



Minutes - Final

Planning Commission

Tuesday, June 12, 2018

12:15 PM

Council Chambers

Call to Order

Approval of Minutes of Public Meeting of May 8, 2018

Minutes approved as written

Land Developments / Subdivision

--- Southside Homes-Harrison, 401 Harrison Street & S. Fourth Street,
SMA-2018-00001, preliminary/final plan approval requested by Smart
Living Barber Street, LLC.

The application proposes to construct six (6) townhouse units as a fee
simple residential development.

Phil Malitsch of Hanover Engineering, Inc., Atty. Mark Kaplin and Kenneth
Simons were present.

Mr. Malitsch said this project consists of six houses with no basements due
to proximity of the floodplain and services will come off the Pear Street
alley. No issued with the comment letter received.

Mr. Buchvalt asked about the floodplain. Mr. Malitsch said this is the most
important feature of this property and a technical issue. The elevation of the
floodplain is around 260. The lowest finished floor elevation is a 262-1/4;
which will be a little more than two feet above and the ordinance requires
18 inches above the flood plain. Completed properties will require
floodplain elevation certification from a licensed surveyor.

Atty. Foucek questioned the sidewalk slabs along Harrison Street. Mr.
Geosits answered the curbing is acceptable but the sidewalk along
Harrison Street with the proposed utility work will need to be replaced. Mr.
Malitsch said they would replace sidewalk wherever needed. Atty. Foucek
suggested there be an agreement that they agree to replace sidewalk as
recommended by Staff. Mr. Malitsch concurred. Mr. Buchvalt asked if that
includes the curbing. Mr. Geosits reiterated the curbing is acceptable. Mr.
Malitsch agreed to replace curbing as needed.

Miguel A. Marrero, 415-417 Harrison Street addressed the Commission.
Mr. Marrero stated this lot floods during heavy rains and parking will be an
issue as neighbors and people who go to Trout Creek Park use this lot for

temporary parking. Atty. Foucek pointed out the units will have a garage and at least one additional off street parking. Mr. Marrero said most homes have more than two cars. Atty. Foucek indicated what is planned with on-site parking will not negatively effect on-street parking and complies with the ordinance. The flood issue is the bigger concern and reviewed for zoning relief. Mr. Malitsch stated they are no plans to go to zoning now, as there are things to work out. Mr. Buchvalt clarified the City Ordinance does not restrict development in a flood plain, it just attaches certain conditions. Mr. Geosits said yes.

Atty. Foucek clarified they will be owner occupied. Mr. Malitsch concurred.

A motion was made by Mark Buchvalt, seconded by Christian Brown, that this Planning Commission Item be approved with conditions. The motion carried by the following vote:

Yes: 5 - Oldrich Foucek, Mark Buchvalt, Christian Brown, Damien Brown, and Jeff Glazier

Cars Garage/Storage, 639 E. Allen Street, LMA-2018-00006, sketch plan review requested by Allen Street Development, Inc.

The application proposes to construct a 7,000 sq. ft. garage/storage warehouse and six (6) new parking spaces above the existing gravel area.

Applicant withdrew application from today's meeting.

The Landmark, 90 South 9th Street, LMA-2014-00010, request of Arthur A. Swallow, PLS on behalf of Ascot Circle Realty, LLC to extend conditional preliminary/final approval that includes a waiver from Section 1385.11(B) until July 2, 2019. Conditional preliminary/final plan approval was granted on March 10, 2015 and was automatically suspended until after July 2, 2016 for a two-year period governed by the provisions of the Permit Extension Act, 72 P.S. Section 1602-1 et. seq., as amended by the Act of 87 of 2012, that expires on July 2, 2018.

The application proposed the construction of a 33-story building for office and residential use.

Art Swallow was present and explained the owner is attempting to find a single tenant to occupy the majority of the building. The project proposed is a 33-story building at the corner of S. 9th & Walnut Streets, mainly office with residential on the upper floors. All conditions have been met for construction.

A motion was made by Jeff Glazier, seconded by Mark Buchvalt, that this Planning Commission Item be approved. The motion carried by the following vote:

Yes: 5 - Oldrich Foucek, Mark Buchvalt, Christian Brown, Damien Brown, and Jeff Glazier

Penn Square Section 6, 868 Constitution Drive, LMA-2016-00001,

request of Arthur A. Swallow, PLS on behalf of Allentown Community Development Company to extend conditional preliminary/final approval that includes waivers from Section 1379.03 - B.1.a.3 and B.1.c.6 and Section 1379.04 - A.6, B.11 and E.3 until June 14, 2019. Conditional preliminary/final plan approval granted on June 14, 2016.

The application proposed to construct 54 twin dwellings.

Art Swallow was present and explained the project has been in litigation for the past two years concerning the opening of Albert Street and the litigation is settled. Albert Street will be opened and additional time is needed to accomplish the plan. All major permits, approvals, and outside agencies have been obtained.

Damien Brown asked if Albert Street litigation was court settled or privately settled? Mr. Swallow said private. Mr. Buchvalt asked if the project was phased. Mr. Swallow said it is all one phase, but phasing it could occur to break up the costs of the initial improvements, however, both phases were approved in the final plan approval.

No audience members addressed the Commission.

A motion was made by Christian Brown, seconded by Jeff Glazier, that this Planning Commission Item be approved. The motion carried by the following vote:

Yes: 5 - Oldrich Foucek, Mark Buchvalt, Christian Brown, Damien Brown, and Jeff Glazier

Hamilton Street Overlay District Review

Service Electric Cable TV Inc., 1041-1045 Hamilton Street, design review to install a double-sided Digital ID/MESSAGE projecting sign (4.92 ft. x 4.58 ft.) and individual letter sign (1.04 ft. x 4.67 ft.) halo lit, at front, requested by Valley Wide Signs & Graphics.

Brian Rodenbach of Valley Wide Signs & Graphics represented the applicant and explained the intent of the applicant. One is a digit message sign and the other is a halo lit sign above the entrance. Atty. Foucek asked for clarification on halo lit. Mr. Rodenbach said the light reflects back onto the building and all you will see from the street is the outline of the letters. Atty. Foucek stated there is more concern about the projecting sign. Mr. Rodenbach explained the dimensions, heights and each sign component. Atty. Foucek said the digital sign does not meet the guidelines and wanted to know the owner's intent. Mr. Rodenbach said it would allow them to communicate with their clients, proposed clients as to what they are offering and referenced the digital sign at the PPL Center. Mr. Buchvalt asked if a LED sign has to be wall mounted. Mr. Andrayko said that is correct and the sign at the PPL Center did go to the Zoning Hearing Board as well as this one will be required. Christian Brown suggested improvements to the projecting sign; remove bottom corbeling, correlate trim color to building, convert to external lighting. Motion made by Mr.

Buchvalt to ACCEPT the individual letter sign, halo lit as proposed. Mr. Glazier seconded. Motion passed.
Motion made by Damien Brown to DENY the projecting sign as proposed. Second by Mr. Glazier. Motion passed.

A motion was made by Mark Buchvalt, seconded by Jeff Glazier, that this Planning Commission Item be approved. The motion carried by the following vote:

Yes: 5 - Oldrich Foucek, Mark Buchvalt, Christian Brown, Damien Brown, and Jeff Glazier

A motion was made by Damien Brown, seconded by Jeff Glazier, that this Planning Commission Item be denied. The motion carried by the following vote:

Yes: 5 - Oldrich Foucek, Mark Buchvalt, Christian Brown, Damien Brown, and Jeff Glazier

New Business

Application for Blight Determination requested by Smart Living Barber St. LLC.

Atty. Mark Kaplin of Kaplin Stewart Meloff Reiter & Stein, P.C., Joseph Hogan of Mullin & Lonergan Associates, Inc. and Randy Lee address the Commission.

Mr. Stewart summarized this project went through the review process and approved. The applicant has requested to utilize the TIF (Tax Increment Financing), as a way to fund the infrastructure improvements. The Planning Commission needs to designate the area as blighted, to have the TIF program move forward that involves the City, the County and the school district.

Atty. Kaplin explained the TIF is based on the increased tax revenue that are created by the improvements that are constructed on the property. The applicant contacted Whitehall Township Redevelopment Authority, and they started the process to form a committee that works out the terms with the three agencies. The Hamilton Crossing area was declared blighted and benefited from the TIF as well as the Rt. 33 and New Smithville interchanges. A Resolution and a condition report was prepared by showing 3 of the 7 criteria of the redevelopment law that were present. Atty. Foucek noted the public improvements are within the boundary of the development. Atty. Kaplin answered that is correct. Atty. Foucek continued by saying when you compare this to other TIF projects, funding was used for true public improvements, not for a defined area. If allowed for this development, this would open the door for any developer to come forward and create a TIF to fund their public improvements. Mr. Hogan said the project needs to be significant. Atty. Foucek mentioned the plan was approved in good faith not knowing a TIF was being enacted. This is a residential development; the taxes generated will be mainly school taxes and should be used to cover the cost of educating those children throughout the district and not for roads in this development. Mr. Hogan

said this is the topic with the school district and not the Planning Commission. Discussion continued on the TIF Act and Urban Redevelopment Law.

Mr. Glazier asked at what point in the process is the blighted determination made, in the beginning, middle or end. Mr. Hogan said always in the beginning. Mr. Glazier responded then this is not the case here. Mr. Hogan said yes it is because we are just beginning the TIF process.

Atty. Kaplin added due to the magnitude of the public improvements it would kill this project of affordable housing. Atty. Foucek said it would have been nice to know this in the beginning. Atty. Kaplin exclaimed the applicant did not know. Damien Brown said it is basically market rate housing. Mr. Lee said it is affordable in the Allentown area because there is little to no new construction in town and the TIF is part of the financing of the project. There is a ceiling on the price that can be charged for the houses and a ceiling on what the target market can afford to pay. The expenses have exceeded what was contemplated. Atty. Kaplin emphasized this project cannot be done at the market level they are trying to hit without some type of incentive or help.

Mr. Lee is just asking for the opportunity to make their case to the bodies that make the real decision for the TIF is with the city, county and school board. If they say no, then they say no; we want to "get into the game."

Mr. Buchvalt asked if it is declared blighted and turned down, would the property always be determined blighted. Atty. Foucek suggested tabling this to allow the City Solicitor's Office to review the application and guide the Commission in the right direction to determine what is good for the City and the public. Christian Brown also asked that City Staff also review and comment.

A motion was made by Jeff Glazier, seconded by Damien Brown, that this Planning Commission Item be tabled. The motion carried by the following vote:

Yes: 5 - Oldrich Foucek, Mark Buchvalt, Christian Brown, Damien Brown, and Jeff Glazier

Old Business

Staff Report

Adjourn

There being no further business, the meeting adjourned at 1:38 pm.