



ALLENTOWN CITY PLANNING COMMISSION
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ALLENTOWN CITY PLANNING COMMISSION

PUBLIC MEETING OCTOBER 8, 2019

MINUTES

MEMBERS PRESENT:

Oldrich Foucek, Chairman
Mark Buchvalt, Vice-Chairman
Richard Button, Secretary
Damien Brown
Anthony Toth

CITY STAFF PRESENT:

Irene Woodward, Planning Director
Bob Sandt, Housing Supervisor
Tawanna Whitehead, Deputy City Clerk
Fred Andrayko, Zoning Supervisor
Kelly McEllroy, Redevelopment Authority
Jarid Westerman, Redevelopment Authority
David Kimmerly, Chief Planner
Craig Messinger, Public Works
Mark Geosits, Public Works

OTHERS PRESENT:

Stephen Rohrbach, Abe Atiyeh, Charlie Schmehl, M. Leuthe, Geraldine Traupman, Kay Groller, Jim Groller, Ken Heffentreger, Ingrid Ulloa, Mariette Raeven, Richard Goursky, and David McGuire.

MINUTES:

Motion made by Atty. Oldrich Foucek to approve the minutes of September 10, 2019 as written.
Motion passed unanimously.

STREET VACATION:

North Railroad Street from Hamilton Street to Court Street 19-2(V), requested by City of Allentown;

Mark Geosits stated this is Riverside Drive and wanted to give context to where Railroad Street is in respect to the overall project that's in the process, Riverside drive is approximately 1 mile long, that will span from Jordan Drive at American Parkway to the South all the way down to Union Street. The street has a number of cross streets that intersect with it that are stop controlled intersections at Turner St, W Allen St, Liberty St, Pump place, N Front as well as Walnut and Union St. Atty. Oldrich Foucek stated so the North part of that is an extension to the South of the upper part, the gentlemen stated this is a match line. There are 2 traffic signals proposed one of Hamilton St. and one at Linden St. The subject that we are looking at today is Railroad street, the city's purpose of the street vacation is a number of issues one is the proposed intersection there will be a signal light intersection you can see where railroad street is actually intersecting most of the crosswalks, so the riverside drive as you know is being constructed on the old rail bed, as the right away available that's why it has to be at that location. We have approached the property owner at 123 Hamilton Mr. Bochos we needed to get permission from him to eliminate left hand turns at that location. The reason the permission is needed is because Penn Dot won't give us a chopper signal permit unless that left-hand turn is eliminated and permission from property owner. Atty. Oldrich Foucek asked left hand to turn off of? Mr. Geosits answered Railroad street, it will be right at the intersection, there is also a driveway on his property that will have a right turn out but not a left, the reason that will also be affected is because there are stop arts here in the new intersection when the traffic is cueing, stopping at the stop light not having the ability to make a left out of that location, that was the one issue. The other issue is because you can no longer make a left we tried to make a provision for an opportunity to make a left, by Riverside Drive in order for that to be accomplished we asked for right away from Mr. Bochos. Our intention is to vacate the street for the new right away, Court Street will then be extended down to Riverside Drive, Mr. Bochos will have access out to the extended Court Street, make a right and then a left so that is how the left turn is preserved. Vice Chair, Mark Buchvalt states so there is really no reason 2 roads almost on top of each other, just take that traffic that would be on Railroad and put it on the new road and Mark Geosits agrees. Mark Geosits stated that they are also sensitive to the fact that Mr. Olsen has a loading dock currently he has access from Railroad Street to that facility Mr. Bochos was ok with providing a permanent access easement to vacate Railroad Street for him to access his property. Vice Chair, Mark Buchvalt when you mention access to a loading dock will trucks still be using Railroad St. to access that loading dock? Mark Geosits will be using the permanent access easement across the right away, Railroad St will be vacated, it will be conveyed to Mr. Bochos property on both sides, Atty. Oldrich Foucek states so it will disappear? Mark Geosits agrees, except for the permanent access easement that will be across that right away, Vice Chair, Mark Buchvalt but will there still be an access point on Hamilton, Mark Geosits yes, they will be able to make a right and then a left, the road will be a permanent easement, Atty. Oldrich Foucek so how will you limit who is able to go across, Mark Geosits it will have to be signed private drive, Atty. Oldrich Foucek that will be up to Mr. Bochos because I see people trying to go across the easement to get back on to Hamilton. Vice Chair, Mark Buchvalt so the gentleman that owns the loading dock he is not interested in having his vehicles use the new roadway, Mark Geosits his trucks are so large he has to use his access. Secretary, Richard Button stated he read the comment of the gentlemen who owns the loading dock, and wanted to know if he was ok with the new plan and if he was at the meeting? Mark Geosits states Mr. Olson was ok and was available to speak but they had already spoken on the phone. Atty. Oldrich Foucek Anybody in the audience have any interest or questions to this street vacation? Mr. Olson who owns the loading dock asked about property lines and site triangle and the research done on that. Mr. Geosits states they are not encroaching on his property, it is an extension of Court Street and stated Mr. Olson's property line is the northern edge of the area they are purchasing from Mr. Bochos, Mr. Olson states he is not sure where that property line is, Mr. Geosits stated when Riverside drive is constructed there will be monuments to give some indication to where property line is at and the scale from Mr. Olson's building is about 10 ft. Secretary, Richard Button asks Mr. Olson if the arrangement works for him and Mr. Olson states yes. Atty. Oldrich Foucek makes motion to approve, Damien Brown seconds, board unanimously approves.

NEW BUSINESS:

Resolutions #2019-69 thru #2019-97 Request to determine whether the following vacant properties are blighted pursuant to the provisions of the Urban Redevelopment Blighted Property Acquisition Act.

Atty. Oldrich Foucek stated we have 2 groups of properties one for the purpose of the declaring the property blighted pursuant to the provisions of the Urban Redevelopment Blighted Property

Acquisition Act and the second group to determine that the procedures under the Urban Redevelopment law have been followed for the taking of the property.

Kelly McElroy, Redevelopment Authority stated they did meet with the blight property review committee and they determined that the first list did meet one or more criteria of blight and the second list they did certify them. The first property:

39 S. 13th Street meets blight criteria 1, 2, 7 8 9 10 and 12 and listed 3yrs in the BPR and has 3 years of taxes due.

107 - 109 S. 8th Street meets blight criteria 1 2 3 9 and 12

126 N. College Street meets blight criteria 1 2 3 5 9 and 12 and 2018 taxes are due

127 S. Saint Cloud Street meets blight criteria 1 2 3 5 and 12 presale on property

212 S. Carlisle Street meets blight criteria 1 2 3 5 9 and 12 listed in the vacant property registry for 2 years and presale on property

224-226 S. Carlisle Street meets blight criteria 1 2 3 5 and 12 multi-unit property

225 W. Court Street meets blight criteria 1 2 3 8 9 and 12 listed in the VPR

246 E. Maple Street meets blight criteria 1 2 3 5 8 and 12

305 N. Jordan Street meets blight criteria 1 2 3 4 7 10 and 12

416 W. Washington Street meets blight criteria 1 2 and 12

419 N. 4th Street meets blight criteria 1 2 4 7 8 and 9 owner deceased and 2 years of back Taxes

419 N. 6th Street meets blight criteria 1 2 3 5 9 and 12 located in the HARB district, listed in the VPR, and 2 years of taxes due

422.5 N. 4th Street meets blight criteria 1 2 3 5 10 and 12

430 N. Penn Street meets blight criteria 1 2 8 and 12 owner was at meeting yesterday and stated he is interested in pursuing work on that property

514 W. Liberty Street meets blight criteria 1 2 3 5 8 and 12 located in the HARB district, presale on property

516 N. 18th Street meets blight criteria 1 2 5 and 12

624 N. Law Street meets blight criteria 1 2 3 5 9 and 12 located in HARB, REO (Real Estate Owned property so went through the foreclosure process) been listed in the VPR for 3 years, also a presale was owned by bank and was a foreclosure, went under agreement in September.

624 N. New Street meets blight criteria 1 2 3 5 9 10 and 12, is a REO and been listed in VPR (Vacant Property Registry) for 7 years

639 - 645 N. 8th Street meets blight criteria 1 2 and 12 former republican club

732 W. Tilghman Street meets blight criteria 1 2 3 9 and 12 industrial warehouse

739 W. Tilghman Street meets blight criteria 1 2 3 4 9 and 12 this property was recently sold and will follow the presale

801 N. 4th Street meets blight criteria 1 2 3 5 and 12 commercial property, it was deregistered from the VPR because the bank satisfied the mortgage, there was a fire in this building

824 N. 5th Street meets blight criteria 1 2 3 5 7 9 11 and 12, the owner is deceased, at other meetings the board certified the other 3 properties that were in line with the sink hold and this is one of the other properties

926 W. Liberty Street meets blight criteria 1 2 3 5 and 12 located in the HARB, deregistered from the VPR but was listed for 2yrs

1038 Spring Garden meets blight criteria 1 2 3 5 and 12 and active in VPR for 2yrs

1134 W. Walnut Street meets blight criteria 1 2 3 10 and 12 active in VPR for 4yrs

2229 E. Columbia Street meets blight criteria 1 2 3 5 9 and 12 recently sold will need presale

Atty. Oldrich Foucek asks if anyone in the audience had any questions about any of these properties.

Kenneth Heffentreger N. 14th Street Downtown Tenant Association, wanted to know about property on Washington Street the one that burned, Kelly stated he was referencing 801 N. 4th Street Ken wanted to confirm the bank owns, Kelly stated the bank satisfied the mortgage.

Atty. Oldrich Foucek stated he wanted to make a point that the agenda lists for this group of properties resolutions 2019-69 thru 2019-97 he thinks it is more through 2019-95 we have a series of resolutions with respect to each of these properties the first being 2019-69 the last being 2019-95 those resolutions each are that the planning commission determines each of the properties is blighted as defined in the PA Urban Redevelopment law based on the information they have received, second the owner of the property is to eliminate the conditions of blight, and is notified that failure to do so will render the property subject to condemnation of the Pa Urban Redevelopment law and finally the bureau of buildings standard and safety is directed to send the owner of the property a copy of the resolution and the notices of the conditions causing the blight that must be eliminated. Atty. Oldrich Foucek stated they have resolutions for each of these and will except a motion to approve each of these resolutions 2019-69 through 2019-95, Chairman made motion to approve, Richard Button seconded, and the board unanimously approved.

Resolutions #2019-98 thru #2019-127 Certifying to the Redevelopment Authority of the City of Allentown that provisions of the Urban Redevelopment Law (Section 1712.1) entitled Blighted Property Removal have been followed for the properties listed below:

Atty. Oldrich Foucek advises that takes care of the first group, now for the second group and again correcting the agenda this is respect to resolutions 2019-96 thru 2019-125 these are properties that have previously been determined to be blighted and now we need to determine that the properties remain vacant and the owner were properly served with notices of blight and that they have failed to correct the blight conditions to take them off the blighted list.

Kelly McElroy, Redevelopment Authority begins going over the properties:

26 N. 13th Street meets blight criteria 1 2 and 12 it is an office space

101 S. 8th Street meets blight criteria 1 2 4 5 and 12 commercial garage

116 N. 8th Street meets blight criteria 1 2 8 and 12 commercial property and listed in VPR for 5yrs and owners were at meeting yesterday and interested in working on the property

129 Chestnut Street meets blight criteria 1 2 3 5 and 12 and 2018 taxes are due

132 N. 12th Street meets blight criteria 1 2 5 9 and 12 HARB district, 2 years of taxes are due

136 S. 8th Street meets blight criteria 1 2 5 9 and 12 2 years of taxes are due

137 S. Jefferson Street meets blight criteria 1 2 9 and 12 registered in 2012 for the VPR

147 N. Ellsworth Street meets blight criteria 1 2 3 5 9 and 12 active in VPR, presale status

147 W. Turner Street meets blight criteria 1 2 5 9 and 12 Granddaughter of owner is interested in purchasing property and doing the work, but it is a lot of work.

218 Chestnut Street meets blight criteria 1 2 3 5 9 and 12

325 N. 9th Street meets blight criteria 1 2 3 4 9 and 12 HARB district and 2018 taxes due

335 N. Fulton Street meets blight criteria 1 3 and 12 VPR 2yrs

408 1/2 N Penn Street meets blight criteria 1 2 and 12, 5yrs of taxes due

409 N. 5th Street meets blight criteria 1 2 3 9 and 12 listed in VPR for 6yrs

510 Park Street meets blight criteria 1 2 3 4 5 9 and 12 HARB district, pre-sale

512 N. 4th Street meets blight criteria 1 2 and 12 was deregistered in the VPR the owner is working on property and wants it off the blighted list

532 W. Allen Street meets blight criteria 1 2 3 and 12 HARB district

631 Allen Street meets blight criteria 1 2 and 12 HARB, withdrawn from mls and listed in VPR for 2yrs

714 N. 8th Street meets blight criteria 2 3 4 9 and 12 VPR for 2yrs

733 North Street meets blight criteria 1 9 and 12, located in HARB and presale

734 N. 5th Street meets blight criteria 1 3 and 12 owner deceased

813 N. Silk Street meets blight criteria 1 2 8 9 and 12 owner was at meeting and work is in progress

942 S. Race Street meets blight criteria 3 9 and 12, listed in VPR for 3yrs and 2018 taxes are due

954 W. Green Street meets blight criteria 1 3 4 5 9 and 12 listed in VPR 7yrs

1028 W. Chew Street meets blight criteria 1 2 3 5 9 and 12 located in HARB and 6yrs of taxes due

1122 Lehigh Street meets blight criteria 1 2 3 4 5 9 and 12 listed in VPR 1 yr

1216 Chew Street meets blight criteria 1 2 5 9 and 12 listed in VPR 5yrs recently sold in July and has pre-sale

1250 W. Gordon Street meets blight criteria 1 2 5 9 and 12 was deregistered because it was sold at sheriff sale and needs pre-sale

1621 S. Race Street meets blight criteria 1 2 3 and 12, REO was listed in VPR for 2yrs, agent for Freddie Mac bank will be rehabbing property to code compliance

1643 W. Turner Street meets blight criteria 1 2 5 9 and 12, HARB

Atty. Oldrich Foucek states we have a series of resolutions beginning with 2019-96 that would be for 26 N. 13th Street running through resolution 2019-125 that would be for 1643 W Turner Street, the resolutions provide that one the individual properties are vacant , two that the owners of property were properly served with notices of blight, and with order to remove conditions causing the blight, notified that the failure to remove the conditions might render the property subject to condemnation and that the time period for appeal of those notices have expired and there are no pending appeals. Atty. Oldrich Foucek asks if anyone is interested in these properties in the audience:

Kenneth Heffentreger N. 14th Street Downtown Tenant Association, mentions 1250 W. Gordon still has people living in it and the people across the street said people are in that home, cops have been called but nothing has been done.

Atty. Oldrich Foucek makes motion to approve resolutions 2019-96 thru 2019-125, Richard Button seconds 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 a new R-MP(A) Zoning District and to revise the Zoning map to apply the R-MP(A) District to those parcels as requested by St. Elmo Development, LLC.

Atty. Oldrich Foucek asks who will take the lead to start the discussion

Stephen Rohrbach, owner of 303 S. Saint Elmo states just as a recap they were here in July and tabled any further discussion on the rezoning of the property, to pursue more information, at that meeting council made several suggestions one is that the owner of the other property Abe Atiyeh would be present, and he is here today to answer questions anyone may have. There was discussion of the environmental status of the property of phase 1 was completed by Cedarville engineering group that cleared without issue, suggestion for professional land design we contracted with URDC and Charlie Schmehl he is here today to answer questions on specific language being presented, and also to meet with staff to review the characteristics of the neighborhood Steven stated him and Charlie Schmehl did that visited with staff, suggested we meet with neighbors of the area, last Thursday after the language complete they met with Raub area community watch to make presentation to them staff requested specifically that language be presented for new zoning district to address the changes and that language has been reviewed by an attorney Erich Schock Fitzpatrick Lentz & Bubba. The language before you today has been vetted by the staff and believe that language has made significant improvements to many of the concerns they heard from the neighbors and the commission in that previously we were asking for a RM this change has a lower

density then a RM it has open space requirements, larger or setbacks from existing properties as well as the opportunity for age restriction to minimize impact on school district.

Chairman, Oldrich Foucek asks if Stephen Rohrbach saw the staff recommendations report, Stephen Rohrbach stated just the front page when it came through the back page did not make it, Chairman stated that is where the recommendations were.

Charlie Schmehl tells Stephen he will speak to raise a few points, Charlie states Urban Research and Development Corporation out of Bethlehem. He stated he handed out copy of the ordinance, sketch plan, information about traffic generation, and a location map. There are 2 properties involved a Northern property used for storage businesses and Southern property that has fill in from a former stone quarry, the city has been putting concrete filling in, think we can all agree that the current zoning is not fair, it is a park district there is no city park land involved in this project, there is public park land to the north even though it's in a parked zoning district. The applicants are seeking residential use, and he thinks the main question should be what density is appropriate and how it should be laid out. Taking a step back as far as access alternatives, there was a discussion to about having a new road to the South and Martin Luther King Drive, we are concerned about the difficulties of receiving City Council approval across parkland and also concerned about the cost of blasting to get that road through, so this alternative right now shows the main access coming out on St. Elmo there is room to make site distance improvements as needed where the current driveway is on the Southern property, It is envisioned that the Fairview access will be for emergency access only. We are not here to discuss engineering matters but that is the current proposal. We are proposing to promote senior housing, age restricted housing, we cannot to limit it to that, but the proposal is to have a significant density incentive to encourage that development. Mr. Schmehl states Mr. Rohrbach has expressed an interest in doing 55 and older housing on his portion of the property. Mr. Schmehl states there is less traffic on the average according to the institute transportation engineering stats 5 attached senior housing has about the same amount of traffic as 2 single family detached houses without age restriction. So, we can accommodate a larger number of units with the same average amount of traffic being generated. The main benefit is to the school district any revenue will add profit to the school district and it is less water use, less sewage use, less parking and there is data in the packets given to board members. The proposed ordinance will have a few things that tailored to this site, proposing a start out with the residential plan district which was used successfully around Wegmans for the townhouses and apartments in that area. They feel a higher density is necessary because of the construction costs and the development costs in this area, to compact the land, to stabilize it, there is a lot of grating involved, a lot of stone to be addressed, some blasting needed because it was a stone quarry on the southern part and some demolishing is needed, so they feel the current density for 6 homes per acre for townhouses in the RP district is too low to make this work, it won't work. So they are asking to start with what you know as the RP district and have some variations to that, one would be that apartments would only be allowed unless they were age restricted otherwise you could not build any apartments, the apartments would have to be at least 250 ft away from homes to the east a little less than one football field, so they are trying to address the concerns of the neighbors that they will not have apartment buildings next to them and if there are any in the site they will be age restricted. Secondly there will be a 30-foot-wide buffer proposed on the eastern side of the property in the ordinance that will most likely be preserved existing trees and new trees planted as necessary. The adjacent zoning does allow higher density 18.5 homes per acre an average, they are proposing 11.5 homes per acre if there is no age restriction and 15 if there is age restriction. The last point is that envision there will be a trail system that will connect these homes to the new trail link that the city is proposing parallel to St. Elmo to get down to the Martin Luther King trail system. They are here to answer any questions the city may have and notice the city is suggesting using the RMP with the cottage housing option, Charlie Schmehl stated he wrote the cottage housing option for the city, and it was pretty much tailored to one site in that case, and it had a couple corks in it based upon what that developer sought to do. There might be some elements they can work with but thinks that particular cottage housing option was envisioned

for small houses with like shared dining facilities and things of that nature, it may not quite fit to this property.

Atty. Oldrich Foucek asked Mr. Schmehl, there are current residential zones in the ordinance that would allow for age restricted houses, you don't need a special zone to do any restrictions to the housing correct?

Charlie Schmehl states that is correct, the question is what types of market-based incentives they can use to make it very likely that will happen on this site.

Atty. Oldrich Foucek states that is a significant question, can Mr. Schmehl point out one reason why age restricted housing might be something that should be promoted from the school districts point of view, states no one is here from the school district but the conventional wisdom is that school districts love new developments as long as there are no kids there, but we represent the city not the school district and he argues if not throughout the city but certain areas of the city that young people might be what we want to see, this is right next to park, right across from school, keep neighborhoods vital, his way of thinking you need the entire spectrum of age, he is a little reluctant to push a plan or rezoning that is going to end up in age restriction if not total but at least in part, and if in part maybe could accept some age restriction, but you are presenting us a plan that in reaction to what we asked a month or 2 ago, we said let's see your plan and your plan is age restriction and he thinks he is not sure he wants to push age restrictions in the city.

Charlie Schmehl states Abe Atiyeh can speak on Atty. Oldrich Foucek's concerns.

Abe Atiyeh states what initiated this whole thing, about 7 or 8 months ago there was an article in the morning call stating Allentown needs more workforce housing, home ownership, he met with the Mayor and said Mayor Allen Jennings is saying we need more home ownership in the city. He states he has St. Elmo and a while ago the city approved this to go RM and they were going to put 50 townhomes there, it's a perfect site the self-storage facility is not working for us, it's partially filled so he thought let's rezone St. Elmo for affordable workforce housing so you get home ownership in Allentown instead of rentals. So, went to his neighbor Stephen Rohrbach about the big demand for workforce housing and they teamed presented workforce housing, first plan was high density 2 story townhomes 1200 sq. ft. 3-bedroom, 2 parking spots out front typical home ownership product, then the board said it was too dense because the RM allowed for like 300 units and it was a lot for the city. Plan B listening to staff, one of the previous board members brought up the age restricted market and I told them this is what I do, I am in the retirement business, I have 600 beds in the Lehigh Valley, we are building independent livings, in Emmaus Phoebe is building a nice retirement community, active adults are going out into the suburbs, it is hard to bring age restricted into the city I don't think the demand is there.

Atty. Oldrich Foucek states that is why he did not make a comment about demand, I made more of a comment about the culture.

Abe Atiyeh states that is why Stephen Rohrbach told him we have to give them a option, and Abe Atiyeh states he does not think a age restricted option is going to work anyway. We just put in the ordinance as an option so we can either go to 12 units per acre, we are not getting 16 or 17 so brings down total density, but to keep the suggested plan people want age restricted but he does not think it is viable, with this market right now if you put age restricted in city of Allentown, the people are not going to come in the city of Allentown, the people that are age restricted are going to go out to the suburbs, it's the facts, Whitehall etc. states he was against it in the beginning but it was presented to staff to satisfy staff. But what has brought us here the demand for workforce housing in the city of Allentown, home ownership, Allentown pride, you own your house no more rent checks, that is exactly what we are trying to do.

Atty. Oldrich Foucek asks Abe Atiyeh has he or Charlie Schmehl discussed the density issue whether it's age restricted or not.

Abe Atiyeh responds by asking Mr. Schmehl, Mr. Schmehl states the density is 11.5 without age restriction 15 if it is age restriction and apartments can only be built if it is age restricted.

Abe Atiyeh states 11.5 is really what is going to end up here at home ownership, the market is hot, interest rates are great, banks are lending money, two- income households you never seen two people in a house working and they are each bringing in 50,000 each, it's a lot of money and people want to own. And the people that are renting in Allentown that have jobs, it is still expensive to go out to the Parkland area and East Penn school district, they are charging 270-280,000 for a townhome and we are going to be in the 180-190,000

range for a townhome so we are building affordable 2 story townhome. Abe Atiyeh states he works with the publicly traded company Ryan Homes is a customer of mine, I know what a buildable job is right now and being able to own a home right now in the city of Allentown in the 180-199,000 range will sell.

Abe Atiyeh asks Mr. Schmehl based on the 11 unit per acre what would be the maximum density on total project, because we were at 300 then sliced down to 200 range? Mr. Schmehl states 240 not age restricted.

Abe Atiyeh states down to 240 from request of 300, not age restricted, and that is the way we are going and there are a lot of reasons here, are there contaminants on the site no, there used to be a railroad bed that went through my St. Elmo track where each industries used to be, I did phase 1, phase 2 we sold pro because the railroad bed there are no contaminants and there are reports to say that matched from environmental company, the bank requested that when he bought the site. Converted 1 old warehouse into self-storage, it's a failed project, it's loaded with rock it was a quarry, so much rock on his side of the parcel and Stephen's side was a fill in, was filled in used to be a water hole, based on his experience they are going to have rock on his side, conditions with foundations, not going to put any basements, but still going to be very expensive site prep, soil prep, soil compact and Stephen's site with very little known soil conditions, that is why we have to figure it to be very expensive to improve this site.

Atty Oldrich Foucek stated he knows that is their calculus, the Planning Commissions calculus is there is a point in what's to dense, you want to put more because of cost, and we are saying that is your problem, our issue is what density is appropriate for this location in the city forgetting what it cost to develop it.

Abe Atiyeh states this is the city of Allentown not the township of Allentown, there is a difference he works in South Whitehall, every township in the Lehigh Valley, this is a city this is an urban project, and this adjoins RM. Abe Atiyeh asks Mr. Schmehl what's density per unit in a RM, Mr. Schmehl advises 18.5.

Damien Brown states it also adjoins RML to the west.

Abe Atiyeh on the other side they are all single-family homes, that's across in a different neighborhood.

Atty Oldrich Foucek states it is looking east and Mr. Browns has a fair point.

Abe Atiyeh understands the single homes, but the reason why they are here is to satisfy workforce housing in the city of Allentown and create home ownership it's the facts and give a decent density on the site, we asked for 300 we are down to 240 and thinks they are being very reasonable in their requests.

Atty Oldrich Foucek asks so these are townhomes and apartments to the Southwest?

Abe Atiyeh states yes age restricted apartment community, which might work but probably not it's very risky we would never build them we would key off and build models and show 2 or 3 of the models of the units and go head and build and sell.

Mark Buchvalt asks what would be the density based on the recommendation in the staff letter, is it clear from the zoning, I think the other issue Irene was looking at in the letter is that we are in the middle of revamping our ordinance, so there was some reluctance to introduce a new ordinance at this time, that is why Irene was maybe trying to work with you and point you to a different , maybe rezoning request that would get you closer to the numbers you guys are looking at but not introduce a new zoning ordinance and you guys not waiting until the comp plan is fully done and maybe working this into the comp plan and hold you up.

Abe Atiyeh states Charlie Schmehl is also aware that the issue of the market right now is hot if we waited for the total comprehensive plan to go through rates might go up, demand goes down, next thing you know the project is not feasible.

Mark Buchvalt states that is why Irene was trying to avoid that and working with the zoning district we currently have that might work with it.

Abe Atiyeh states they went in for a zoning variance to put townhomes in instead of self-storage, because it used to be a truck site, eastern industries, dump trucks, concrete trucks, 40 ft trailers coming in every day 50-60 trips, mix concrete and take concrete trucks out, this was a very busy site.

Atty Oldrich Foucek asks so you ended up going in front of the court.

Abe Atiyeh states he went for a zoning variance in front of zoning board to convert to townhomes from self-storage, zoning board said they like the idea, it wasn't too dense however we have to go in front of planning and council and get a rezone because they did not legally have hardship for variance at that time, so went to court and did not argue the case.

Atty Oldrich Foucek asked if Abe Atiyeh remembers how many units for the plan they were submitting, Abe Atiyeh states on his side of track it was around 70 some units, Atty Oldrich Foucek asks if Mr. Rohrbach was a part, Abe Atiyeh states no because that was when it was just on his part of the street.

Tony Toth states wants to be sure we are speaking apples to apples because he thinks we are co-mingling the 2 parcels and we have some history with the Northern parcel which Abe Atiyeh is speaking of and now we are adding on the Southern parcel, so some of the things Abe Atiyeh is saying about his parcel may not reflect or be accurate of the Southern parcel. So, want to be clear for everyone in the audience and the commission, that some of the history Abe Atiyeh is speaking of does not necessarily reflect the history of Southern portion of the property.

Lady in the audience: I guess my point is if it did not work previously why would it work now?

Abe Atiyeh states because of the need for workforce housing, that's why we are here because of affordable home ownership in Allentown.

Lady in the audience So why are we looking at 42, what has changed?

Abe Atiyeh because we are trying to give a reasonable amount, when we first came in on my side of the track we wanted 90 some units, now we are down to 70 units, if we reduce it anymore the project is not feasible. You can't cut the roads, put water and sewer, natural gas in the lines, pave it up to city standards, put curbing in, sidewalks in, tree and landscaping and lighting in and only get 40 units, you would have to sell those units for 300,000 and nobody is going to buy a townhome in Allentown for 300,000, that is why we are trying to get an increase in density.

Lady in the audience: If it is going to cost this much you have to do all this stuff to put it why bother doing it, why do you buy a property when you know it is zoned differently and then try to get it rezoned , I lived one block from that quarry since 1967 and it wasn't a puddle it was a deep quarry they filled it with cement and stuff and I don't want blasting one block from my home.

Tony Toth states one of the things he spoke about at the previous meeting is looking back before we look forward and before we even put brick and mortar on this site let's look back at what was on this site this was a quarry operation on the Southern portion the quarry was about 2/3 of the entire property filled with water then it was pumped then it was quarried over periods of time dean owned it, this was uncontrolled dumping site. No one in the audience or the board members can say that it was all interim materials, everyone was dumping there, someone made a key, there was concrete, asphalt, organics, when you dump organics what do you have decomposition, so my question is how are you going to get financing on a former quarry site when you know there is going to be issues with subsidence issues we are talking major investment in subsurface geotechnical investigation before we even to brick and mortar on this property and we are putting houses on a former quarry, where is an example in the Lehigh Valley, Eastern Pennsylvania where we have done this, took an existing quarry site and put houses on.

Charlie Schmehl states there has been major redevelopments in East Whiteland township, Chester County on a former quarry mainly businesses.

Abe Atiyeh states there is laws in PA for soil compacting testing, you have to have an inspector out there, when you do a footing it has to be inspected by a professional, you can't pour foundation on not knowing what is down there, you have to do tests, no matter where you go everything has to be compacted and tested and abide by professionals so that is our risk.

Tony Toth states he understands Abe Atiyeh, but geotechnical testing is only going to be able to go down so far we are not going to be able to go down to the level where dumping began.

Abe Atiyeh states they do spread fillings, if there is risk and there is a quarry, then they do a spread footer.

Atty Oldrich Foucek states putting a spread footer on multiple units and have a subsidence or a void and you get a crack somewhere it will affect the entire row of units.

Abe Atiyeh agrees and states once they get the rezoning, they still have to come back for planning review and board still has to say show us that the quarry is worthy of a foundation because it was the law.

Tony Toth states a lot has been said and he wants to represent himself at the moment and feels that parks is the correct designation because what is there, historically what was used for, and the potential for subsidence as well as other environmental issues that are on this, states he is speaking more of the Southern property.

Abe Atiyeh states that Tony Toth as a board member cannot say there are environmental issues on the site, or the site is contaminated that is not proper.

Tony Toth states what he is saying is we as a board need to look at what is proper zoning, and viability of the site, knowing full well what was on the site, and what are the implications there and the hurdles to get over, how do you even get financing for a development on that site.

Abe Atiyeh states that is there business and Tony Toth is trying to run his business, states they are in front of the board for a recommendation, whether the amount of intensity we are getting there is capable with the neighborhood this way or that way, you have singles here and you have high density here, we are asking you a reasonable request of density in between this little in fill project, that is all we are asking, you say yes or no and we are ok if you say no, you say you give us a recommendation that it should not be rezoned fine we want to go to council, let the leaders of our city decide. Mr. Toth your points are well taken, that is part of coming in front of planning commission again and saying hey we probed this area and these soil conditions are bad and we are not going to build units there that could happen, we could not pass tests, we drove down there and this area where the corridor wasn't bad we might say it was too expensive to build units in there so we are going to build a parking lot that could happen.

Tony Toth states that is his point then why don't we take one step at a time instead of going through the rezoning process why don't you see what the viability of the site is.

Abe Atiyeh well we feel it is viable based on my experience, states he has been doing this for 45yrs and his site next door owned for 15yrs, did the project on Mack Blvd. it was very contaminated, a lot of issues and did that project successfully built 80 units on a contaminated site, states he built that project. Tells Mr. Toth his thoughts are more towards making a park there and Allentown can't even afford to manage the parks right now, it is under budgeted, they have problems cutting the grass, they don't need any parks.

Tony Toth stated he never said he intended for it to be a park for the city of Allentown, states what he said was he feels the parks district in the zoning ordinance is sufficient and adequate for what it is right now.

Charlie Schmehl asks the Chairman if he can make a couple comments getting back to the zoning, he states in answer to the question about the cottage housing, it allows 10 homes per acre, it allows townhomes, it does have a series of design standards that was based upon some projects that were built in the Seattle area which at that time the developer wanted to do. So, there are certain standards the homes have to face on to open space they have to have front porches, and I can't promise that my client is comfortable with that because he has not reviewed it.

Atty. Oldrich Foucek asks Mr. Schmehl so you have not even sketched that concept out for this property.

Charlie Schmehl states correct we did not look at the cottage housing option for this property and from what he was told they were not envisioning this kind of project, I mean it is a possibility.

Atty. Oldrich Foucek states it does seem that your two clients may be opposed in terms as to what their visions are for this property, Mr. Rohrbach is pushing the age restricted which is what you sketched out a plan for, Mr. Atiyeh for different reasons as said he does not think it's a viable use.

Charlie Schmehl states although this sketch would work with for instance regular townhomes to the North and age restricted to the South it would work, you would lose a few units on the North side.

Atty. Oldrich Foucek states he does not want to derail this but he thinks it might be a fair exercise to see if you did apply the cottage housing what we currently have in the ordinance wouldn't require any jumping through hopes no amendments, what would that look like for this site, instead of 11 it's 10 so 1 or 2 less units yes you have some other requirements but an engineering planner can work with that, let's see if you can push that square peg into this square hole and that's the case and if you still want to have some of the age restricted maybe it's not economically viable, but what can you do under the present zoning circumstances if that were something that were viable I think that those would agree that, that is where we should go as opposed to crafting an entirely new zoning ordinance for this particular track.

Mark Buchvalt states and what happens if you create a new zoning ordinance it affects other parcels in the city, and that is another concern of the comprehensive plan we wouldn't just create one zoning district and apply it to this one site.

Charlie Schmehl states although it is a significant enough land you can justify the zoning

Atty. Oldrich Foucek states he thinks to the point you create a zone and you have to look at the fact is there some place else someone would argue is more appropriate, I do think if you're talking about a difference between 11 and 10 per acre for non-age restricted.

Charlie Schmehl states they could propose the cottage with an age restricted on top of it, there are variations that could be done.

Atty. Oldrich Foucek states he understands where Mr. Toth is coming from, he is not sure it is appropriate.

Charlie Schmehl states he thinks other people in the city that are, because there are people very considerate about the school district and the finances.

Atty. Oldrich Foucek states he is not talking the age restriction, he is talking about spending all the money before you decide whether everything is viable. States he is more of the mind what is this parcel which is right now underutilized, what is an appropriate use for this property and what to get there, what if any modifications to the zoning ordinance do we need and if we conclude that we don't need any, then we'll change it to one of zones we currently have.

Charlie Schmehl states he wanted to make a point that the parks district is not viable and if someone wanted to as you know they could challenge that zoning and they would win in court, I am not an attorney but anybody can understand that, you can't under the us constitution you can't zone private property per public use, you have to allow everyone reasonable use of the property, so the parks district is not a viable option to remain.

Atty. Oldrich Foucek states it is being used now even within the district.

Charlie Schmehl states his last point would be that he thinks some type of zoning change is necessary so that it is possible to get financing to do the more detailed study, because under the parks district I don't think anybody is going to provide financing to do the full scale of investigations and engineering to make the project work, it's to many uncertainties.

Tony Toth asks Mr. Schmehl about his math regarding the 10 units per acre and the 11 units per acre was that more or less straight math or are you factoring in dimensional requirements and things like that

Charlie Schmehl responds the advantage of the cottage zoning and the RP zoning is they are a flat average, and they were designed on purpose, so you can work with the planning commission and decide what's the best layout to use and you're not stuck trying to figure out how many rectangles you will use, they were designed for a flexible layout.

Mark Buchvalt so I think where we are at right now, you are looking for a recommendation from us and I tend to agree that some type of change to this property makes sense but I think where we are at our planning department would like more time if you would like to create a completely new zoning district to review it, take into consideration what is happening with the comp plan if you want to move a little quicker than I think it makes sense to maybe take a look at this plan and see how it looks compared to a current zoning ordinance that would make sense in context with the neighborhood, I don't want to speak for everyone on the board but I think

we are giving you some options as to how you want to proceed and then I am sure we can make a recommendation.

Charlie Schmehl states just so you understand the cottage zoning is more of a traditional neighborhood development when it's setup.

Atty. Oldrich Foucek asks is Wegmans an example of that?

Charlie Schmehl responds no that was the RMP that was more the townhouse/apartment layout.

Atty. Oldrich Foucek states so we don't have an example of that in the city?

Charlie Schmehl it was not built, and I cannot think of a project on the East Coast that was specifically like that.

Damien Brown states the feel of Overlook Park is probably the closest thing locally that would resemble, however that was achieved through a number of different variances as opposed to a zoning change.

Richard Goursky Hamilton Park the area of single houses to the West, and to my knowledge no one in Hamilton Park was notified of this hearing except the houses on St. Elmo Street. Now I understand we are talking about an entrance way only on St. Elmo Street, has any studies been done about the intersection of St. Elmo and Union, St. Elmo and Martin Luther King, those intersections are possible, I live on the corner of St. Elmo, I have called the police about several accidents, this is going to be just one exit now on St. Elmo which is like a rural road, curving, it's in a flood plain, they close it off when there is heavy rains, there are trails of deer coming West across St. Elmo to the open space area where this quarry is, we are not asking for a park, we are just asking for it to stay as an open area. Allentown has enough areas with Urban renewal to build these types of developments rather than taking open areas away.

Deborah Rose lives right above property, through the woods on Cedar Creek. Has been to planning commission at least 4 times maybe 5 to see that these people don't ruin our neighborhood, he has talked 3 times he was building 4 big apartment buildings that will house 900 units, then 700 units, then trying to sell a bill of goods to these poor people who wanted to build a church community on the property. St. Elmo street is on a flood plain if any of you know the Union Terrace area we get flooded all the time, so I don't know what they are trying to do with St. Elmo street to make it accessible to get up the hill to get into the quarry or into your storage property because that is not a proper road, because it is gravel at best. When I was a kid it has been a quarry, the cliffs are very high, it was filled with water, and true over the years filled with concrete dump everything you name it so whatever kind of testing you're going to have to do your going to have to do it before you change a zoning law, to allow them to do this, states they just want to make money, they have been doing this for years with this property and every other piece of property around time he owns. Another point with 240 units with I don't how many acres Mr. Atiyeh owns but the other guy, if you're talking about a non-age restricted community your talking at least 1 car per family 240 cars into a densely populated neighborhood as is, row homes, twin homes that's what this neighborhood is about until you get above St. Elmo street, so 240 more kids into the school district, Union Terrace is already overcrowded, all the elementary schools are this would not be any kind of good to put another 240 kids in a school that is supposed to house about 350 there are about 500 right now with trailers in the parking lot.

Sherri Baine lived in the area since 1996, purchased home in 2005, back yard is the old quarry, seen all the filling and everything that's going on wondering what's going on, has pictures of all the animals, where are all the animals going to go if you tear all of that down. Also, is there an ordinance in Allentown where you have to have a certain amount of drain per capita. The flooding is bad St. Elmo and Union St, there are times like lights in the parkway they close off that part of Martin Luther and St. Elmo so if there are homes put into that area these people are not going to be able to get out. Plus, I think the reason why they changed the area to a park is because of the creek that goes through, I don't think the land is good for building the homes there because of the flooding that takes place and I think they are using that for a buffer. And the school zone is crazy at certain times and the after-school activities and you're going to add more traffic to that whole area, I just don't think it is a good area, maybe Allentown does need the additional homes but that is not a good location, has seen a lot of accidents as well, it is a blind curve that comes around St. Elmo.

Abe Atiyeh, I respect all the neighbors and they all have good points and we don't want to come and harm anyone's neighborhood. We feel that a reasonable request is that we would except city staff no RMPA, or RMP

which is what the staff recommended it decreases our density down to 10 units per acre max, and we would stick within that density and we would have to come back to talk about the roads and all the soil testing and we will prove engineering wise whether our lots are permitted if there are quarry areas where the soil does not compact then we are going to make that a green space, certain areas we are going to move around for the 10 units per acre and just work around the developable part of the site. We would like to move the project forward please, if you could recommend favorably we would like that we feel creating home ownership in Allentown, 10 units per acre in the city of Allentown, not the township of Allentown.

Atty. Oldrich Foucek to the East it is fairly high density it is rowhomes, 1 block to the West you have homes that are sitting half acre lots.

Mark Buchvalt you are kind of in the transition, you've got denser, then there is you, then there's park, then there is single family so to go for a little more density on this side does make sense, I don't think it's out of character.

Abe Atiyeh, I promise you we will deal with the flooding issues, the rock, the soil issues, we are going to landscape and tree it, light it nice and bring home ownership into the city of Allentown, all we are asking is please vote favor over our request and asking for the RMP zone that is acceptable by staff that we thought would be a reasonable request in the city of Allentown.

Audience asks what Abe Atiyeh would do with all the animals

Abe Atiyeh states there is going to be green space.

David McGuire 1500 Hamilton St, corner of Hamilton and 15th St. states he was here 20yrs ago when Mr. Atiyeh came and the issue at that time was based on the zoning at the time and it is still the zoning that is here now. You can put a cemetery and some other things but at that time the industrial activity had ceased yet all the equipment was left there. When Mr. Atiyeh bought the property, he made efforts to make a positive use of the property and those were things that were permitted under the zoning at that place. Mr. McGuire makes references to maps on screen and speaks on history of property. States he believes this a non-usable site and would make a suggestion that Mr. Atiyeh owns a property that has an environmental significance to the city, asked if he had considered donating the property to the city of Allentown and he would be able to get the tax benefit back from it, there may be other benefits from the state of PA as well.

Atty. Oldrich Foucek states he would ask staff about some of the points made by some of the neighbors, St. Elmo is a problem from the traffic perspective, the flooding issues that arise periodically, asks when the city did there analysis of this did they take any of those things into consideration as opposed to what's the adjoining uses, or what is appropriate from standard text book planning, because if these other issues were not addressed, I think in the context of good planning they should be thought about before staff makes a final recommendation, just trying to understand the process.

Irene Woodward states they were mainly looking at adjoined uses and zoning related, but also recognize that the next phase of a plan would come, and all of those other elements would be reviewed, there would be engineering, traffic etc.

Atty. Oldrich Foucek states they would be looking at those issues as one in respect to the planning and development process as opposed to what the site might be suitable for from a zoning perspective.

Irene Woodward we were looking at the site in terms of uses and density and what was appropriate for that area.

David Kimmerly stated prior to Irene being here there was a meeting with engineering and with the developers and we talked about the traffic issues in particular and was suggested at that time that there be an entrance directly to Martin Luther from the development in one way to possibly alleviate the traffic. The flooding was not considered and at the time the thinking was that the zoning change should be the same as the zoning to the East, that would be the simplest way to get the zoning changed, that was the thinking at the time.

Stephen Rohrbach states the concept of putting the extension down to Martin Luther King was a result of the density that was inherent to RM and may not necessarily apply to RMP at this point.

David Kimmerly states he wouldn't say that, he thinks that Engineering, the Transportation Planners that were there at the time, the Traffic Engineer and Public Works Director seem to think that pretty much no matter what the density was that, that extension down through part of the city owned property directly to Martin Luther King would be a potential way to alleviate traffic problems, does not think density was a factor in that either way.

Abe Atiyeh adds when they had their first meeting with staff and they were ok with the RM zone but then they had this big road coming into Martin Luther King, when it presented to planners they said no way.

Atty. Oldrich Foucek states he does not think David Kimmerly was with the city at that time and a few of them were not thrilled with another entrance onto Martin Luther King.

David Kimmerly states that it was suggested by engineering to do that road as a way to alleviate the traffic situation.

Abe Atiyeh states that was at 18 units per acre, that was huge, over 300, and the city said no to Martin Luther King and we agree that was too much can have 2 roads St. Elmo and Martin Luther King going out, we agree with planners, staff we agree with, we are trying to blend together something where we have proper access, we have Fairview coming down, we have access from Fairview and then we have one road out to St. Elmo and if there is ever any flooding people are going up Fairview Street to avoid the flooding and that might happen once or twice a year.

Damien Brown states that conversation will be part of the land development plan at some point down the road.

Lady in the audience states she recently read in the newspaper about townhomes on Martin Luther right by north of the parkway.

Atty. Oldrich Foucek states there was approval for high rise apartments

Lady in the audience states that would add to traffic

Atty. Oldrich Foucek states that is a fair comment, in the land development process if this moves forward the developer assuming it is the developers that are here, will come forward and one of the things that is usually dealt with is traffic impact, some engineer is going to tell us based on their experience and expertise what an impact is from this development depending on the proposed development, how many units, bedrooms all those variables and where those cars are likely to go, where they are going and coming from. Part of that equation will also be how busy Martin Luther King going to be, is there going to be required traffic controls, I don't think anyone wants to see any lights or even stop signs on Martin Luther King, but those are issues for the land development process typically. So, we do appreciate the comments and as development occurs at that site where regency towers is, if that adds more that will be factored in to any traffic engineers calculations.

Damien Brown lets the audience know to keep in mind whatever is decided by the planning commission is a recommendation to City Council and they are the ones that will make the final decision on the rezoning of this land.

Atty. Oldrich Foucek states they have 3 options they can recommend, say we don't want it or take no action and let City Council ultimately handle it. I do think we have let staff review this and think about it and they have some ability to apply some expertise to it. I think the appropriate thing to vote upon is the staff recommendation which is to rezone these 2 parcels to RMP which is an existing zoning designation. It was pointed out that this would end up going to City Council for final approval or not, and that is the appropriate matter to vote on. And I would ask for a motion to accept the staff's recommendation which is to rezone these parcels to RMP and then we can have further discussion.

Atty. Oldrich Foucek asks for a motion, Richard Button makes motion, Mark Buchvalt seconds

Tony Toth would like to conclude by saying Mr. Rohrbach, Mr. Atiyeh doesn't matter who it is, to take personality out of this I will respect you here and, on the street, I will make my decision here based on what's in front of us, deal on facts and reality, and what we are permitted to do by law that's how I make my decisions. The way I see it, it's a tale of two tracks, believe the Southern track has more of an issue based on the things I have talked about and the Northern track has more potential for a development. I see it when they are co-

mingled together the potential for rezoning becomes a problem and that is how I see it. You may not like it but I think it further complicates the zoning.

Oldrich Foucek states we have a motion, Mark Buchvalt seconded, he stated after discussion all in favor, Tony Toth stated he opposed.

ADJOURN:

There being no further business, the meeting adjourned at 2:10 p.m.

Respectfully submitted,

Recording Secretary

A video recording of this meeting is available at:

http://allentownpa.granicus.com/MediaPlayer.php?view_id=1&clip_id=722