



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### Planning Commission

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Tuesday, March 12, 2019

12:15 PM

Council Chambers

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**VIDEOTAPE OF THIS MEETING IS AVAILABE ON THE CITY'S WEBSITE**

#### Call to Order

##### MEMBERS PRESENT:

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

##### CITY STAFF PRESENT:

David Kimmerly, Chief Planner  
Craig Messinger, Interim Director of Public Works  
Mark Geosits, P.E. Senior Civil Engineer/Assistant City Engineer  
Richard Rasch, Utility Engineer  
Lisa Cocca, Public Works Administrative Supervisor  
Fred Andrayko, Zoning Supervisor  
Tawanna Whitehead, Deputy City Clerk  
Jeanne Marsteller, Recording Secretary

#### Approval of Minutes of February 12, 2019 meeting

Minutes were approved as written.

#### Sidewalk Construction Postponement Requests

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1901 S. 4th Street (frontage along 3rd Street and Dixon Street), S19-1,  
requested by South 4th Street Investors, LLC.

Brian Cleary, PE of The Pettit Group, LLC represented the applicant.

Mr. Cleary explained this is the proposed approved site of Taco Bell and conditioned upon the postponement of sidewalk. There is currently sidewalk across the street along the entire frontage of S. 3rd Street. The applicant is proposing to install sidewalks along the entire frontage of Cooper Street with an ADA ramp at the corner to connect with the sidewalk across the street and provide an ADA ramp at the corner of Dixon and S.

3rd Street. This will allow anyone from a residential property to access the site via the existing sidewalks on the east side of S. 3rd Street.

Damien Brown questioned what is the hardship. Mr. Cleary answered there is nothing on the site's side of the street that would require a sidewalk, as residents across the street have sidewalks and installing the ADA ramps will give them access to the property. Mr. Buchvalt summarized sidewalk is being installed along Cooper Street and would absolutely require it along Dixon Street. If the ramp is being installed at the corner, then sidewalk should be installed along Dixon Street, but not sure along S. 3rd Street. Damien Brown explained relief is usually given if there is something preventing the installation. Mr. Button asked about the ADA ramps. Mr. Cleary said that was a request of the traffic consultant. Atty. Foucek summarized the pedestrian traffic patterns and stated there is a curb cut along 3rd Street. Mr. Cleary answered that curb cut was eliminated through the request of the neighbors to keep cars off 3rd Street.

Mr. Glazier asked about the open land on the northeast part of the property that could be developed in the future. Mr. Cleary said his client has no plans to develop. Mr. Glazier said there is nothing prohibiting development and they may not have plans now but could in the future. Atty. Foucek asked if it is being subdivided. Mr. Cleary said yes, the Taco Bell will be its own lot and the Wells Fargo will be its own lot with the undeveloped parcel. Mr. Buchvalt questioned if there is the request for the sidewalk, but is there curbing there? Mr. Cleary explained there is no curbing along Dixon but is required to be installed. Mr. Glazier summarized census is then no postponement on Dixon Street but not sure of S. 3rd Street. Damien Brown and Dick Button concur. Atty. Foucek pointed out there is an economic equation driving this postponement and this is a developable residential parcel.

Mr. Button made a motion to DENY this sidewalk postponement as it was determined that the character of this neighborhood is such that the installation of sidewalks would serve a public purpose and no physical conditions exist which would create an undue hardship to the installation of sidewalks. Mr. Glazier seconded. Motion passed unanimously.

Mr. Cleary wanted clarification on the requirements along Dixon Street because an approximately eighty-foot gap will occur due to property not owned by Wells Fargo. Atty. Foucek explained you are only responsible to install sidewalk on your property. Damien Brown added if the street is ever improved or the neighbor improves their property they would be responsible for installing sidewalk.

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120 W. Union Street (frontage along 2nd Street), S19-2, requested by 120-160 Union Street.

***120 W. Union Street -- Discussion on the sidewalk postponement and land development preliminary/final approval occurred concurrently.***

**SIDEWALK POSTPONEMENT: 120 W. Union Street (frontage along 2nd Street), S19-2, requested by 120-160 Union Street.**

**LAND DEVELOPMENT: Proposed Industrial Development, 120 W. Union Street, LMA-2018-00005, preliminary/final plan approval requested by 120-160 Union Street LLC.(Tabled at April 10, 2018 meeting)The application proposes to construct a 16,000 sq. ft. industrial use facility consisting of a 3,000 sq. ft. office, a 3,000 sq., ft. storage facility and a 10,000 sq. ft. shop.**

Atty. Joseph Clement, Keith Drozda of Great Western Services, Inc. and Jason Korzak of Bohler Engineering PA represented the applicant.

Atty. Clement explained the proposed project and are requesting the postponement of sidewalk and curbing along 2nd Street as the street is currently closed and barricaded off. Atty. Clement explained there was a delay in submitting due to environmental challenges with the property. Atty. Clements also is requesting clarification of the parking and paving ordinance. There is a large storage area that is stoned for storm water management and 35 paved parking spaces and drive aisles are required. Atty. Clement is requesting that the current stoned area not be paved as there will be heavy equipment and paving will not hold up to the weight.

Mr. Korzak explained the site is classified as a special industrial area with concern of potential contamination going to the groundwater. Mr. Korzak stated the applicant is looking to expand operations for Great Western Services located on Basin Street. An entrance off Union Street is being proposed as this property has an existing railroad track through the property that must be maintained. Buildings on the southeast corner of 2nd Street and Union Street will be demolished. Workers and equipment are dispatched directly to job sites, 16-25 workers will report daily, and 25 paved parking spaces are being provided. Visitors will park in the gravel area, which would like to maintain for equipment storage and parking overflow.

Mr. Korzak affirmed comments in the staff letter will be complied and gave further information on how the road improvements will tie into the proposed Riverside Drive development.

Mr. Korzak gave further information on the sidewalk postponement and said the sidewalks are in bad shape and lead to nowhere. Atty. Foucek asked about the barricade and did the street ever go anywhere. Mr.

Geosits said legally it is considered an open public street but practically speaking it is going nowhere. Atty. Foucek asked if the street could be vacated. Mr. Korzak said UGI may have an access driveway off 2nd Street.

Mr. Buchvalt questioned the gravel area and where did the comment come from. Mr. Geosits said it is a zoning comment. Damien Brown said the gravel area does not count as parking. Mr. Kozak said there is a shortage of 10 paved parking spaces and would need a variance from the Zoning Hearing Board. Discussion continued on the gravel lot, parking on stone and the interpretation of the zoning ordinance.

Atty. Foucek questioned the traffic on Union Street and the dedicated left turn lane coming from the west bound traffic. Mr. Korzak added the plan also notes there is no left turn out of the parcel at peak times of the day. Mr. Buchvalt asked about the neighboring company that has trucks using part of the lot for backing up. Mr. Korzak said Olson Technologies utilized portion of their frontage to back up trucks into their loading dock. The driveway apron is being widen an additional 8-10 feet of pavement which will provide additional area for them. Eric Olson of Olson Technologies addressed the Commission by stating his concern was the truck backing up and the additional traffic. Atty. Foucek does not believe there will be a major increase in traffic. Mr. Olson was concern about backing trucks over the curbing. Damien Brown said it will be a depressed curb.

Mr. Glazier made a MOTION to grant conditional preliminary/final approval subject to addressing the comments contained in the staff letter of March 11, 2019 to the satisfaction of City staff; the applicant applying to the Zoning Hearing Board for variance in respect to parking or the satisfaction of the parking requirement and the approval of sidewalk postponement along 2nd Street. Second by Damien Brown. Motion passed.

Mr. Korzak reiterated the character of the neighborhood and installation of sidewalk would not serve any purpose. Atty. Foucek agreed and would not encourage pedestrian traffic in that area. Discussion continued on the possibility of vacating the street. Mr. Korzak declined that idea as it would delay the project.

Mr. Button made a motion to GRANT postponement of sidewalk with frontage along 2nd Street for a period of ten (10) years based on the physical characteristics of the property and the fact that the absence of sidewalk would not adversely affect the public safety and convenience at this time. Damien Brown seconded the motion. Motion passed unanimously.

## **Land Developments / Subdivisions**

--- Proposed Industrial Development - 120 W. Union Street, LMA-2018-00005, preliminary/final plan approval requested by 120-160 Union Street LLC. (Tabled at April 10, 2018 meeting) The application proposes to develop a 16,000 sq. ft. industrial use facility consisting of a 3,000 sq. ft. office, a 3,000 sq., ft. storage facility and a 10,000 sq. ft. shop.

Discussion on the sidewalk postponement and land development preliminary/final approval occurred concurrently. (see above)

--- Carlisle Apartments, 501-515 N. Carlisle Street, LMA-2017-00008 preliminary plan approval requested by Carlisle Real Estate, LLC. (Tabled at April 10, 2018 meeting) The applicant is also requesting a waiver from Section 1385.11.B of the Land Development Controls Ordinance which requires the horizontal distance from either the toe or top of an excavation or fill slope line shall be five (5) feet or one-half the height of the fill or excavation from any adjoining property or easement line, whichever is greater. The application proposes to construct a two story, eight-unit apartment building.

Atty. Mark Malkames, Ed Schlaner of Martin H. Schuler Co. and Sam Campano were present.

Atty. Malkames stated Mr. Schlaner is the new engineer on the project and there are zoning issues that need to be addressed. Atty. Malkames explained there is a slope on the property and this tract use to be forested that were removed by previous owner them which created the slope issues. Atty. Foucek asked if this is at the preliminary plan approval stage or is it still at the sketch plan stage. Atty. Malkames stated no approval is expected today or approved contingent on the zoning. Atty. Foucek stated we will go forward and then decide.

Mr. Schlaner explained there is no problem with the staff review letter, however, there are technical issues that they are willing to work out with staff but will not impact the concept of the plan. Mr. Schlaner explained the request for the waivers that were submitted. On the north/south side they are within the five-foot area and on the east side with the retaining wall they are one foot off the property line. In that case there is the retaining wall, an unopen alley (Carl St.) which makes it about eleven feet away from the neighboring property and the waiver would be to grade within five feet of the property line. Mr. Schlaner reiterated the big issue is the slope. All the elevations and a slope delineation have been drawn up indicating the 25-35% slopes and the amount of disturbances. A zoning application has been submitted for a variance but is not sure if a variance is really needed. Most ordinances state if the slope has been altered the rule does not apply. The City ordinance is not specific. It must be resolved if the ordinance applies to the natural slope as this slope if not natural. Mr. Buchvalt asked

if the whole slope is 25% or greater. Mr. Schlaner answered just portions.

Atty. Foucek recalled building on the slope requires going to the Zoning Hearing Board. Mr. Andrayko stated the Zoning Ordinance does not differentiate what was there before and what is there now and that determined a variance is needed.

Mr. Buchvalt noted if the variance is not granted, the applicant will need to come back or drop the project. Atty. Foucek stated conditional approval could be granted with that condition.

Scott Unger of ACIDA, commented the Zoning Hearing Board has found a defect in the ordinance that allows a fill slope of 3 to 1 but does not specify man-made or natural. Most ordinances specify the slope projection deals with natural slopes and not man-made. Atty. Foucek stated this is still subject to a Zoning Hearing Board review and variance.

Mr. Glazier made a MOTION to grant conditional PRELIMINARY approval subject to addressing the comments in the staff letter of February 25, 2019 to the satisfaction of City staff and applying to the Zoning Hearing Board seeking a variance in respect to the slope. Mr. Button seconded. Motion passed.

Christian Brown made a MOTION to grant the request for a waiver from Section 1385.11.B of the Land Development Controls Ordinance which requires the horizontal distance from either the toe or top of an excavation or fill slope line shall be five (5) feet or one-half (1/2) the height of the fill or excavation from any adjoining property or easement line whichever is greater with the condition that the developer submit a construction detail for the retaining wall to the City's Public Works and Engineering Department. Second by Mr. Buchvalt. Motion passed unanimously.

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Habitat for Humanity Semi-Detached Home Development, 640 N. Tacoma Street, LMA-2019-00005 & SMA-2018-00002, preliminary/final plan approval requested by Habitat for Humanity of the Lehigh Valley. The application proposes to subdivide one (1) lot into eight (8) lots to construct four buildings with eight dwellings units.

Keith Lawler of Keystone Consulting Engineers, Inc. and Stephen Hughes of Habitat for Humanity of the Lehigh Valley were present.

Mr. Lawler explained the plan previously contained a cul-de-sac but now there is no public street, no extensions except to the existing water system and divided the frontage up per the ordinance. The project will be eight units housed in four twin buildings. They are in receipt of the review letter and are requesting a waiver from Section 1379.02.F of the Subdivision and Land Development Ordinance which requires all subdivisions and land

developments involving new residential lots other than those for single-family detached residences, shall be designed so as to provide for rear-yard parking for the lower two units onto Tacoma Street.

Mr. Buchvalt stated the new submission is more consistent with the neighborhood. Discussion continued about the parking and driveway locations. Mr. Lawler said they received outside agency approvals and will comply with the review letter but is seeking the waiver approval.

Mr. Buchvalt noted the installation of the basin will pick up a lot of the runoff. Mr. Lawler answered a swale will pick up the water that was draining to the neighbors and doesn't believe there will be any surface ponding. Conversation with city staff on the fencing of the basin, the depth of the basin led Mr. Lawler to conclude the area is usable and that is why no fence is shown.

Margarita Leauber of 632 Tacoma Street addressed the Commission. Ms. Leauber lives right next to this development and is not opposed to the development but does not agree with the number of homes. The neighborhood is mostly single homes and asked if it was possible to decrease the number of homes. Atty. Foucek stated they have the right to put this number of units on this parcel. Ms. Leauber stated the possibility of 10-15 children in the neighborhood with no local park will add to the overburdened school system and suggested rehabbing properties and not build on every available piece of property. Ms. Leauber said it is a quiet neighborhood and is not happy with a development next to her. Ms. Leauber stated her property is not fenced and has a swimming pool, basketball court and swing set and will worry if kids come onto her property. Ms. Leauber suggested single moms will be living in these homes. Mr. Glazier stated that is a presumption no one can determine. Mr. Hughes explained the concept of Habitat for Humanity. Ms. Leauber asked what happens after five years or do they have a regular standing mortgage. Mr. Buchvalt stated there is a subdivision and land development ordinance and zoning ordinance that protects both the residences and the owner of the property and allows certain density.

Atty. Foucek stated he believes it won't change the character of the neighborhood and Ms. Leauber lives next to a large vacant lot and will be impacted the most. The applicant is well within their rights to build this and thanked Ms. Leauber for coming. Christian Brown asked Ms. Leauber what the developer could do to make it better for her. Ms. Leauber responded build a smaller number of units, such as two buildings of two units.

Manual Hernandez, 643 Sherman Street addressed the commission

expressing concern about the traffic. Atty. Foucek confirmed there will be more vehicles but there is on-site parking provided and this is not the type of development that would warrant a traffic impact study. Mr. Hernandez said on Saul Street the children use the street as a playground and ride their bikes. Atty. Foucek said the street will remain but unfortunately the children won't have this field to play in, but you can't expect vacant property to stay undeveloped. Mr. Hernandez asked what the price range of the units will be. Mr. Hughes answered the units will be approximately \$167,000. Mr. Hernandez asked what will it do to home values. Damien Brown stated that is extremely comparable or a tad higher than most of the homes in the immediate neighborhood. Mr. Hernandez commented the neighborhood is not changing for the better.

Mr. Buchvalt asked the developer to look at the grading and water run-off in the front. Mr. Lawler said it has been discussed with the Lehigh Valley Planning Commission and the ordinance said the water has to be drained to the road. Mr. Buchvalt asked to increase grading to allow the drainage onto Tacoma Street.

Christian Brown commented in a traditional neighborhood, the front yard setback should match one of the adjoining property and a variation would make it more uniform in the neighborhood and not look like stacked housing. Christian Brown continued by stating the lot width is twenty-four feet and asked if the parking could be side by side and not stacking, as people tend to park or drive on the grass. Mr. Lawler stated that was mentioned in the staff comments and will talk about the front yard setbacks. Atty. Foucek stated that could be a recommendation on approval.

Mr. Glazier made a MOTION to grant conditional PRELIMINARY/FINAL plan approval subject to addressing the comments in the staff letter of March 11, 2019 to the satisfaction of City staff, work with the City in consideration of staggering the units to blend into the neighborhood and grade the front yard to help mitigate the water flow onto Tacoma Street. The motion included the Commission granting the request for a waiver from Section 1379.02.F of the Subdivision and Land Development Ordinance which requires all subdivisions and land developments involving new residential lots other than those for single-family detached residences, shall be designed as to provide for rear-yard parking. This waiver was approved for proposed Lots 7 and 8 only to have front yard parking. Christian Brown seconded the motion. Motion passed unanimously.

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S. Carlisle and East Cumberland, 1102 S. Carlisle Street,  
LMA-2019-00006 & SMA-2019-00002, preliminary/final plan approval  
requested by Ramia Holdings LP.

The application proposes to subdivide the four (4) existing parcels into six

(6) lots and construct five (5) duplex units and one (1) single family house.

David Bray of JENA Engineering represented the applicant.

Mr. Bray explained they received the review letter and need to discuss the design and the parking in the front yard. Mr. Bray presented a waiver request for the front parking and stated from an engineer's standpoint to bring the parking around the back of the building will cause an increase of impervious area. Damien Brown explained the ordinance better aligns the character of the existing homes and front yard driveways privatize an on-street parking space. Discussion continued on the lack of an alley access, the width of the lots and driveways. Damien Brown asked if the permitted driveways are less than 50% of the property width. Mr. Bray said yes. Atty. Foucek said it appears the driveways are ten feet and properties are thirty or forty feet wide.

Atty. Foucek said on the west side is an existing structure that the applicant owns. Mr. Bray said yes and the half of the duplex the applicant owns there is a proposed addition. Mr. Buchvalt asked about the right of way through the property, is it PPL. Mr. Bray said more research is needed and not 100% sure of the right of way. Mr. Buchvalt pointed out then you can't develop on someone else property if they own the right of way. Mr. Bray said it is a right of way and the ownership is the ownership. Damien Brown asked if it is a vacant street. Mr. Bray explained any type of right of way would be through the property and agreements would need to be made to take care of the right of way. Mr. Rasch said the parcel is the old Lehigh Valley Transit Trolley Line and confirmed the applicant owns the property. Mr. Bray added there are utility lines that will need to be dealt with. Damien Brown asked how many stories the homes are. Mr. Bray said two stories.

Atty. Foucek summarized there are currently four parcels and the lot lines will be removed to one lot (subject to a utility easement) and then subdivided into six lots. Atty. Foucek addressed the waiver by agreeing this location does not provide rear parking and the waiver makes sense as all the parcels will have garages and off-street parking in the driveway. Mr. Button observed the homes across the street have front driveways and this will be consistent with the neighborhood.

A motion was made by Damien Brown to grant conditional PRELIMINARY/FINAL plan approval subject to addressing the comments contained in the staff letter of February 27, 2019, to the satisfaction of City staff. In addition to this approval, the Commission granted the request for a waiver from Section 1379.02.F of the Subdivision and Land Development Ordinance which requires all subdivisions and land developments involving new residential lots other than those for single-family detached residences, shall be designed as to provide for rear-yard parking. Seconded by Mr.

Button. Motion passed.

After approval, Mr. Bray stated he will need to discuss comments with Engineering as to the interpretation. Mr. Button said you received approval based on complying with the items in the staff letter and they need to be done. Mr. Bray said he wasn't expecting an approval today and doesn't want to comply to something that he is not required to comply to. Mr. Bray presented Engineering staff with paperwork to review. Mr. Geosits asked what the total amount of impervious surface is. Mr. Bray answered less than 10,000. Mr. Geosits said then you are good. Mr. Bray confirmed items related to the stormwater do not apply to this approval. Mr. Messinger said it looks like you are at 5,900 square feet. Mr. Geosits said do the calculation and indicate the total on the plan. Mr. Bray said good, we are fine.

--- Wawa Food Market, 1215 S. 4th Street, LMA-2019-00001 & LDC-2019-00001, preliminary/final plan approval requested by HRES Allentown Susquehanna, LLC. The application proposes to consolidate eight (8) lots, demolish existing buildings and construct a 5,585 sq. ft. Wawa Food Market with fuel sales.

Tabled by the applicant.

--- The Waterfront-Phase 2, 3 Furnace Street, LMA-2019-00004, preliminary/final plan approval requested by Trestle Redevelopment Partners, LP. The application proposes to create seven (7) lots for construction of a 461,000 sq. ft. office building; 37,400 sq. ft. retail; 8,000 sq. ft. warehouse and 35,000 sq. ft. other.

David Lehr of Lehigh Engineering and Mark Jaendl addressed the commission.

Mr. Lehr said Phase 2 was previously approved as a tentative plan for the entire site. Phase 1 is currently under construction. Mr. Lehr stated they received the comment letter and will comply but asked for clarification on an Engineering comment. Mr. Lehr continued by explaining during the tentative plan approval process the area along the American Parkway, between a proposed parking lot on the northern section there are two tracts of property. One of the tracts was agreed upon as that property was to be conveyed to the Waterfront Development as soon as the American Parkway was constructed. In the tentative plan agreement, the proposal was to either grant an easement or convey property to the total slope of the future American Parkway. The other tract is remaining property the City owns between the total slope and the actual American Parkway right of way. If it gets conveyed to the Waterfront development they are willing to maintain it but would have to work out some agreement if the road gets reconstructed, a sinkhole develops or utility easement it would be the City's

responsibility. The Waterfront Development would consider if the city does not want the land they would maintain it and beautify the area. Phase 2 has the bicycle path along the river but ends at the underpass of American Parkway but would like to extend the pathway under the bridge in the future with an access easement agreement and would make sense for the Waterfront development to take over these parcels.

Mr. Jaindl reiterated the City owned parcels (1.96 acres and 1.07 acres) that goes to the river and underneath American Parkway bridge and connects to the property the Waterfront owns north of the bridge. This is a vital part of the development and intends to develop these areas in the future. Mr. Lehr added the Riverwalk path ends abruptly to the north at the American Parkway but could extend the path under the American Parkway bridge and in the future whatever development happens with the city property it can accessed at that point.

Atty. Foucek said this is a work in progress and encouraged the applicant to continue to work with the city. Mr. Lehr stated no action is expected as there are some things that need to be seen and will comply to everything in the letter. No design changes will be occurring but will verify tree locations, enough parking and the inclusion of handicap parking. Mr. Lehr reiterated they are here today to establish an agreement or understanding about the property conveyance so there is no question when the applicant returns. Discussion continued by Mr. Jaindl on the city owned property that was agreed to be conveyed to Waterfront development during the tentative plan approvals. Mr. Geosits stated you have the opportunity to go through that process with the Property Review Committee but ultimately subjected to review and approval by the Mayor and City Council.

Christian Brown suggested with future submissions a copy of the Phase 1 and 2 together and Phase 2 tentative plan that was approved compared to current versions due to the time lapse. Mr. Lehr said no problem. Mr. Jaindl said there was very little change except for how the buildings are structured and the fact they were able to buy the RJ Corman railroad and shift Riverside Drive further to the west to give a broader area to work with.

The applicant agreed to table this application until a future meeting. Mr. Buchvalt made a MOTION to table to a future meeting. Mr. Button seconded. Motion passed unanimously.

## **Adjourn**

**There being no further business, the meeting adjourned at 2:45 pm.**