call it company housing, up in that area where we had frontage we are installing the curb and sidewalk there where it is appropriate, this would just be a request for postponing the sidewalk in this area.

Atty. Foucek states there is a sign that says beware of throwing trash on this street will get you a big fine.

Art Swallow states it has been a problem for decades for ACDC on this and hopefully with the construction of this development the cleanup of the area that can be finally stopped.

Damien Brown states it looks like there is an internal sidewalk or pathway along the private access road that terminates constitution.

Art Swallow responds yes.

Atty. Foucek states I have trouble envisioning, having been out there recently, anybody walking to the South to through and past that little village.

Art Swallow states a lot of the property had been acquired by wildlands in a cooperative effort between Salisbury township and the City of Allentown for that particular area which is mostly in Salisbury township but by no means is it an act of recreation area it's a preservation area.

Atty. Foucek asks is the sign for walking park, I drove pretty far down I couldn't find it.

Damien Brown states its down there, way down there.

Atty. Foucek states we reviewed this project multiple times, I think it's fair, this is self encapsulated area, I don't see prospect of a lot of folks gutting onto Constitution drive particularly at this second access point to go anywhere.

Art Swallow states it will be the least traveled the least accessed meaning it will serve its purpose in case the access to East Wyoming street would be blocked for whatever reason, this obviously is our second means of egress but if you're trying to get to work or school to shop you're not going to come this way, your definitely not going to walk.

Damien Brown states you're not going to walk, I could see some residents using this entrance to exit the development on foot if there going for a Saturday morning hike or want to take advantage of the trails on the mountain but the reality is at some point on Constitution drive they are going to be walking on the road anyway whether it's a the end of the private access road or 150 feet down the road so I don't really see the benefit of a couple feet of sidewalk.

Chris Brown asks I would like to clarify Art the postponement is just for this roughly

200-foot section of frontage.

Art Swallow responds yes.

Chris Brown states I just point out for the commission sake that the shade tree commission also recognizes areas as no disturbance no street trees because we are allowing that existing woodland to remain, so I think it kind of duck tails nicely with that sort of decision from another commission

Tony Toth states I was going to bring that up, so long as there is no disturbance plans for that adjacent stretch do not plan on taking of that.

Art Swallow states and we are also trying to avoid it for another reason is a strict applicability of the city zoning ordinance regarding the disturbance of slopes and again this is an area we prefer not to disturb to minimize that event.

Tony Toth states I know it's not really listed in the ordinance as such for vegetated areas but I think we kind of understand that we know this is a little bit of a different area and we just grow with it.

Atty. Foucek makes motion to grant the 10-year postponement, Jeff Glazier seconded and the board unanimously approved.

1633 Airport Road and American Parkway NE, S20-3, requested by Victory Real Estate Development.

Chris Williams states he works for Barry Isett & Associates and represents Victory Real Estate Development, the proposed use of this building, as you can see in the photo was the restaurant store for many years its currently vacant and Caliber Collision is proposing to occupy this building there is some proposed modifications within the building and some proposed site modifications involving a parking addition, landscaping some other miscellaneous improvements on this corner, this property is on the Northeast corner of Airport road and American Parkway as you can see from photo there is some retail developments to the North, Airport center retail, dunkin donuts , retail to the South, a bank another fast-food, family dollar, and across the street the other side of Airport road is the cemetery, Woodlawn memorial park and a vacant property, as you can see from photo there is no sidewalk on American Parkway, American Parkway dead ends to the East, that is the end of American Parkway I believe it is North Nelson St as you turn to the right, to the West on American parkway there is no sidewalk , to the North on Airport road there is no sidewalk at all, and to the South on Airport road there is no sidewalk for

900 ft. you can see on the corner of this aerial there is some sidewalk, also the application was submitted by the applicant requesting sidewalk and curb deferral or postponement, but there is curb on the site so that was just an error on the application, so we are asking for the postponement of the sidewalk requirement and the main reason being because there is no sidewalk to connect to however if there is sidewalk to connect to in the future then maybe it would be beneficial in the future, I believe that is the intent of the 10yrs so that you can revisit this in the future, this is also is not the type of development that is going to generate a lot of foot traffic.

Atty. Foucek asks do you know what might be going in there.

Chris Williams states Caliber Collision they do collision repair.

Damien Brown states it should be noted the land development plan we saw across the street a few months ago we did require sidewalks, on the Northwest corner.

Atty. Foucek states I remember that the city line somewhere bisects that parcel if I am not mistaken.

Chris Williams states that is correct.

Chris Brown asks city engineering Mark and Craig is this project going to trigger and require curb ramps anywhere.

Engineering states potentially on the corner.

Chris Brown states I bring it up because I look at this project if everybody uses the excuse that we don't have anything to connect to we are never going to have sidewalks on Airport road, would it be the worst thing in the world if this area is a little more pedestrian friendly, and I think this is one of the reasons we are putting the ADA stuff because one day we are going to need it, we did not talk about it on the last application but if you notice at the corner they were going to put a curb ramp for a sidewalk we just postponed, so I don't know if this being a state road if that is going to be a full blown handicap ramp to nowhere that you see popping up all over the place, I just think it has to start somewhere I don't see any other topography limitations or other reasons not to put sidewalk in, I just wanted to bring it up because sooner or later we need to start putting these things in.

Atty. Foucek states Damien Brown raises a good point about the other parcel that has been approved by us, not sure what the status is in the township I suspect they are a little easier, but that is a fairly large development as I recall, a multi-use, including some residential, at this point it is vacant but it is a big question mark on

how it is going to impact the area, as it stands right now I appreciate the comment that if you don't start somewhere you don't get it, but I don't know that simply the change of use for this building we are not changing anything else, I don't see why you want to make this developer right now with these circumstances put in sidewalks there is nobody walking there, on the other hand if this brings in several 100 residences and a bunch more traffic and people start thinking about going there on foot then I think it would be a different call, so I think much like the last one we wait and see what happens and if that triggers greater need change in the complexion of the area then we come back, but I don't think it's not appropriate.

Chris Williams states I would also like to note that the grading immediately behind the sidewalk is relatively flat, so it could be added pretty easily.

Tony Toth states to Chris Browns point it is a good point but I would be more inclined to let PennDOT be the trigger mechanism for this on the state road, and the only other concern I have with the sidewalk is there is no existing pedestrian crosswalks, pedestrian signalization across Airport road and I think the state would be the primary trigger mechanism on that not us even so that to the West on the vacant lot we did require sidewalks over there for that parcel, I think that makes sense because of the situation of where it is and abutting American Parkway so I would be more inclined to say no to this one.

Damien Brown asks so no to the exemption.

Tony Toth states no sidewalk.

Damien Brown states he is going to side with Chris Brown, I see people walking on Airport road all the time in this area on the grass a little further North literally on the road, there has been at least one pedestrian death in this stretch of road that comes to mind possibly another, I completely agree we need to start somewhere if anything I think there is an argument maybe against American Parkway if we want to argue about an undue hardship but I think it is absolutely necessary that sidewalks go in along Airport Road here.

Richard Button states he would be inclined to go with a 10-year postponement, the way things work if something comes up it triggers it.

Atty. Foucek states nothing would trigger unless something happens with this property, for example 5 years from now this parcel is fully developed and the complexion of the area changes then they still have their postponement if you go 10 years, so my thinking this vacant lot is going to take a good while, so I am thinking 5 years, and I know we are now doing a better job at monitoring these.

Irene Woodward states yes.

Atty. Foucek states there was a time 20 years after a 10 year postponement they still had a postponement, but knowing we now monitor them I'd be comfortable with 5 years because I don't think it's going to change much before then and if it is changed by then they will come back anyway.

Tony Toth asks if PennDOT would get involved with that, it would be a curb project first prior to sidewalk an ADA curb ramp project first at all intersections correct.

Engineering responds correct.

Tony Toth states and that would be undertaken by PennDOT through their funding streams.

Engineering responds sometimes they put that on the developer.

Atty. Foucek states if there are pedestrians, the proper way to deal with that is signaling that intersection with delayed green lights etc. to let people go across.

Tony Toth states that is his concern putting sidewalks there before that order of magnitude with daily traffic right there without going through the entire signalization.

Atty. Foucek asks Mr. Toth would he be ok with 5 years.

Tony Toth states yes.

Chris Brown asks has there been a scoping meeting is there a change in the driveway classification or anything being considered.

Chris Williams responds no impact to PennDOT at all with our proposed development, we are not proposing any disturbance in the public right of way we are not changing the drive way that is on Airport road and the American Parkway driveway doesn't need an HOP.

Tony Toth asks so the use change won't trigger any HOP adjustment based on daily in and out.

Chris Williams responds that is my understanding, but we don't have a review from the city a full minor land development review yet.

Richard button made motion to give 5-year postponement, Tony Toth seconded and the board approved, Damien Brown and Chris Brown opposed.

423 E. Tioga Street, S20-4, requested by Tammy Walbert and Diane Walton.

Atty. Foucek asks if they own the vacant lot

Tammy Walbert states yes we own the house that is there along with the vacant lot it's all one lot right now and we want to subdivide it and build a new house on the vacant area

Atty. Foucek states it looks like you are on 2 corners Tioga and Delp and Delp and Potter in the back and Potter is an alley.

Tammy Walbert states they are both alleys.

Atty. Foucek asks would there be all things being equal sidewalks required on the alley, what are we asking to postpone we have only postponed things that your required to put in, an alley doesn't have a sidewalk, do we sidewalk alleys.

Damien Brown stated technically there are no alleys in the city.

Atty. Foucek states so does anyone have a problem, the Delp street because it is essentially an alley and it also has some issues with some trees and telephone poles, I personally don't have any problem with that on the other hand Tioga street I will grant you it's not every property but many of the properties there do have sidewalks and I think it's appropriate to continue that I don't see any problems its basically flat you have a couple of trees there but they are well back

Tammy Walbert states that is deceiving they are not.

Atty. Foucek states I drove by there yesterday they are.

Tammy Walbert states I thought they would have to be pulled out.

Atty. Foucek states no I don't think they have to be pulled out.

Richard Button states I would think they would be taken down to the roots for a sidewalk to be installed there.

Atty. Foucek states staff has visited that, I grant you on other properties there are people that have put trees in right out on the curb, always have to question that, but looking at the front of the house now that has sidewalk and those trees are pretty much the same as the depth from the curb as the ones you have to the West and the

curb is pretty wide there you could even go lesser.

Richard Button states with all due respect Mr. Chairman, when I stood at the corner there the sidewalk and looked down the sidewalk would hit those trees there is a little level spot in front of it but to keep the sidewalk the same width it would take out those trees.

Atty. Foucek states that's the point if it was the same width I don't think it has to be the same width and even it does I think you can do an arc around the base which happens in many places, staff have you measured or figured out how you would design.

City Engineers states they did not look at it specifically but there is a grass drip on the adjoining property that would eliminate that on a low volume road like this.

Atty. Foucek states in other words you would build a sidewalk up to the curb, so you would want to do it in such a way that you wouldn't impact a significant way the roots structure, but I think those trees are 5 or 6ft off the curb.

Diane Walton states the root structure, I cut the grass there and its pretty far out to the curbing.

Atty. Foucek states we can defer this if that is what you want.

Tony Toth asks Mr. Chairman if he can make a suggestion, this came under subdivision correct.

Irene Woodward responds yes.

Tony Toth states this is a minor subdivision and the long-term plans for this is to develop the adjacent parcel after its subdivided.

Tammy Walbert responds yes, sell the house.

Tony Toth states so possibly we could get it at the next phase of minor land development or land development.

Atty. Foucek states well the minor wouldn't come to us unless we say it will come to us.

Tony Toth states minor would come to us for postponement of sidewalk.

City Engineering states this is it, they wanted the house subdivided for a building

permit.

Tony Toth states so there is no land development with this or no minor land development so there is no other trigger to get it back here.

Atty. Foucek states I think we have a little difference of opinion, so I would not want you to lose trees, my view is that the character of the neighborhood is such that sidewalks are a good thing, there is nothing else topographically that would make this a hardship but if you're willing to push this back 30 days I would like someone from city staff to take a close look.

City Engineering states they will send their arborist out.

Atty. Foucek states the city have their own arborist and what they do they will tell whether or not a sidewalk would likely cause damage to your trees, so again I am going to defer to that expert.

Chris Brown states I have not been out there but I can tell what kind they are and I think what we are talking about is on the right track we have done this before where we have referred to the city arborist it's something that even if we would not postpone city arborist is going to be out there to observe during construction anyway and if the trees would be impacted then they would have to be removed, I think what we have done in the past is we've asked staff to look at it if both could get along then they would remain and if it was a determination that they both couldn't be achieved then the postponement would be offered.

Damien Brown states based on my 5yrs on this commission I don't think there has ever been an instance where a new home has been constructed where we have given a sidewalk referral.

Atty. Foucek states this is the opportunity to put it in as we know, look we are considerate of your circumstance so what we are asking you to do is allow us to postpone the postponement request allow the expert arborist to come out and take a close look, they can drive out on their own but if you want to be involved they can coordinate as long as we have contact information for you and you can talk to them when they are on site.

Damien Brown asks do we want to grant it for Delp and Potter street today.

Atty. Foucek states yes that would be a good idea.

Tony Toth states regardless wouldn't street trees be required.

Chris Brown states we have that addressed in a separate review.

Tony Toth states so if they get cut out you got to put street trees back in anyway.

Chris Brown states the existing trees actually fulfill their credit requirement and there bound on all sides by right of way so there are quite a few trees required, so the trees are currently fulfilling their requirement and as long as they remain I think you guys are settled, you haven't received your letter yet because the shade tree commission just reviewed it last week, so there are a lot of moving parts in this.

Atty. Foucek states so that's a fair comment so let's take some positive action and why don't someone move to grant the 10yr postponement on Delp and Potter street reserving until a later meeting on any action on Tioga street.

Jeff Glazier made motion to table the postponement, Chris Brown seconded, and the board unanimously approved.

Street Vacations:

South Albert Street from East Wyoming Street to North Terminus, 20-1(V), requested by Allentown Community Development Company.

Atty. Foucek states this runs between a couple of existing homes.

Art Swallow states yes this would be our primary access to Penn Square flats, my opinion and my survey of the property and research that goes back to the 1800s shows clearly that Allentown community development company actually owns this piece of property, the right of way of South Albert St has been shown on numerous plans city block plans etc. there is no argument from my client on that but since Penn Square will be installing a private driveway its not to be maintained or owned by the city, it was recommended in the conditions of approval that this portion be vacated.

Atty. Foucek states I seem to remember that, that is consistent with that concept.

Chris Brown asks is there going to be any trouble maintaining the easements for PPL there was an objection from PPL about the easement, is there power coming in yet.

Art Swallow responds there is a pool back there, but I am not certain what it serves, so where there interest appear they'll be respected, and furthermore we are going to rely on PPL to serve the project with electricity so by all means they would granted

access.

Atty. Foucek states they may be just talking about the lines that cross as opposed to down.

Art Swallow states I did not receive that correspondence, but I am aware utility companies do have.

Chris Brown states I think it's a typical response from them and its usually something we condition our approval on is just maintaining the proper easements.

Art Swallow states it's my experience the same they always object.

Atty. Foucek states to make that motion for Chris Browns condition, makes motion to recommend street vacation subject to the maintenance of any existing utility right of ways, Jeff Glazier seconded and the board unanimously approved.

Portion of South Ann Street from Constitution Drive to North Terminus, 20-2(V), requested by Allentown Community Development Company.

Art Swallow states this was an old platted alley street from

MINUTES

MEMBERS PRESENT:

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Richard Button, Secretary
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CITY STAFF PRESENT:

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MINUTES:

Motion made by Atty. Oldrich Foucek to approve the minutes of December 10, 2019 and January 14, 2020 as written. Motion passed unanimously.

NEW BUSINESS:

Election of Officers

Atty. Foucek states Mr. Button, Mr. Buchvalt and I are all prepared to stand for re-election and asks if there are any other thoughts or nominations.

Tony Toth states a number of years ago after I went through about 12yrs on the commission I was Vice Chair for about 7 or 8 years and at that point my term expired, and it was not re-approved and then I

was re-appointed by Mayor O'Connell and recently came back, I would take consideration for Vice Chair if anybody would be so inclined.

Atty. Foucek states we would need a motion if anyone would like to make that otherwise I think with Mr. Buchvalt having being in that position capably and you coming back fairly recently, and if we were to do it we would do it next year, so I would nominate the existing officers for 1 more year, Jeff Glazier moved to nominate existing officers for 1 more year, Damien Brown seconded and the board unanimously approved.

Sidewalk and Curb Postponements:

895 North Fenwick Street, S20-1, requested by 702 Realty LLC.

David Kutser states who he works for and represents could not hear him clearly (microphone was not on at this point in the meeting).

Atty. Foucek asks this is before us because this is now a vacant track, is there going to be some development on this parcel.

David Kutser states I would say before 2005 it was probably a vacant lot at some point in time before 2009 someone was at the property and utilized its parking and then one time the parking was paved, a plan came in for 702 at that point in time we didn't realize we needed the second parking lot and we didn't meet the parking requirements and had to go through land development.

Atty. Foucek asks is it going to remain as an open parcel.

David Kutser states it will remain as a parking lot as it is now, curbs, storm sewer.

Atty. Foucek states so there will be curbing down on Fenwick as there is on other sides and down that street, then there is a slope up to the parking lot, I visited the site recently and the whole area and I guess it is notable for the lack of sidewalks, it's a commercial industrial area.

David Kutser states one area was developed across the street (microphone not on cannot hear).

Atty. Foucek states given the history, I suspect if someone did this properly and came before some body or staff for the development, or installation of the parking lot they might have noted that it would have been appropriate to grade that West side of the parcel in such a way that you could install sidewalks, at this point there is an issue with one of the criteria that allows us to defer sidewalks and that's the grade to put a sidewalk there I think you have to do some significant cutting and filling, so you are not asking for a curb postponement, you will put the curb in and maybe at that time you do that you can clear away that.

David Kutser states plan on grade, and street trees (microphone not on cannot hear).

Atty. Foucek states that satisfies me not sure if anyone else has any comment on that.

Tony Toth asks engineering, in regard to the curb what is the engineering department stance on the request for the curb.

Engineering states curb will be required along the stretch there.

Tony Toth asks so transition from full reveal to like the crest curb where the driveways are or will be at the crest.

Engineering states cross street.

Tony Toth states so curb will be going in.

Chris Brown states that we consider the fact that as the applicant had presented that this occurred without proper permitting and approval, so I almost think we consider it as a vacant lot, so to take that topographic concern into account, its relative today because there is a parking lot that exists that was created illegally essentially.

Atty. Foucek states that is the paradox that I was referring to earlier.

Chris Brown states the areas in desperate need of anything that it can get to clean it up, happy that the curb will be required, I am concerned with the adjacent property and the fact does this set us up for any sort of at some point that property adjacent may become redeveloped I know this is not subject to this particular application but I just wonder how it is going to relate someday down the road the property to the North of this site is a real mess and I hate the decisions we make the day could affect that.

Damien Brown states In my opinion the neighborhood does not meet the criteria outlining the character of the neighborhood as a reason for exemption because most of the neighborhood at this point does have sidewalks at this point, absent this side of the street, at this point it doesn't immediately adjacent, however there are some unique physical conditions that would create a hardship, it sounds like there is going to be some grading on this property my only thought would be whatever grading is done doesn't prevent sidewalks from being installed in the future after all this is a deferral not a waiver so I would hate to see new grading completed then several years later we are here again for some other reason and a unique physical condition was created that creates a hardship at that point.

Richard Button states if we give them an extension now anything that they want to do in the future will have to come back.

Irene Woodward states yes.

Atty. Foucek states I could go for a shorter even if it was 10, we have done this in the past if there was further development of this property then we are back at square 1 in other words if a building gets put up there, they don't boot strap the postponement, so its 10yrs or further development of the parcel whichever comes first is how I would look at it we have done that in the past .

Damien Brown states my point is I would hate to see a steeper grade, or a new grade created up to the curb line.

David Kutser states we have graded the blue plot that we can achieve a leveling area behind the curb, 3 to 1 slope up to the proposed curb up against the parking lot.

Atty. Foucek asks what is it now.

David Kutser states 3 ft horizontal (mic still not on cannot hear).

Atty. Foucek asks you are going to start at the same level and go to the same level.

David Kutser states it will be the curb, the leveling area and the 3 to 1 slope.

Atty. Foucek makes a motion to grant the postponement for 10yrs or until there is further development of this property.

Chris Brown asks so it's being graded for the sidewalk but we are not putting it in but the reason for not putting it in is the topography hardship, did we not just say we were grading in the leveling pad so it could be built but we are not putting it in.

Tony Toth states so if we are grading how is it a physical a hardship, I don't think there is a physical hardship, it's an economic hardship because they have to construct sidewalk.

Atty. Foucek states its either not suitable as it is now for sidewalk or not if they are going to grade it spend some money and not put sidewalk then that is there choice.

David Kutser asks could it be postponed until possibly either additional further development on the property or adjacent properties, I could understand that because it is the only property on the street that doesn't have curb, the rest of the properties on that street are stellar in appearance.

Atty. Foucek states there is going to be curb.

Tony Toth states we can give it a time period or actionable item on the parcel such as minor subdivision, land development, minor land development.

Atty. Foucek states or an adjacent parcel, I will accept that as a friendly amendment for the development on this parcel or adjacent parcel for 10yrs, Damien Brown seconded, and the board unanimously approved

868 Constitution Drive, S20-2, requested by Allentown Community Development Company.

Art Swallow states Arthur A Swallow associates prepared the plans for Allentown Community Development company this is in connection with the Penn Square flats development which was conditionally approved in September, as we are working through the conditions of approval outside agencies and technical matters this is one that we would like relief from the sidewalk requirement and postponement I think would be appropriate, the photograph is at the township line the Salisbury, would be the far Northeast corner of the Penn Square site we are constructing a private road way through the development and the second means of access, egress would be approximately at this point, we are proposing an improved intersection design with Constitution drive that incorporates some curbing in order to make a nice clean attachment, In this particular area we find that, I believe this is looking South.

Atty. Foucek asks your development is on the left side of this photo.

Art Swallow states we are on the right side as your looking South, the topography of that area drops off pretty quickly there so constructing a sidewalk there would be a little difficult and furthermore there is really not a square of sidewalk in this area that would take you anywhere, within the project we do have a pathway system that is part of the multifamily development, this also involves cooperation with the City of Allentown with obtaining access on a portion of their property, so it's kind of a complicated issue right now, we are working with the Planning department on jump starting, reviving, otherwise getting the property review committee started again, but we thought if we asked for the postponement of the sidewalk that would be one issue that we wouldn't have to address in the future.

Art Swallow responds there is actually an access road there that has been used for multiple reasons, the railroad gets access through this gravel driveway, it serves as access to the rest of the site and the City actually uses this access to gain access for the sewer.

Richard Button states there is a little settlement there with some kind of a business that has to do with cars it's got like a garage and a bunch of houses.

Art Swallow responds that is way up.

Atty. Foucek asks your development is to the far right of that photograph in other words it's not up the hill its down the hill and where that van is that the only access your talking about.

Art Swallow responds its up in the approximate location, that whole area we propose to install almost 300 ft of curb and widening in order to stabilize that road and improve it along that frontage.

Atty. Foucek asks who owns that road is that a city road.

Art Swallow responds its partly our property and partly the city's.

Atty. Foucek states it is in terrible shape.

Art Swallow states there is other places on constitution drive where we are going to be installing sidewalk more towards, I think you pointed out there is some old stone, I call it company housing, up in that area where we had frontage we are installing the curb and sidewalk there where it is appropriate, this would just be a request for postponing the sidewalk in this area.

Atty. Foucek states there is a sign that says beware of throwing trash on this street will get you a big fine.

Art Swallow states it has been a problem for decades for ACDC on this and hopefully with the construction of this development the cleanup of the area that can be finally stopped.

Damien Brown states it looks like there is an internal sidewalk or pathway along the private access road that terminates constitution.

Art Swallow responds yes.

Atty. Foucek states I have trouble envisioning, having been out there recently, anybody walking to the South to through and past that little village.

Art Swallow states a lot of the property had been acquired by wildlands in a cooperative effort between Salisbury township and the City of Allentown for that particular area which is mostly in Salisbury township but by no means is it an act of recreation area it's a preservation area.

Atty. Foucek asks is the sign for walking park, I drove pretty far down I couldn't find it.

Damien Brown states its down there, way down there.

Atty. Foucek states we reviewed this project multiple times, I think it's fair, this is self encapsulated area, I don't see prospect of a lot of folks gutting onto Constitution drive particularly at this second access point to go anywhere.

Art Swallow states it will be the least traveled the least accessed meaning it will serve its purpose in case the access to East Wyoming street would be blocked for whatever reason, this obviously is our second means of egress but if you're trying to get to work or school to shop you're not going to come this way, your definitely not going to walk.

Damien Brown states you're not going to walk, I could see some residents using this entrance to exit the development on foot if there going for a Saturday morning hike or want to take advantage of the trails on the mountain but the reality is at some point on Constitution drive they are going to be walking on the road anyway whether it's a the end of the private access road or 150 feet down the road so I don't really see the benefit of a couple feet of sidewalk.

Chris Brown asks I would like to clarify Art the postponement is just for this roughly 200-foot section of frontage.

Art Swallow responds yes.

Chris Brown states I just point out for the commission sake that the shade tree commission also recognizes areas as no disturbance no street trees because we are allowing that existing woodland to remain, so I think it kind of duck tails nicely with that sort of decision from another commission

Tony Toth states I was going to bring that up, so long as there is no disturbance plans for that adjacent stretch do not plan on taking of that.

Art Swallow states and we are also trying to avoid it for another reason is a strict applicability of the city zoning ordinance regarding the disturbance of slopes and again this is an area we prefer not to disturb to minimize that event.

Tony Toth states I know it's not really listed in the ordinance as such for vegetated areas but I think we kind of understand that we know this is a little bit of a different area and we just grow with it.

Atty. Foucek makes motion to grant the 10-year postponement, Jeff Glazier seconded and the board unanimously approved.

1633 Airport Road and American Parkway NE, S20-3, requested by Victory Real Estate Development.

Chris Williams states he works for Barry Isett & Associates and represents Victory Real Estate Development, the proposed use of this building, as you can see in the photo was the restaurant store for many years its currently vacant and Caliber Collision is proposing to occupy this building there is some proposed modifications within the building and some proposed site modifications involving a parking addition, landscaping some other miscellaneous improvements on this corner, this property is on the Northeast corner of Airport road and American Parkway as you can see from photo there is some retail developments to the North, Airport center retail, dunkin donuts , retail to the South, a bank another fast-food, family dollar, and across the street the other side of Airport road is the cemetery, Woodlawn memorial park and a vacant property, as you can see from photo there is no sidewalk on American Parkway, American Parkway dead ends to the East, that is the end of American Parkway I believe it is North Nelson St as you turn to the right, to the West on American parkway there is no sidewalk , to the North on Airport road there is no sidewalk at all, and to the South on Airport road there is no sidewalk for 900 ft. you can see on the corner of this aerial there is some sidewalk, also the application was submitted by the applicant requesting sidewalk and curb deferral or postponement, but there is curb on the site so that was just an error on the application, so we are asking for the postponement of the sidewalk requirement and the main reason being because there is no sidewalk to connect to however if there is sidewalk to connect to in the future then maybe it would be beneficial in the future, I believe that is the intent of the 10yrs so that you can revisit this in the future, this is also is not the type of development that is going to generate a lot of foot traffic.

Atty. Foucek asks do you know what might be going in there.

Chris Williams states Caliber Collision they do collision repair.

Damien Brown states it should be noted the land development plan we saw across the street a few months ago we did require sidewalks, on the Northwest corner.

Atty. Foucek states I remember that the city line somewhere bisects that parcel if I am not mistaken.

Chris Williams states that is correct.

Chris Brown asks city engineering Mark and Craig is this project going to trigger and require curb ramps anywhere.

Engineering states potentially on the corner.

Chris Brown states I bring it up because I look at this project if everybody uses the excuse that we don't have anything to connect to we are never going to have sidewalks on Airport road, would it be the worst thing in the world if this area is a little more pedestrian friendly, and I think this is one of the reasons we are putting the ADA stuff because one day we are going to need it, we did not talk about it on the last application but if you notice at the corner they were going to put a curb ramp for a sidewalk we just

postponed, so I don't know if this being a state road if that is going to be a full blown handicap ramp to nowhere that you see popping up all over the place, I just think it has to start somewhere I don't see any other topography limitations or other reasons not to put sidewalk in, I just wanted to bring it up because sooner or later we need to start putting these things in.

Atty. Foucek states Damien Brown raises a good point about the other parcel that has been approved by us, not sure what the status is in the township I suspect they are a little easier, but that is a fairly large development as I recall, a multi-use, including some residential, at this point it is vacant but it is a big question mark on how it is going to impact the area, as it stands right now I appreciate the comment that if you don't start somewhere you don't get it, but I don't know that simply the change of use for this building we are not changing anything else, I don't see why you want to make this developer right now with these circumstances put in sidewalks there is nobody walking there, on the other hand if this brings in several 100 residences and a bunch more traffic and people start thinking about going there on foot then I think it would be a different call, so I think much like the last one we wait and see what happens and if that triggers greater need change in the complexion of the area then we come back, but I don't think it's not appropriate.

Chris Williams states I would also like to note that the grading immediately behind the sidewalk is relatively flat, so it could be added pretty easily.

Tony Toth states to Chris Browns point it is a good point but I would be more inclined to let PennDOT be the trigger mechanism for this on the state road, and the only other concern I have with the sidewalk is there is no existing pedestrian crosswalks, pedestrian signalization across Airport road and I think the state would be the primary trigger mechanism on that not us even so that to the West on the vacant lot we did require sidewalks over there for that parcel, I think that makes sense because of the situation of where it is and abutting American Parkway so I would be more inclined to say no to this one.

Damien Brown asks so no to the exemption.

Tony Toth states no sidewalk.

Damien Brown states he is going to side with Chris Brown, I see people walking on Airport road all the time in this area on the grass a little further North literally on the road, there has been at least one pedestrian death in this stretch of road that comes to mind possibly another, I completely agree we need to start somewhere if anything I think there is an argument maybe against American Parkway if we want to argue about an undue hardship but I think it is absolutely necessary that sidewalks go in along Airport Road here.

Richard Button states he would be inclined to go with a 10-year postponement, the way things work if something comes up it triggers it.

Atty. Foucek states nothing would trigger unless something happens with this property, for example 5 years from now this parcel is fully developed and the complexion of the area changes then they still have their postponement if you go 10 years, so my thinking this vacant lot is going to take a good while, so I am thinking 5 years, and I know we are now doing a better job at monitoring these.

Irene Woodward states yes.

Atty. Foucek states there was a time 20 years after a 10 year postponement they still had a postponement, but knowing we now monitor them I'd be comfortable with 5 years because I don't think it's going to change much before then and if it is changed by then they will come back anyway.

Tony Toth asks if PennDOT would get involved with that, it would be a curb project first prior to sidewalk an ADA curb ramp project first at all intersections correct.

Engineering responds correct.

Tony Toth states and that would be undertaken by PennDOT through their funding streams.

Engineering responds sometimes they put that on the developer.

Atty. Foucek states if there are pedestrians, the proper way to deal with that is signaling that intersection with delayed green lights etc. to let people go across.

Tony Toth states that is his concern putting sidewalks there before that order of magnitude with daily traffic right there without going through the entire signalization.

Atty. Foucek asks Mr. Toth would he be ok with 5 years.

Tony Toth states yes.

Chris Brown asks has there been a scoping meeting is there a change in the driveway classification or anything being considered.

Chris Williams responds no impact to PennDOT at all with our proposed development, we are not proposing any disturbance in the public right of way we are not changing the drive way that is on Airport road and the American Parkway driveway doesn't need an HOP.

Tony Toth asks so the use change won't trigger any HOP adjustment based on daily in and out.

Chris Williams responds that is my understanding, but we don't have a review from the city a full minor land development review yet.

Richard button made motion to give 5-year postponement, Tony Toth seconded and the board approved, Damien Brown and Chris Brown opposed.

423 E. Tioga Street, S20-4, requested by Tammy Walbert and Diane Walton.

Atty. Foucek asks if they own the vacant lot

Tammy Walbert states yes we own the house that is there along with the vacant lot it's all one lot right now and we want to subdivide it and build a new house on the vacant area

Atty. Foucek states it looks like you are on 2 corners Tioga and Delp and Delp and Potter in the back and Potter is an alley.

Tammy Walbert states they are both alleys.

Atty. Foucek asks would there be all things being equal sidewalks required on the alley, what are we asking to postpone we have only postponed things that your required to put in, an alley doesn't have a sidewalk, do we sidewalk alleys.

Damien Brown stated technically there are no alleys in the city.

Atty. Foucek states so does anyone have a problem, the Delp street because it is essentially an alley and it also has some issues with some trees and telephone poles, I personally don't have any problem with that on the other hand Tioga street I will grant you it's not every property but many of the properties there do have sidewalks and I think it's appropriate to continue that I don't see any problems its basically flat you have a couple of trees there but they are well back

Tammy Walbert states that is deceiving they are not.

Atty. Foucek states I drove by there yesterday they are.

Tammy Walbert states I thought they would have to be pulled out.

Atty. Foucek states no I don't think they have to be pulled out.

Richard Button states I would think they would be taken down to the roots for a sidewalk to be installed there.

Atty. Foucek states staff has visited that, I grant you on other properties there are people that have put trees in right out on the curb, always have to question that, but looking at the front of the house now that has sidewalk and those trees are pretty much the same as the depth from the curb as the ones you have to the West and the curb is pretty wide there you could even go lesser.

Richard Button states with all due respect Mr. Chairman, when I stood at the corner there the sidewalk and looked down the sidewalk would hit those trees there is a little level spot in front of it but to keep the sidewalk the same width it would take out those trees.

Atty. Foucek states that's the point if it was the same width I don't think it has to be the same width and even it does I think you can do an arc around the base which happens in many places, staff have you measured or figured out how you would design.

City Engineers states they did not look at it specifically but there is a grass drip on the adjoining property that would eliminate that on a low volume road like this.

Atty. Foucek states in other words you would build a sidewalk up to the curb, so you would want to do it in such a way that you wouldn't impact a significant way the roots structure, but I think those trees are 5 or 6ft off the curb.

Diane Walton states the root structure, I cut the grass there and its pretty far out to the curbing.

Atty. Foucek states we can defer this if that is what you want.

Tony Toth asks Mr. Chairman if he can make a suggestion, this came under subdivision correct.

Irene Woodward responds yes.

Tony Toth states this is a minor subdivision and the long-term plans for this is to develop the adjacent parcel after its subdivided.

Tammy Walbert responds yes, sell the house.

Tony Toth states so possibly we could get it at the next phase of minor land development or land development.

Atty. Foucek states well the minor wouldn't come to us unless we say it will come to us.

Tony Toth states minor would come to us for postponement of sidewalk.

City Engineering states this is it, they wanted the house subdivided for a building permit.

Tony Toth states so there is no land development with this or no minor land development so there is no other trigger to get it back here.

Atty. Foucek states I think we have a little difference of opinion, so I would not want you to lose trees, my view is that the character of the neighborhood is such that sidewalks are a good thing, there is nothing else topographically that would make this a hardship but if you're willing to push this back 30 days I would like someone from city staff to take a close look.

City Engineering states they will send their arborist out.

Atty. Foucek states the city have their own arborist and what they do they will tell whether or not a sidewalk would likely cause damage to your trees, so again I am going to defer to that expert.

Chris Brown states I have not been out there but I can tell what kind they are and I think what we are talking about is on the right track we have done this before where we have referred to the city arborist it's something that even if we would not postpone city arborist is going to be out there to observe during construction anyway and if the trees would be impacted then they would have to be removed, I think what we have done in the past is we've asked staff to look at it if both could get along then they would remain and if it was a determination that they both couldn't be achieved then the postponement would be offered.

Damien Brown states based on my 5yrs on this commission I don't think there has ever been an instance where a new home has been constructed where we have given a sidewalk referral.

Atty. Foucek states this is the opportunity to put it in as we know, look we are considerate of your

circumstance so what we are asking you to do is allow us to postpone the postponement request allow the expert arborist to come out and take a close look, they can drive out on their own but if you want to be involved they can coordinate as long as we have contact information for you and you can talk to them when they are on site.

Damien Brown asks do we want to grant it for Delp and Potter street today.

Atty. Foucek states yes that would be a good idea.

Tony Toth states regardless wouldn't street trees be required.

Chris Brown states we have that addressed in a separate review.

Tony Toth states so if they get cut out you got to put street trees back in anyway.

Chris Brown states the existing trees actually fulfill their credit requirement and there bound on all sides by right of way so there are quite a few trees required, so the trees are currently fulfilling their requirement and as long as they remain I think you guys are settled, you haven't received your letter yet because the shade tree commission just reviewed it last week, so there are a lot of moving parts in this.

Atty. Foucek states so that's a fair comment so let's take some positive action and why don't someone move to grant the 10yr postponement on Delp and Potter street reserving until a later meeting on any action on Tioga street.

Jeff Glazier made motion to table the postponement, Chris Brown seconded, and the board unanimously approved.

Street Vacations:

South Albert Street from East Wyoming Street to North Terminus, 20-1(V), requested by Allentown Community Development Company.

Atty. Foucek states this runs between a couple of existing homes.

Art Swallow states yes this would be our primary access to Penn Square flats, my opinion and my survey of the property and research that goes back to the 1800s shows clearly that Allentown community development company actually owns this piece of property, the right of way of South Albert St has been shown on numerous plans city block plans etc. there is no argument from my client on that but since Penn Square will be installing a private driveway its not to be maintained or owned by the city, it was recommended in the conditions of approval that this portion be vacated.

Atty. Foucek states I seem to remember that, that is consistent with that concept.

Chris Brown asks is there going to be any trouble maintaining the easements for PPL there was an objection from PPL about the easement, is there power coming in yet.

Art Swallow responds there is a pool back there, but I am not certain what it serves, so where there interest appear they'll be respected, and furthermore we are going to rely on PPL to serve the project with electricity so by all means they would granted access.

Atty. Foucek states they may be just talking about the lines that cross as opposed to down.

Art Swallow states I did not receive that correspondence, but I am aware utility companies do have.

Chris Brown states I think it's a typical response from them and its usually something we condition our approval on is just maintaining the proper easements.

Art Swallow states it's my experience the same they always object.

Atty. Foucek states to make that motion for Chris Browns condition, makes motion to recommend street vacation subject to the maintenance of any existing utility right of ways, Jeff Glazier seconded and the board unanimously approved.

Portion of South Ann Street from Constitution Drive to North Terminus, 20-2(V), requested by Allentown Community Development Company.

Art Swallow states this was an old platted alley street from quite a long time ago, it appears on city block plans as a street right of way, it really serves no purpose for city access we would like to incorporate it into the Penn Square development, the same thing we see no real adversity in granting this request.

Damien Brown asks are any of the homes on Constitution drive using this for rear access.

Art Swallow responds there is an access to one of the particular properties that Allentown community development is keeping there is a small property at their terminus of this, but we are providing for that access with the Penn Square plans.

Damien Brown asks is that 805 Constitution drive.

Art Swallow responds yes, I believe you are right, I don't have that address in my mind but it's the last property it's a rental property the owner would prefer to keep it the same, and we will just make accommodation for access it just seems to be accessed as convenient for the property don't know why it's there.

Damien Brown asks so then that access will get provided off the internal access road.

Art Swallow states yes with easement correct, the same way to as we answer all the conditions and favorably easements are going to be provided for the city as well to access their facilities and for the railroad as there interest to access that part of the railroad, so we are not blocking anyone off we are improving access to Constitution but we will be attaching there existing accesses and necessary signage , private but we Can't block them off because they have been used with statutory period.

Damien Brown asks Ann street I assume that will be split then among, divided down the middle among the property owners or do you own both sides along the entire length of Ann street.

Art Swallow states actually we would acquire by reversion our portion the other portion one of the neighbors we definitely have a claim for that.

Chris Brown states it looks like 811 is not owned by your client 805 is.

Art Swallow states what I illustrate is what we intend to incorporate into our property and for the city to vacate their rights to the street would be the first step into doing that.

Chris Brown made a motion to approve, Damien Brown seconded, and the board unanimously approved.

REZONING:

Amends the Zoning Code by rezoning 1940 W. Fairview Street and 303 S. Saint Elmo Street from P (Parks District) to R-MP (Medium Density Residential District – Planned District) 19-3(Z) requested by St. Elmo Development, LLC.

Atty. Ronald Corkery states I think this has already been before the commission one time on a recommendation, we also had a meeting about a week ago it turned out that almost everybody from

City Council was there, it was supposed to be a committee meeting but I think they had other agendas so they just sat through it, the Mayor was there too, my opinion was that they were positive on it, one thing I wanted to say it's a rezoning request but also a text amendment that had been suggested by city staff and a draft zoning amendment had been submitted along with the application it simply wants to have the pocket neighborhood development concept inserted as a permitted use for the R-MP zoning district and I don't know if that was specifically on (Atty. Corkery passes out papers).

Damien Brown states I believe we decided against this when we reviewed it last time and just voted in favor of the straight zoning change to RMP.

Atty. Corkery states my client did not realize that part he thought it was just submitted I am not saying you did or didn't I was not here, but I think they were still trying to get that one and it had been a staff suggestion too, so I think on your recommendations or your vote it would be to vote one on the rezoning and we will call it a text amendment to add the pocket zone, the pocket neighborhood development concept to the RMP zoning district.

Chris Brown states he was not here for the first deliberation when this was before the commission, actually the second time I think we had an introduction by Mr. Rohrbach and then there was another occasion when it came before the commission and I wasn't present so I missed some of this discussion I have some personal experience with the pocket neighborhood ordinance and I think it's a great development tool and I would share with the commission that its not to be frightened by it, the density generally remains the same, and any increase it might be associated with the RMP would be offset by a higher caliber development so I would personally support the text amendment as well
Atty. Foucek states just to clarify I think what happened the last time Damien, I think the applicant came in with a request for us to consider essentially a new zoning district RMP I can't remember exactly what the terms of that were.

Irene Woodward states it was for age restricted.

Atty. Foucek states which we did not feel was appropriate but yes, we did recommend the approval of rezoning these 2 parcels to RMP back in October I don't know that anything has changed since then in respect to what we might weigh in the balance.

Atty. Corkery states I think on the submission to City Council a couple weeks ago there was a very upscale one they were asking Mr. Atiyeh because its 2 tracks of land that are going to be done 1 zone by Rohrbach one by Atiyeh but both will work on this plan it was showing that the first phase was the Atiyeh one it would be sort of upscale houses that maybe would sell they were being over occupied was the goal, and the neighbor wants anywhere from \$180- to 190,000 homes.

Jeff Glazier states if he can correct the record, I was not at this council meeting but I did watch part of it and Abe's major point was I think the price point you are stating is accurate is that it is workforce housing and I am sure he said that if you said that 5 times he said it 500 times this is to be workforce housing because he recognizes the need for that, which does not say that workforce housing can't be upscale it's just it's not the way he portrayed it.

Atty. Corkery states I guess he was trying to say it was for working class people I was here last night for a zoning hearing board meeting to request for a woman that wanted to use a child daycare in a house she bought and when I looked at the assessment record she bought this relatively small house, 1 story for \$199,900 on Greenleaf St. near 19th St. and I was kind of surprised that did not look like some massive home for me for numbers around 200 and if he is saying these are 190 or so people can afford those, the lady that I represented last night Hispanic woman that just runs a daycare, is not some

wealthy person I mean she bought a \$200,000 house that she is trying to help with one of those and these are going to be nice homes that you buy the land, driveway going through there were a lot designs for these to make the houses face each other, the driveways in the back, but if you sat on your front porch and look at your neighbors front porch, if you looked in the back you see the guys driveway behind you too, so it was a nice relative layout and I know all the members are familiar with the site, and Mr. Atiyeh's opinion \$190,000 is not one of the upscale ones like right down in the NIZ it is one of the ones people could afford, like I said I was surprised that the lady last night bought a \$200,000 house on Greenleaf St.

Tony Toth states I would like to reiterate my stance that I have taken on this request for rezoning and I know Mr. Brown you weren't here last meeting, I still believe this is that policy to approve this change of zoning based solely on the viability of the land and the historical context of the existing quarry that was filled with unconsolidated rubble, deposits, whatever you may have over the years, I think getting into the minutia of these changes without actually looking at the viability of construction upon specifically the southern parcel is not in good interest of the city or any particular person that may purchase a property built upon that, specifically speaking that within Lehigh County there are instances of existing parcels of land similar in context that have sunk and houses have had subsidence and the municipality have been left to pick up the pieces, liens on properties, demolitions, then you have a parcel of property that sits there forever, one other point I was not at the council meeting you spoke of but I did take the time to take a look at that meeting and I would characterize it more of a fact finding mission, you characterized it that it was positively received and I would technically disagree with that, I would say it was more a fact finding mission and that opinions weren't really given one way or the other.

Atty. Corkery states there was no opinions given (was not speaking into mic could not hear) but somebody got up to object saying the city should do a whole phase 1 the city is never going to spend money to go and do that, we all the huge building at 7th and Hamilton fall into a sink hole but there is a huge building there now, nobody walked away and said well that building and parking deck got swallowed we better stay away no they didn't they built a new federal court house, there were questions after they did things, if you look at that nobody should have ever put anything PPL up there now, it was a huge sink hole, I don't think anybody in their right mind would put anything there.

Jeff Glazier states we are talking about apples and oranges here we know that the micro piling for PPL center added millions of dollars to the cost of that building and they did that with just the geological conditions there, what we are talking about here correct me if I'm wrong is simple slab construction.

Atty. Corkery states I don't think it's simple, but I think he did say it would be no basements, these are going to have to be engineering approval you shouldn't sit here and say you can't develop this site it's a city.

Jeff Glazier states Mr. Toth is expressing his concern and doesn't want the city to be caught with a bag some years down the road and you can disagree with him but it's a valid concern, I am personally not sure that it's something we deal with at this time and place maybe that's more appropriate when there is a building plan and it comes to us.

Atty. Foucek states as we were discussing this I raise the same concern, this is rezoning, as a land development you are talking about what is going to be there, there is no guarantee that's what is going to be there, we could be presented with a totally different plan so long as it complies with whatever the zone is going to be there at the time, but I do think it will be within our authority under the general of what we are here to do, to deal with the public, health, safety and welfare that knowing what this was we essentially put on notice, developers on notice of what this is that as a condition to any development we could require that there be some specific form of subsurface exploration, geologic opinions I do think

that's the appropriate time that we would be dealing with that, I do think it's in our authority to condition that.

Irene Woodward states I think if there is a land development that is submitted and reviewed you can request that information, just like the traffic studies.

Atty. Foucek states I feel comfortable doing that because it is clearly not appropriate for park land the city has no intention to use it as such, so I think that in terms of a use that is compatible with the neighborhood and that would be both sides of this parcel I think this RMP that we agreed several months ago is still the best available zone so I would think that we could recommend it once again.

Atty. Corkery and then if you could hear a second recommendation or context amendment, exertion of the neighborhood development (not talking into mic could not hear) the amendment that has been submitted is listed in part 2 in section in which the use is permitted residential existing use pocket neighborhood development should be changed to being permitted or RMP zoning district.

Chris Brown states the concern that comes to my mind with that is do we know, because the pocket neighborhood had a minimum acreage threshold I recall as 4 or 5 acres it had to be is there any other properties in city limits that would be this zoning district and meet that same area classification and are those appropriate.

Atty. Foucek states I think that is a fair comment.

Atty. Corkery states I don't have an exact answer I don't want to make up an answer but if you are to say that city council should review that concept if there are no other districts other sites that would fulfill that minimum acreage requirement then if you're in favor of it you would say yes but you could have a conditional recommendation of approval.

Chris Brown states I am not saying it's a bad thing, the pocket neighborhood ordinance was specifically written to be applied to properties of a certain size you couldn't apply it to a small 1 acre lot somewhere it had to be 4 or 5 acres minimum and I think at the time there was analysis done on RM sites throughout the city and it was looked at to make sure that by enacting that ordinance we would pre determine where that would apply.

Atty. Corkery states I don't think there are other sites, but I don't want to make that representation, but it could be that if there are no other sites in the area in the RM I think that minimum might be 10 acres.

Chris Brown states no I did one on 5, it was either 4 or 5.

Tony Toth asks what's your thoughts on 10 units per acre Mr. Brown.

Chris Brown states I think its fine, my experience with the pocket neighborhood is there is no benefit for the pocket neighborhood from a density standpoint what it did do is it drove up your costs and therefore the quality presumably of the product, but it really wasn't a density bonus.

Atty. Corkery states I think the maps that were submitted that council showed in that area many residences that were much tighter than this.

Scott Unger states he is with the Allentown Economic Development Corporation, Mr. Corkery mentioned 2 projects I am very familiar with I thought I would address the circumstances in corporate plaza and PPL center and that particular case the property owner did geotechnical work to determine

what the use ability was from one project to the next so that wasn't the city doing studies that was the property owner that did that so I echo on Mr. Toth's comments that I would question whether or not you want to go too far down the path of changing the base selling for something when you have such a fundamentally unknown quantity the results of that could be a bunch of different things, I think ultimately every piece of property is developable but at what cost, Mr. Glazier's point of view is the plan for PPL center were not expensive but I think that will drive some of your decision process that if there is geotechnical work done then you may say it's so cost prohibitive because there is such depth of consolidating that maybe residential doesn't make sense I just don't know the answer, I would agree with Mr. Toth that it's a little early to do some broad sweeping at the city level to changing the property owner hasn't taken any action to investigate the geotechnical circumstances of the property.

Tony Toth states I think it's a fair comment and to further that not every parcel of land is developable for a specific use in my opinion what I term, terminal land uses one of them being a land fill one of them being a quarry itself now there are some situations where specific portions of quarries can be filled but when you're talking about a historical quarry depth unknown to me but I know it's there, I've done some due diligence on historical aerial photos and I know what's out there , and just knowing from basically environmental geology and environmental land use planning , the first step you under take when you look at zoning is, is this a viable parcel of land to build upon if it is then what uses can we undertake here but until we know the constructability of this parcel of land I think it's premature to make a determination as I stated before of what we should even put there.

Scott Unger states I will just add that as an economic development professional I try to avoid terminal land uses because undeveloped land in the city of Allentown is at a premium so hopefully the outcome is there is a path forward.

Tony Toth states there have been projects that have been undertaken around former quarry sites, but typically when they do those they use the quarries site as a natural amenity such as a water feature and they build around them, I haven't seen any nor have they been presented any that specifically build within the confines of high wall to high wall in a field quarry.

Atty. Foucek states I gather your concern but I don't want to mistake this, it's not that it was a quarry but that there is a lot of fill.

Tony Toth states it was a quarry.

Atty. Foucek states no your concern is not that there was a quarry your concern is that there is fill that we don't know what is under that surface of that if it was just a quarry and the base of it was there you would know if it was a subsurface or not, your concern is that it is a subsurface issue because it's been filled in.

Tony Toth states well if it wasn't filled it would be water in the quarry because its below ground level.

Atty. Corkery states nobody is going to do it the way we just suggested, you're going to go spend \$100s of thousands of dollars and it's a park and you find that you can develop it but you say no we are not going to change the zone who would ever do that no one, no developer would ever spend all that money unless he or she realizes there is a chance to do something there, obviously he is not going to start building houses and have them start falling in, Mr. Atiyeh and Mr. Rohrbach were both going to borrow money to do this project and not going to just say we will build and they start falling in the middle and the city is not going to be responsible you're going to have engineering experts when you go through a land development plan and ask all those questions but not at this stage, right now it's a park and it's never going to be a park and I think Atty. Foucek pointed that out the city doesn't want this they would like have

some tax.

Tony Toth states I would disagree with some of the comments you made there, I can't speak for the city but it's not a park, and that's a great point to make we are confusing apples and oranges it's not a park its zoned park within the zoning destination of park there are numerous uses one of them is a park, there is other uses within the park designation just because it isn't a park now owned by the city or somebody else doesn't mean that it's not within that designation.

Atty. Corkery states let me just request for the reasons set forth, a positive recommendation towards that and a conditional recommendation based on the comment that if there are other sites in the RMP districts that would be able to be used for neighborhood pocket development.

Damien Brown states his opinion has not changed since the last vote on the rezoning, quite frankly this is too new to me and I haven't had enough time to appropriately do my due diligence to vote in favor of the amendment.

Atty. Corkery states when you read it the only one that your reading that is new is the thing that says part 2 those 3 lines, because number 1 says it can be rezoned and the others 3 and 4 are just standard language, it's really part 2 the section right now in a R-MP zoning district pocket neighborhood development is not a permitted use.

Atty. Foucek states I think the way to handle that matter is we are a recommending body and staff certainly would have opportunity when this gets to city council to weigh in on this issue and if it turns out that because there are other areas that would be impacted unknowingly then they would certainly have a chance to rate that with city council.

Damien Brown states I feel like we are taking a pretty big first step with the rezoning by itself a step that makes the investment and the research in the geotechnical issues of the property worthwhile if the property owner realizes there issues and they need to do some clustering or need some zoning consideration after that geotechnical information is available I think that makes sense at this point will this turn out to be traditional neighborhood setting or pocket neighborhood setting I think a lot of this will be determined by the conditions on the site that are found down the road.

Atty. Corkery (not talking in mic could not hear).

Irene Woodward states I am trying to go back to the number of conversations we had I know we had a conversation about the pocket neighborhood I just don't recall but I know that we made the recommendation for the RMP for that plan.

Atty. Foucek states and again it seems like that may be a leap to far at the moment but that doesn't necessarily mean we can hold this up we can agree not to make a recommendation with respect one way or the other just move that along will give your staff time to figure that out, I do fundamentally agree with council that the notion of putting the burden on the developer whether they own the land or have it under agreement of sale to investigate the developability before you know what zone it's going to be is frankly not appropriate, no one would spend that kind of money I agree with council.

Atty. Foucek states again we kicked this around the last time we all know the problems with this property and so does the developer, the developer needs to appreciate if city council does make this a zoning change and they come up with a plan whoever is sitting in these seats right now hold your feet to the fire and don't approve anything until you get opinions of qualified engineers and its not to just to be anybody on our side to suggest.

Richard Button makes motion to move that we recommend to city council that we accept ordinance bill 4 with the exception of part 2 that we reserve judgement on, Damien Brown seconded, and the board unanimously approved, Tony Toth opposed.

OLD BUSINESS:

REZONING

Amends the Zoning code by rezoning 201-221 N. Front Street, 115-143 N. Front Street, 51-97 N. Front Street and 113 N. Front Street from B5- Urban Commercial to B/LI-Business/Light Industrial and to revise the Zoning map to apply the B/LI District to those parcels as requested by Charles Street Capital, LLC.

Atty. Foucek states he will recuse himself and Mr. Button will take over.

Richard Button states this is a zoning for the Front street properties and asks who is here.

Andrew Shantz states he is there with Charles Street Capital who is the applicant here requesting rezoning of 4 parcels, 201-221 N. Front Street, 115-143 N. Front St., 51-97 N. Front Street and 113 N. Front St. they are currently zoned B5 building commercial they are requesting they be rezoned to LI light industrial, my client is the applicant pursuing the agreement of sale that they have with property owners ACIDA, parcel D 113 N Front St is currently owned by PPL and they took the position that they are not impacted by any zoning or rezoning so there neither in favor of this or in opposition of this but they certainly welcome us to include their parcel in this, as you will see through the zoning petition request we see this as a transition type rezoning from the current B5 and through the I2 zone and my client will be able to answer any questions and make presentation as to how he envisions this parcel to be developed but we see this as a good transition zoning, and that's where we were presented up through December and then there was some concern whether or not the request rezoning would generate a lot of heavy industrial type truck use and we've met with staff and I think we have alleviated those concerns but we are here to answer any additional questions and allow my client to provide an update to where his discussions have led

Charles Street Capital LLC states we have also refined concepts since our December meeting so we are now only targeting 2 end users so if we have a 50,000 sq. ft flex facility we would be looking for 2 users each occupied 25,000 sq. ft each and each user would have 1 high loading dock, and since we are only planning for 2 high loading docks that would reduce any potential for heavy traffic, and as you recall these parcels closest to the America on wheels museum we have had a couple meetings with the America on wheels people and there is some traction around the idea for a club auto you are starting to see these automotive clubs crop out throughout the and these are clubs for car owners who have a luxury vehicle you could store your car there but also have some amenities and then the NB center which is Mr. Bulgari's center and he has expressed a willingness to provide his close circuit track which would work in conjunction with a club auto and a lot of the people Mr. Bulgari, America on wheels, the Ruozzi brothers were all trying to do something automotive related on the parcel closest to the American on wheels so hopefully that will continue to percolate and gain traction but we would like to actively like to move forward with the 50,000 flex industrial space we believe that the BLI zoning will enable that commercially.

Richard Button states has the city staff changed their recommendation.

Irene Woodward states we did have a couple meetings and part of what we learned from city staff is primarily there was additional need for industrial uses that was conveyed to us as to what the goal of the rezoning so that would also include packaging bottling assembly ceramic, clay and pottery products fabricated metal products furniture and wood products glass products paper cardboard and etc. that information was conveyed in terms of manufacturing type uses of allowed them within the BLI was the reason for that I don't think city staff would want to see outdoor storage of some of those but I think the

goal of what we heard was the addition of manufacturing type uses what the reason for that change.

Richard Button asks so the city staff is now in support of the zoning change.

Irene Woodward states we would be in support of those types of manufacturing uses at the site.

Richard Button asks Mr. Unger do you have comments about the subsurface that you would like to make.

Scott Unger states no we are confident that the property is developable.

Jeff Glazier asks could the developer give us an idea of what are the egress for where the parcel will be.

Charles Street Capital LLC states they are building the new Riverside drive and this site has a lot of rights of way and easement agreements and we have been working on cleaning up the site with PPL they have been very amenable but that is a complicated question.

Jeff Glazier states no one knows exactly when Riverside drive will become a reality.

Charles Street Capital LLC states I understand that they are contractually obligated to start Riverside drive this year and then you have Wharf street which kind of bisects the property between what I think of as the America on Wheels side and then the flex industrial side and exactly where that curb cut would be for the parking lot, that's kind of dependent on we could enter through Warf street but then maybe we want to have a curb cut on the new Riverside drive but I haven't really seen any real plans related to Riverside drive.

Tony Toth states I did not catch this the last time but this time around I noted that the parcel that is owned by PPL is within the zoning request for change and I know you hinted and talked about that do you have correspondence from them indicating that they don't have a favorable or unfavorable opinion because you have standing to request that on their behalf I understand its PPL.

Andrew Schantz states the only correspondence I would direct your attention to would be the October 29th covering letter with our petition which includes Mallory Sweeney who is counsel to PPL and she was provided with this as I stated they are not taking a petition on this they are not objecting nor are they in favor of it they are Pennsylvania Public Utility and they are not impacted by the rezoning, we are going to have further discussions with PPL regarding easements, possibly some land swaps in and around that Wharf St. access.

Tony Toth states right because that is another thing I noticed specifically with that parcel it seems that access might be.

Charles Street Capital LLC states we have some conversation about Wharf street with our civil engineering team and I think the city has implied they would like for that to become a private road so that then we are responsible for maintenance and snow removal of that road, and then all the other conversations are trying to clean up that site because Ppl does need to be able to access their substation so there will have to be some kind of access road next to that substation, there is a Fricks boat club is also where it dead ends right there and I don't expect that to be impacted.

Tony Toth states I did take a look at the reason for the rezoning request I don't know who wrote that but when you look at this basically you have America on wheels and then you have Bucky Boyle park and

we are looking at what's to be put in between what's going to work, what's going to be viable and subjectively what is the best possible use, best possible use for you may be something different than the best possible use of the citizenry of the city, did you take the time to look at the documentation that was provided by a consultant of the city way back when we did the Lehigh River waterfront master plan did you take the time to look at that and see the recommendations and see how that fits within your context.

Andrew Schantz states I think your missing one big thing between American on Wheels and Bucky Boyle park and that's the PPL substation and we have your partnership in development with ACIDA has had this land for many years and is also the land owner in supporting this application.

Charles Street Capital LLC states I did review that when I reviewed it a lot of it felt dated to me based on all the development downtown and retail and restaurant related to the waterfront, when I think of that area and the broader section trying to redevelop it making it commercially viable and the fact that you do have the Ppl substation but then you have America on wheels there as well, so when I look at the BLI district I think its 2 sides, for the parcel closest to America on wheels you will have all the auto use groups so if you look at the RB collection they actually required a variance to have their business there they were an owner operator they were looking for a specific thing and had the time to go through the variance process, as a developer I am just trying to pass the net and find someone I can't go through that variance process, I want to be able to key it up as much as I can, and say all these auto use groups are enabled we have the support of the America on wheels you guys can do a club auto and on the other side with the industrial flex space use groups like your packaging, self-storage, warehousing, manufacturing, if you're looking for a fabricator, I like the example of a tile fabricator in this kind of space you'll be able to have a front office with admin personnel, have office for staff, but on the back end you can have setup for fabrication, inventory distribution and being able to provide that flex space encompasses a lot of different use groups and since we are not going to own and operate these businesses we want to be able to cast that wide net.

Tony Toth states I understand that the worst thing that can happen when you hire a consultant and tax payer pays money to hire a consultant and put plan together plan goes up on shelf and we never look at it again, and specifically in this plan in the Lehigh river master plan they talk about this zone its referred to as Front street new Warf and I will quote from the document the executive summary it says this area focuses on the lands between he America on wheels museum and the Bucky Boyle park baseball field to the North this area is envisioned to be a vibrant mix used retail restaurant and entertainment quarter with mix use office space where residential apartments above surrounding South side public/private parking structure for the walking/biking district, and that's strikingly different than what your proposing.

Capital Street LLC states I own and operate a restaurant downtown, I don't know who would operate a restaurant on the waterfront it's a very challenging business it's not enough foot traffic, that just doesn't seem commercially viable to me, when that plan was drafted everything was possible but now with the PPL center, with all the retail development the restaurants downtown I don't know if there is the air and the oxygen to do that kind of development down there anymore.

Tony Toth states do you think the inertia would change after the development to the North starts to take shape.

Charles Street Capital LLC states I don't know I drove down there and I like the site work they have done and I like the street lamps, I can only tell you in the past 5yrs that owning and operating a restaurant has been the hardest thing I have done, and I have no intention of doing another one.

Scott Unger states I would like to add a few things having been here when the original waterfront master

plan was done I can tell you at that point in time that posture that I believe the consultant was operating under was that somehow PPL's equipment was going somewhere else and the fact of the matter is that is unlikely, it shrunk a little bit and we are fortunate for that and we have some other development opportunities on the South end of that, but to think that you're going to put high end residential or high end office space in close proximity to that equipment I think is unlikely to be successful, we have representatives from the other users that are all pioneers of development on the South end of the waterfront, the notion the change of the zoning to do any kind of automobile use and again a club auto might have a restaurant component but it's part of a larger context so there could be some other tours or related things that are symbiotic with America on Wheels and RB collection, so I think we can do some things that are cohesive with the waterfront master plan on that parcel but in order to do anything automobile related the B5 doesn't permit those so the B-LI zoning change opens that collaboration to all the people that are here with the Southern portion to discuss and then what it does to Irene's point is that on the Northern piece you could do a warehouse now of 50,000 sq. ft but changing it to B-LI opens it up to much more manufacturing related and that is beneficial to the city of Allentown because it creates opportunities for private sector job creation at higher wages in close proximity to some neighborhoods that could use walkable accessible manufacturing jobs, and the manufacturing facilities would probably be one of the few uses that could tolerate immediate adjacency to PPL's facility.

Damien Brown states personally I am sold on the proposed uses down there, what has me uncomfortable is the blanket zoning change, the zoning change as opposed a land development plan requesting a variance, so I understand the situation we are in so the property is currently owned by your organization Scott correct.

Scott Unger states yes as is America on Wheels and as was ACR development.

Damien Brown asks at what point will the transfer of ownership occur is it immediately after zoning change is after land development plans are submitted and approved I am just asking because we really lose all control once the zoning change is made.

Andrew Schantz states to alleviate some of your concerns you are correct once you make that zoning change all those uses flow with that change, so you are not making a zoning change with a specific use in mind but I think it has been emphasized to city staff and also for the planning commission is that currently the owner of the property is a partner with the city, they have an agreement of sale with a developer that there is a level of trust with and within that agreement of sale there are certain limitations with respect to that, further this property is envisioned to make application for the NIZ and I think some of the uses would not be cohesive with the NIZ and would not flow with the NIZ process that is kind of your level of trust that this is going to occur the way this is envisioned and that we are testifying to.

Charles Street Capital LLC states that AEDC will continue to maintain an involvement in the development project under which it partners and undertakes even beyond the agreement of sale so I think we have a reasonably good track record already at the South end of the waterfront among other locations in the city and its not essentially a blank check because you've got AEDC's word and its commitment to the city as an extra level of commitment and concern.

Chris Brown states I think that's a huge factor that we all need to consider I just want to go on record and state that I took part in the one meeting with staff and the various partners down adjacent to this subject parcel and the level of public private partnership and enthusiasm behind this project can't be understated and I think the comments Mr. Unger just made speaks volumes to what AEDC and ACIDA has done in the past couple decades now I don't think they would bring something before us with their name on it that they wouldn't feel positive about as well, I think it's a bit of a different animal then ordinary zoning change, Tony to your point the waterfront master plan was one of my favorite master

plans that I have ever seen created in my professional career as a landscape architect and land planner but I think that has been out of the window since day one on the North end of the water front because I would be curious to see what the citation is out of that master plan out of there and what we are allowing to take place up there, these things are dynamic they change over time and I think Mr. Brown is correct that the downtown is taking a turn much greater than was predicted at the time of the waterfront master plan was developed so I think it's time to reinvent the way we move forward

Keith Flickinger states he represents American on Wheels president of America on wheels also in charge and executive of the NB center of where the old Blvd. drive in used to be I work hand in hand with Mr. Bulgari not only do I have a couple things to say about the waterfront, the waterfront had a great idea in the beginning but as you know the arena was going to be down there and now America on Wheels is this island, nobody around us nothing happening and frankly it's really hard to keep the doors open, Mr. Bulgari stepped to try and assist to call the mortgage in and this is a gentleman from Italy whose heart in soul is in the City of Allentown, I was born and raised in Cetronia my dad worked at Mack trucks and I run everything he has, I have had many meetings with Charles Street Capital LLC and AEDC and I really feel that this is a good future for this waterfront. Mr. Mark Jaendl is on our board of directors at America on Wheels and he is very much behind this, and what city council approved and envisioned is clearly not what it was, and with PPL down there we look at it we are hearing the buzzing of the transformers and we just don't see it happening, we also thought when we did this with AEDC I truly want it to work for them, I can speak for Mr. Bulgari we have his full support to work with Charles Street Capital LLC to build something that helps with America on Wheels survival.

RB Collection states that RB Collection and America on Wheels we are now going to have the visitors at American on Wheels can now see the restoration place, first in the world to have visitors to see automotive museum and going to see restoration, and we support anything to make the automobile corner even stronger.

Tony Toth states Mr. Ruozzi was born and raised in Trexlertown so I am familiar with your other site how is their proposing going to help your particular business.

RB Collection states the proposal of the automotive auto club where the cars could be stored is kind of a service among car collectors, classic and exotic cars, those cars they need maintenance, those cars attract people that would like to see them or in the restoration center or in the place that is proposed or if the owner agrees also part of the exhibition in the America on Wheels, so when you have classic car and you need a place to store it, if you have a trifecta a place that can, service, store it and expose to public that is the best possible scenario for any classic car owner.

Tony Toth states I understand plans may change and things may change one thing we only have one Lehigh River waterfront and we have been planning the waterfront for many years and we owe it to the citizenry of Allentown to put forth our best shot on the only waterfront we have and I don't know if the proposal put forth necessarily does that, there is positives but the staff report that was put together by city staff planning department is compelling in a lot of areas and I tend to agree with a lot they say, this one is very well written and has some very good compelling reasons and I think I am more inclined to side with them on this.

Richard Button states it's my understanding that the result of the meetings that city staff now recommends it.

Irene Woodward states we did have additional meetings after that report was completed and got additional information from the developer of what their plans where in terms of what types of uses they were really looking at I think when they first submitted it was hard for city staff to understand the types of

uses that were being proposed and why and our concern was having an example of leaving it open that it be a warehouse then we had further conversations of narrowing it down the types of uses they were really looking forward and how they were going to move forward with that development and I think we view those of being compatible with what is going on .

Tony Toth asks if that is the case and they have the uses nailed down why go through the rezoning instead of the variance approach.

Charles Street Capital LLC states because we are not looking to be the owner operator, so we need to create the structure for the what we believe is the highest and best use and then we can bring in the owners and operators.

Scott Unger states typically a variance requires a certain amount of specificity and the lack specificity makes a zoning change much more significant and I will add to Irene's comments that one of AEDC's primary roles is to be the bridge between the public sector and the private sector, and prior to the previous meeting I will admit that I didn't perform that role as well as I should have and some of the lack of understanding was on my shoulders, I will go back to the level of commitment of AEDC I think when that waterfront master plan was created I don't think anyone thought we would have a use across from America on Wheels that is as compatible with that as an automobile restoration center, I am telling you these are the kind of projects we have delivered that are cohesive, so I am asking for a little bit of a leap of faith on the part of the planning commission to say we are going to make this zoning change with the understanding AEDC remains committed with all of its partners to develop something that is cohesive with what is already there with America on Wheels and RB Collection and to the extent we can maximize the waterfront we don't have the easiest to maximize because we have such a large retaining wall.

Andrew Schantz states as the attorney for the applicant to go through the variance process this would be a use variance and the standards that need to be met are very strict and very difficult to meet, we would have to show that that land could not be used for any other purpose and going through the hurdles to get this in the state he wanted this to be that is not advisable to do.

Damien Brown states with the understanding AEDC will continue to be developed and we are relying on the goodwill of their reputation, I make a motion to approve the zoning change as requested, Jeff Glazier seconded, and the board unanimously approved

NEW BUSINESS:

STAFF REPORT:

ADJOURN:

There being no further business, the meeting adjourned.

Respectfully submitted,

Recording Secretary _____

A video recording of this meeting is available at:

http://allentownpa.granicus.com/MediaPlayer.php?view_id=1&clip_id=814