



Minutes - Final

Planning Commission

Tuesday, June 11, 2019

12:15 PM

Council Chambers

MEETING VIDEOTAPED FOR PUBLIC RECORD ON THE CITY'S WEBSITE

Due to technical difficulties, NO video recording of this meeting is available.

Call to Order

Present 4 - Oldrich Foucek, Richard Button, Anthony P. Toth, and Mark J. Buchvalt

Excused 3 - Damien Brown, Jeff Glazier, and Christian Brown

CITY STAFF PRESENT:

Irene Woodward, Planning Director

David Kimmerly, Chief Planner

Leonard Lightner, Director of Community and Economic Development

Mark Geosits, P.E. Senior Civil Engineer/Assistant City Engineer

Nelson Varughese, Traffic Controls Superintendent

Fred Andrayko, Zoning Supervisor

Hanna Clark, Senior Planner

Jesse Sadiua, Senior Planner

Tawanna Whitehead, Deputy City Clerk

Jeanne Marsteller, Recording Secretary

Approval of Minutes of May 14, 2019 meeting

Minutes were approved as written.

Hamilton Street Overlay District Reviews

--- Great Rock Investments LLC, 1142 Hamilton Street, design review to maintain existing 4 flat wall signs (1 @ 5.83' x 2.67'; 1 @ 2.5' x 6'; and 2 @ 2.5' x 5'), non-illuminated on front of the building requested by C. Paul Garabo, at the above address. (Applicant tabled at May meeting)

Applicant was not present. Tabled to July 2019 meeting.

--- Fegley Real Estate LLC, 911 Hamilton Street, design review to erect one (1), non-illuminated, channel letter wall sign (2' x 17.67") on front of building requested by Edward Sulzman, at the above address.

Edward Salzman was present.

Atty. Foucek stated they received the application and staff report and noted this is the former Freeman Jewelers property. Mr. Salzman said that is correct. Atty. Foucek pointed out there was an issue by staff asking what the intent of the existing sign is, which is viewed as iconic in downtown Allentown. Mr. Salzman replied the prior owner wants everything salvageable. Atty. Foucek asked who owns the building. Mr. Salzman answered Jeff Fegley of Fegley Real Estate. Atty. Foucek questioned what rights does the former owner have in respect to reclaiming the signage after selling the building. Mr. Salzman stated when he met with Mr. Fegley, he mentioned the former owner asked for the stuff back that is salvable.

Atty. Foucek asked what his relationship to this property is. Mr. Salzman answered he is the tenant. Atty. Foucek asked what type of business is Smooth Roots? Mr. Salzman stated they sell general cosmetics and health products.

Atty. Foucek asked how would the sign be constructed? Mr. Salzman said he was thinking of doing something similar to what is there now or what Koko (next door) has with a rectangular sign. Mr. Button asked how it will be constructed. Mr. Salzman said what is being proposed is some type of plastic. Atty. Foucek asked is it illuminated? Mr. Salzman answered no, it is not illuminated. Atty. Foucek suggested Mr. Salzman read the staff report as it is unclear exactly what the sign will say, but also what is it being made of. Atty. Foucek questioned if the letter attaches individually or like the box sign next door or something different and pointed out usually the sign maker is here and can answer these questions. Mr. Buchvalt said more details are needed and suggested getting answers to what is contained in the staff report. Atty. Foucek concurred and suggested the comments get discussed with Mr. Fegley.

Mr. Button made a motion to TABLE this matter until next month for more specific information. Mr. Buchvalt seconded. Motion passed.

Atty. Foucek apologized to the applicant suggesting the applicant may not have fully understood the process in what kind of information was needed and reading the staff report may help get to the next step. Mr. Buchvalt gave the applicant his copy of the staff report.

SPD Realty Holding LLC, 1132-1136 Hamilton Street, design review to erect one (1), non-illuminated, flat wall mounted sign (1.67" x 9') above storefront requested by Kevin Wenck of FastSigns Allentown, at the above address.

Kevin Wenck of FastSigns was present.

Atty. Foucek stated this is part of a larger building which was the former Somach building. Mr. Wenck answered yes it was. Atty. Foucek asked if it will be illuminated. Mr. Wenck said non-illuminated and are planning on the spotlight over the front door to illuminate the sign. Atty. Foucek asked if it will be painted. Mr. Wenck answered it will be painted aluminum with vinyl on the face with stand off caps. Atty. Foucek pointed out staff recommended approval of the sign as it meets the requirements of the ordinance.

Atty. Foucek said one of the staff comments is to determine if the sign proposed is painted, as he said he is doing vinyl. Mr. Wenck said it will be painted ¼ inch aluminum sheet w/ vinyl on the face to get a little dimension with standoff caps.

Atty. Foucek questioned are the vinyl letters acceptable per the ordinance. Mr. Kimmerly pointed out these types of signs have been approved in the past. Atty. Foucek said fair enough. Mr. Kimmerly asked it will have a raised view. Mr. Wenck said the panel will stand off about ½” of the façade and the letters will not stand off as they are vinyl.

Mr. Buchvalt made a motion to approve the sign as requested. Mr. Button seconded. Motion passed unanimously.

Land Developments

--- Woodlawn Property - 1602 Airport Road, LMA-2018-00009, revised sketch plan review requested by Good Mac Airport Associates. (TABLED BY APPLICANT) The application proposes to develop the parcel with five pad sites consisting of 78,600 sq. ft. of self-storage facility (3-story), 13,000 sq. ft. of retail, 8,497 sq. ft. of restaurant, 4,867 sq. ft. fast food building, and a 3,558 sq. ft. bank with drive-thru, and six-building, 168 unit apartment complex plus clubhouse.

Tabled by application prior to meeting.

--- Penn Square Flats, 906 S. Albert Street, LMA-2019-00008, preliminary/final plan approval requested by Allentown Community Development Company. The application proposes to construct six - three story buildings, to create a 190 unit apartment complex.

Arthur A. Swallow represented the applicant.

Mr. Swallow explained the staff comment letter was received and are currently working on Engineering issues as it applies to stormwater drainage and other utilities. This property has been before the Planning Commission with a number of configurations. First was Section 6 which entailed the planning of 54 residential twin units, approval was obtained along with outside agency permits and are working on construction costs. Not too long-ago Section 7 with approximately 100 apartments was submitted. After obtaining construction costs, the developer decided to have the property redesigned with apartment units which is before you today.

Atty. Foucek said the twins are gone and is completely apartments. Mr. Swallow confirmed the twins are gone, and the extension of public streets has been eliminated. There are two ways in and out, from E Wyoming to Constitution Drive and no improvements will require city maintenance. Driveway, parking areas, sidewalks landscaping storm water basins will all be under the ownership of the management company that will eventually own the apartments.

Atty. Foucek observed the private access road off Constitution Drive through the property dissecting with E Wyoming. Mr. Swallow said it was previously the extension of S. Albert Street, which is not a public way, but was asked to vacate whatever portion the city wants to. Atty. Foucek asked about the extension of E. St. John Street. Mr. Swallow said that would have been several hundred feet into the site connecting to Constitution Drive which has been eliminated in favor of a one-time extension. This project is not intended to be build in phases and the private driveway will be occur with the development of the tract.

Mr. Swallow said one issue with the plan would be the connection to Constitution Dr. on the northeast part of the tract. This connection necessitates crossing over property owned by the City of Allentown that currently serves as access to public improvements within the site, the railroad utilizes this as well, so the challenge is to put the access road entirely on this tract with cooperation from the city with an easement or land purchase. Atty. Foucek asked what the challenge is, topography? Mr. Swallow said yes, Constitution Drive at one point drops off quickly and there are steep slopes which would require a lot of filling of the access road to reach the required maximum grade. Stretching the road is requiring a longer distance to mount the same vertical heights would make a better slope for the roadway. Atty. Foucek asked if this project is based on the cooperation of the City? Mr. Swallow said yes, and this is the first presentation and first review there are numerous outside agencies that still need to be addressed and zoning issues to be resolved. A sidewalk postponement is required at the northern portion of Constitution Drive due to the drop off but proposes curbing. The goal within the next few weeks is to satisfy the LVPC on stormwater compliance. A pre-application meeting is scheduled with Lehigh County Conservation District for water quality permits and soil erosion control.

Atty. Foucek asked if the water runoff prompted the move from mixed townhouses to apartments, which is more impervious than the townhouses. Mr. Swallow said with the unit count there might be more impervious but if you add the pervious surface from section 6 and section 7 it would be less. Building the twins, it would be tight, as they would each have their own driveway. This concept offers a little more flexibility of grading the parking lots, setting building elevations, access to the buildings and this plan has strengths and qualities purely as a construction project. The prior plan required a lot of public improvement, lot of impervious and the stormwater management plan relied on a third party to take care of facilities.

Atty. Foucek asked about the nature of the units, are they going to be moderate-low income? Mr. Swallow said they are going to be garden apartments but have not declared any subsidized or low cost. It is a private development, using private money and the owner is a developer not a builder. Atty. Foucek asked if they are looking for action today. Mr. Swallow answered it is the first review and don't expect anything but a tabling.

Mr. Buchvalt said you have your comments and will go back and address them. Mr. Swallow said the property review committee, zoning and some staff issues need to resolve so the letter can be conditions of approval. Mr. Buchvalt asked if there are any comments they see will be potential problems. Mr. Swallow said Zoning, the steep slope provision in the City Ordinance is very restrictive and doesn't address man-made slopes or land reuse is a challenge being worked on. The applicant was successful in the previous plan (Section 6) in getting the zoning relief needed for that. Since that appeal, this plan doesn't call for that much more disturbance of the same slopes. Confidence is high but working on a good presentation so there will be success.

Atty. Foucek stated the letter references a retaining wall at certain places will be 11 feet high, is that at the bend in the private access. Mr. Swallow said that was resolved by adjusting the retaining wall with the help of the City Engineer.

Rachel Boyer, 833 S. Armour Street addressed the Commission. She is opposed

to this development due to the steep slopes and everything “back there” and urges everyone to visit the site again to look at the property as it does not look exactly like on the drawing. In addition, Constitution Street and the sidewalks would need to be redone. The runoff and drainage issue are terrible as their properties are sloped so bad because of the runoff that their yards are almost completely gone. Ms. Boyer is urging not going through with this due to the sloping, drainage and poor quality of everything with the property.

Atty. Foucek reiterated the applicant will be required to go to the Zoning Hearing Board to obtain variances with respect to building on some of the steep slopes that are steeper than the ordinance requires and asked Mr. Swallow what his time line is. Atty. Foucek felt it would be good to know if the relief would be granted before pursuing further in land development as this is such a significant issue for this development. Mr. Swallow clarified they are trying to get this plan in an approval fashion, meaning all subdivision ordinance requirements, all zoning ordinance requirements other than those that need relief will be satisfied before going to the Zoning Hearing Board. Mr. Swallow will not ask the Planning Commission to conditionally approve the plan conditioned on a zoning issue that no one has the power to decide and this might take a few months to complete. Atty. Foucek said the potential exists for the Planning Commission to have reservations regarding approvals of a plan that is on its phase violative of the zoning ordinance, particularly when it appears to be not a diminutive matter. Mr. Swallow said the percentage of relief that is being requested it is in that diminutive range.

Mr. Buchvalt asked if the plans are going to be revised and a cleaner response letter before going to Zoning Hearing Board. Mr. Swallow said yes and will only come back before the Planning Commission if there are any issues that need to be worked out in this process. Atty. Foucek suggested the steep slope is part of the issue and will look at this with the planning staff regarding the layout, how it works from internal perspective, cars and pedestrians, etc. and if the developer is willing to accept what we demand he will still have to get zoning relief. Ms. Boyer interjected asking how she can be notified of Zoning Hearing Board meetings as she never got notified of any Zoning Hearing Board meetings, only this meeting. Mr. Buchvalt said you should be notified. Ms. Boyer said she never got a letter and there is one sign posted for this meeting, but did receive a letter, which is unfair. Atty. Foucek asked Mr. Swallow if he has been to a Zoning Hearing Board. Mr. Swallow said yes about 3 years ago and got relief from steep slopes. Mr. Swallow said the radius of notification may not have reached her property. Mr. Andrayko stated abutting property owners will get notified. Ms. Boyer said her property abuts the property. Atty. Foucek said due to the magnitude of the development it would be appropriate to distribute notices more broadly. Mr. Andrayko said he can do that.

Mr. Buchvalt said in regard to grading and storm water they are working with the engineers to make the best plan feasible and a relief for some of the disturbance. Mr. Swallow said this is a by-right development and the property was purchased decades ago for development and this represents the final phases of the planned area. Atty. Foucek concurred this is not an easy parcel to develop.

Dawn Apgar, 38 Armour Court wanted clarification if it is still being low-income. Atty. Foucek stated the engineer does not know at this time.

Mr. Buchvalt made a motion to TABLE with the understanding and agreement

that it is not subject to any time limit of the Municipal Planning Code or otherwise. Mr. Swallow agreed to waive the review time. Second by Mr. Button. Motion passed unanimously.

Following the motion, Mr. Button stated in years past, but not recently, there were occasional field trips when there was a particularly usual chunk of land to look at. This may be a time when a field trip might be appropriate. Atty. Foucek said it is up to staff to make it happen and organize. Ms. Boyer said you are invited anytime and encourages it. Atty. Foucek said obviously any of this type of gathering is with the understanding there is no formal action taken and concerned with the Sunshine Law. It is clear that it would be helpful since it is not a visible or well-known corner of the City and might work on that during nice weather.

Brewers Hill Development, 401 North Front Street, LMA-2019-00011 & LDC-2019-00004, preliminary/final plan approval requested by Brewers Hill Development Group, LP. The application proposes to consolidate two parcels into one for Phase 1 improvements of an office building and brewery.

Atty. Foucek recused himself. Mr. Buchvalt assumed the chair.

Catherine Curcio of Norris McLaughlin, Josh Wood and Alex Friedman of Brewers Hill Development Group, LP, Jonathan Istranyi, Project Engineer and Patrick Lesbirel, Principal Architect were present.

Atty. Curcio presented renderings of the project and explained the applicant seeks to revitalize this site that has been dormant and vacant for quite some time. They seek to rehabilitate the majority of the existing structures that are on the site and seeks to demolish one of the existing structures in order to accommodate the parking needs related to the site. This property has been in the applicant's ownership since 2014. There had been a prior plan in the works that did not make it very far, because it turned out to be cost prohibitive. The applicant spent time meeting with various staff members to arrive at the today's plan.

Mr. Lesbirel said this is the old Neuweiler Building that features an overhang which is existing to the building. Proposed is a complete rehab of the exterior façade with plans to keep the overhang feature as it makes the building. In addition, there is a loading area for the project and being proposed is two exterior patios on each side of the project and two new storefront entries from the North Front Street access of the project. Additionally, there are raised plantings that mimic going down Front Street where the brick wall extends through that section of the building. All the windows will be replaced, the façade will be power washed to bring it back up to what it should have been. The rear area known as Pump Place is between the proposed brewpub and the rear portion of the site. Being proposed are storefronts, a walk that Pump Place accesses and keeping as much of the historic nature as possible, filling and replacing all windows that were removed or are no longer in the actual building.

Mr. Lesbirel continued by pointing out in the main building being proposed is an elevator core with a centralized staircase and centralized bathrooms for the project. The building has basically been broken into separate suites that go up each of the three floors of the project. There is also a low mezzanine area which

is at a negative eight-foot difference along with an existing staircase. There is a fifteen-foot difference in grade between North Front Street side and the new drive that is being proposed on the east side of the project and access is available from all entry points with ADA ramps. The three floors have the same typical floor plan with the left portion of the project having a higher vaulted ceiling with roof access to the top which hopefully will become a roof patio space to overlook the Lehigh River.

Mr. Lesbirel addressed another historic building that is proposed to house a brewpub and brewery. A small addition is being proposed for this building to provide exterior patio space. All the historic details will be maintained, and interior renderings are being used to market the property. The proposal includes a large bar area with an open kitchen which the proposed tenant is requesting along with a large eating area and a small stage area.

Mr. Buchvalt asked if this is a phase approval or the whole project. Atty. Curcio answered what is being shown today is being called Phase 1. There is a question mark with respect to the six-story masonry building that exists on the southern end of the property. No use has been identified for this building and hoping initial improvements attract a tenant for that building. Mr. Buchvalt asked if the improvements, the parking lots and infrastructure are going to be phased or build now. Atty. Curcio stated they are looking to phase some of the sidewalk and curbing construction that is going to be required along Front Street. Mr. Buchvalt continued by asking is there some utility work, sidewalk work and installation of parking area. Atty. Curcio said yes. The two buildings Mr. Lesbirel spoke about the goal is to have them running and functional on their own, prior to the use and occupancy of the six-story masonry building and realize they will need to make public improvements if needed. Mr. Buchvalt was contemplating if an approval is given today will it be for a phase or granting approval for the whole project.

Mr. Istranyi addressed the Commission by explain the site is fronting three municipal roadways, Front Street to the east, Liberty Street to the north and Pump Place to the south. There is going to be a fourth municipal street, to the east that currently is railroad tracks but will be converted to a roadway as part of the Waterfront Redevelopment Plan.

Mr. Istranyi summarized a majority of the buildings will remain, one building will be demolished. Building fronting Front Street will be mixed-use office and a medical building. The roadways are mainly two-way one lane in each direction, generally narrow, Liberty & Pump Place with a forty-foot right-of-way and Front Street is a little wider, about sixty-six feet right of way, to accommodate street parking. The future roadway will involve the relocation or realignment of Pump Place, so it is not as sharp of a turn as it approaches the site. Access to the site will be the same as it is today, one on Pump Place, proposed two-way driveway on Liberty Street, and a loading facilities area that will be closed and become an open green space. Proposed is on street parallel parking spaces, the shoulder striped out which will require a slight right of way acquisition from the site to include the extra sidewalk, about six feet of additional right-of-way that will be taken to include the new sidewalk area.

Mr. Buchvalt asked regarding the potential right of ways, are they being shown on the plan as their property lines. Mr. Istranyi said no, it is misleading, no additional land of the existing Pump Place would be acquired by the applicant.

Mr. Buchvalt pointed out there is an Engineering comment regarding cleaning up the lot lines. Mr. Geosits concurred and added the Pump Place right of way must be shown on the plan.

Mr. Istranyi continued by explaining there are 206 parking spaces required by code and there are 226 parking spaces being proposed. This excludes the parking being added on Front Street to the west. All parking spaces, drive aisles are compliant to city code. Loading for both facilities will be historically where they are existing. Loading for the pub/brewery would occur on the northern façade, with a one-way aisle for deliveries. The frequency of deliveries will depend on the ultimate tenants of these buildings. Loading and trash pick up for the medical office will occur between the buildings, a central area of pavement with a turn radius for various size trucks. The grading of the site from a topography standpoint, the loading zone is about 12-15 lower than Front Street.

Mr. Wood stated the medical building right now, is an option, and not really set up to be a medical building per say. Mr. Istranyi confirmed the plans state the first floor is a medical office building, but it is only an option with flexibility for something else. In regard to lighting, everything will be LED fixture, 12 light poles around the parking lot and 19 building mounted fixtures, LED around the façade of each building to illuminate entrance and parking area. A note in the staff report of replacing the high facility fixture along the front edge to LED will be addressed. Being proposed is new sidewalk and curbing along the frontage which is half of Front Street and a portion of Liberty Street up until the residential area. As noted in the report Pump Place because it is being realigned in the future, improvements are being deferred for the moment until the right of way is realigned and into place. The improvements near the Lehigh River will be done by the Waterfront Development and the applicant will be adding the green space up to that point and once the road is installed the applicant will install the curbing, sidewalk, lighting, etc.

Mr. Istranyi stated the applicant is looking to defer improvements related to the existing building to remain along Front Street, because there is no tenant at this time. The area does have sidewalk, curbing and street trees and even though they are not brand new, they would like to keep them until the buildings are improved. Mr. Buchvalt asked typically a separate application needs to be submitted for the sidewalks postponement. Atty. Curcio interjected they understand the process and are aware that needs to occur before anything is decided. Mr. Buchvalt asked where they are looking to defer sidewalks. Mr. Istranyi explained they are looking from the trash enclosure along N. Front Street to Pump Place and along W. Liberty from the residential properties, next to the one-way driveway to the new Riverside Dr. Improvements along Pump Place will occur when the road is realigned, and the remainder of river frontage will be redone when this roadway to the east is done. Liberty Street is currently a dead end and slopes to the railroad track and improvements will be done when it is completed. Mr. Buchvalt confirmed sidewalks will be installed at that point. Mr. Istranyi answered yes.

Mr. Istranyi clarified there are three conditions, one is for Front Street when the applicant does future improvements to the existing building, second is Pump Place improvements will occur when the roadway is realigned by the City and the remaining improvements along Liberty Street would occur with the right of way part of the other redevelopment is installed. In addition to curbing, sidewalk and ADA ramps, street trees, street lighting and things related to the streetscape

would be done during these phases.

Mr. Istranyi added in regard to landscaping on site, it is proposed an additional 39 shade trees mainly around the parking lot, large mix of shrubs and perennials around the site to liven up the parking lot and buildings. There was a comment in the staff report of adding a fence or hedge row between the residents and the parcel on the north side. The applicant has agreed to propose a solid fence with arborvitaes/shrubs. Public utilities for the site is on all three frontages but it is proposed to match historically where the two buildings were receiving their services. There is a common utility corridor proposed connecting to Liberty Street to the north and both building utilities will come out the back. Mr. Buchvalt asked if they will be installing utilities in Phase 1 to support the other two buildings or installed later. Mr. Istranyi said they will be installed in a separate phase.

Mr. Istranyi reiterated Phase 1 will be the renovation of the buildings for the brewery/office building as well as the majority of the site improvements. Landscaping, parking lot and trash facility. The only thing that is considered Phase 2 is the larger building.

Mr. Istranyi continued by stating in regard to stormwater development, they will be disturbing the majority of the site except for the larger building to remaining, about 3-1/2 acres of disturbance and adding shy of an acre of new impervious, parking lot area mainly to the east where there is an existing grass lot that will be paved over. An underground infiltration basin about 1400 linear feet of 36-inch pipe. An infiltration test was performed, and an infiltration rate were adequate for the design submitted.

Mr. Buchvalt asked if there was anything in the staff comment letter they will not comply with or comply with everything. Mr. Istranyi answered a majority of the letter will be complied with but questioned the engineering comment on shifting the building, and it should be noted it is an existing building. Mr. Geosits stated you can't do that, never mind. Mr. Istranyi question the comment on the sewage planning module and understand that one may be required and will leave it up to LCA to determine if one is needed and clarified the lots will be consolidated. Comment related to the land development ordinance as to excavation and the slope believes this in reference to a small retaining wall in between he residential property and the one-way drive aisle to the brewery. The retaining wall varies in height and is about 2 feet high at its tallest, which is next to the residents. The comment wants to make sure land is not disturbed on the residents. Mr. Geosits said it is fine, it is just a standard comment. Mr. Buchvalt added if disturbing and grading within 5 feet of property a waiver would be needed. Mr. Istranyi asked if they seek that here. Mr. Buchvalt said a letter needs to be submitted for the request.

Mr. Istranyi stated a traffic study was completed during rush hours, 7:30-8:30 am in the morning peak and in the evening from 5-6 pm.

Mr. Buchvalt commented the plan and presentation was nicely done but there are a handful of comments to address and will have to come back for the waiver, sidewalk postponement and suggests having a majority of the comments cleaned up.

Mr. Toth reviewed in the past there were volumes of preliminary reports that were done, specifically environmental impact statements, coordination with

PHMC and historic properties. Mr. Toth asked what the stand on the historic nature of the buildings is, the correspondence with PHMC and whether there is any funding coming from a grant through Pennsylvania for historic purposes. Mr. Wood answered there is no plans to apply for any historic grants from Pennsylvania but are investigating grants from the federal level.

Mr. Toth asked what was presented to PHMC. Mr. Kimmerly commented this property is listed individually on the National Registry of Historic Places and would be eligible for a historic preservation tax credit potentially. This property lends itself very well to a tax credit project and the owner could get up to 20% of their qualified rehabilitation refunded in the form of a tax credit for compliance with architectural standards for rehabilitation of a historic building. That exists but it takes a while and is a longer process. One concern from the standpoint of historic preservation is the demolition of the one building for parking, especially if applying for a sewage facility planning module there may be some issues because it is listed on national register and demolishing a building that is 50+ years there may be some complication with DEP if it is demolished for the approval of the sewage planning module.

Mr. Toth said what is the status of the environmental impact study. Mr. Kimmerly said the environmental cleanup of this property the buildings along Front Street have been remediated and cleaned up. There was no cleanup at the rear of the property, but a Phase 1 environmental site assessment was done. Mr. Wood said they have met with the environmental consultation and were informed the soil will need to be capped or removed offsite.

Mr. Toth asked if it went through the formal Act 2 process. Mr. Kimmerly said yes, the front parcel. Mr. Toth clarified any approval then would be condition on the sign off Act 2 by DEP. Mr. Toth indicated Pump Place currently goes through City owned property classified as a park. Mr. Geosits said yes, there has been a plan submitted to Council and they are aware of what is going on.

Mr. Button pointed out with the realignment of the roads, the plan does not show any direct safe pedestrian access to Bucky Boyle Park. Mr. Buchvalt pointed out when Pump Place is constructed the applicant will be installing sidewalks along Pump Place and will alleviate the situation.

Mr. Toth asked if there was any residential planned? Mr. Wood answered not at this time. Mr. Toth noted this is a long time coming and added and may be nice to see whatever improvements come in the way of street lights, signalization and could use some type of poles/mounts that are more appropriate in an area that is historic and doesn't conflict with the buildings. Is the brick, mortar and limestone holding together? Mr. Istranyi said they are going to identify the sections that need repair and replace those sections. The issues with the historic aspect are the time frame and construction costs and determine what makes sense to get this project off the ground.

Mr. Button made a motion to approve. Mr. Buchvalt suggested tabling to allow the applicant to take care of a few things. Mr. Button does not understand the need to table. Mr. Buchvalt said they need to come back for a waiver and sidewalk postponement, so they can address comments in the staff letter. Mr. Toth asked the applicant what they were looking for today. Atty. Curcio said we were looking for conditional approval today. Mr. Buchvalt said they must go to Zoning and clean up the Engineering comments. Mr. Istranyi stated they can remove the need for a waiver by making the drive aisle smaller and keep five

feet off the property line. Mr. Buchvalt asked if coming back present any issues with the project. Mr. Wood said any issue it might present is lining things up with the banking partner near the end of the financing and to get conditional approval, move to Zoning and come back would be to our benefit. Mr. Buchvalt said the letter is basically technical in nature and just be conditioned on coming back for the waivers and sidewalk postponements. Mr. Toth added this is an important project for the City and there are a lot that needs to get done stated in the staff comment letter and prefer a month to come back. Mr. Buchvalt confirmed that was his first thought. Mr. Button stated he would prefer to keep the project moving forward and give a conditional approval they need to comply with the staff comment letter. Mr. Buchvalt said most of the comments are drafting, stormwater, grading and nothing in the letter that materially changes the design of the plan and is now comfortable moving this forward.

Mr. Button made a MOTION to grant conditional PRELIMINARY/FINAL plan approval subject to addressing the comments in the staff letter of June 10, 2019 to the satisfaction of City staff. Mr. Toth seconded the motion. Motion passed. Atty. Foucek abstained.

Atty. Foucek resumed the chair.

414 S. Carlisle Street, 414 S. Carlisle Street, LMA-2019-00012, preliminary/final plan approval requested by R&M Apartments Inc. The application proposes to construct an eight unit multi-family residential building.

Amit Mukherjee, PE of Base Engineering represented the applicant.

Atty. Foucek asked Mr. Mukherjee if he received the staff comment letter. Mr. Mukherjee said yes. Atty. Foucek pointed out the most significant comment is the vacation of E. Ford Street. Mr. Mukherjee said if that is the inclination of the City, then that is the way we will proceed. Atty. Foucek pointed out the plan shows it is anticipated the half the applicant receives for the vacation would be utilized for this development. Mr. Mukherjee said yes at that point in time and since receiving the letter we will not use that portion. Atty. Foucek said we could grant approval of this plan subject to getting the street vacated. Mr. Mukherjee said that is one way to move forward and the only matter of substance in the comment letter is to obtain the sewage planning module. This is not an issue but have to go through the motions. Atty. Foucek concurred that is a significant milestone but from a design standpoint it is the parking, dumpster in the rear and decide if you wish to get the street vacated as it doesn't appear anyone has an intended use for it. It would also clarify who would be able to use it. Mr. Mukherjee said he is not the owner but thinks it would be no problem and just needs to complete the paperwork.

Atty. Foucek questioned the staff comment relating to the use of the parking area and driver's being confused. Mr. Geosits explained the curbing radius was moved along E. South Street and Engineering would like to keep it where it is currently located. Atty. Foucek clarified this is the intersection of E. South Street and S. Brown Street. Mr. Geosits said yes and explained the design plan shows the new radius is too close to the alley and confuse drivers and use the private parking lot as a public thoroughfare. The curb radius must be maintained at its current location. Atty. Foucek clarified then sidewalk/curbing is needed where it currently exists. Mr. Geosits interjected with ADA ramp.

Atty. Foucek asked if the dumpster is going to be fenced in. Mr. Mukherjee said it is proposed to have a fence. Atty. Foucek continued by asking if there will be lighting in the parking lot. Mr. Mukherjee said yes in the parking lot and added they have LVPC approval. Atty. Foucek asked, assuming the street gets vacated, is there going to be some way to delineate between the neighbor's property to the north and this development, such as a fence or landscaping. Mr. Mukherjee answered we will have to incorporate some type of lawn to designate the separation and there will be no issue adding a low fence or barricade.

Mr. Buchvalt made a MOTION to grant conditional PRELIMINARY/FINAL plan approval subject to addressing the comments in the staff letter of June 10, 2019 to the satisfaction of City staff and when E. Ford Street is vacated, a fence, landscaping or barricade needs to be installed to delineate the new property line along this portion. Mr. Toth seconded the motion. Motion passed unanimously.

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, 2020. 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, and a 12-month extension granted on June 12, 2018 that expires on July 2, 2019. 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 anchor the property and last year was only granted a one-year extension. Atty. Foucek stated to Mr. Swallow this is at the point where he needs to rely to his client this may be the last extension granted. Mr. Swallow asked if there could be a two-year extension. Atty. Foucek replied no one year as the original approval was in 2015, which is five years ago. If ground is not broken within the year, you need to return with a better explanation.

Mr. Button made a MOTION to grant an extension until July 2, 2020. Mr. Buchvalt seconded the motion. Motion passed unanimously.

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, 2020. Conditional preliminary/final plan approval was granted on June 14, 2016 and a 12-month extension granted on June 12, 2018 that expires on June 14, 2019. The application proposed to construct 54 twin dwellings.

Art Swallow was present and explained they would like to keep this application alive as there is a pending application on the same property. If that application fails, they do not want to lose this approval. Mr. Swallow testified upon approval of the other application, Penn Square Flats, this plan will be withdrawn. Atty. Foucek commented with this stipulation, you must choose either one of the

plans.

Mr. Buchvalt made a MOTION to grant an extension until June 14, 2020 with the stipulation upon approval of the other application, Penn Square Flats, this plan will be withdrawn. Mr. Button seconded the motion. Motion passed unanimously.

Old Business

Atty. Foucek stated he received a copy of a June 6, 2019 letter written by Mr. Lightner that was shared with the Commission members in regard to the Wawa Food Market, 4th & Susquehanna Street. A conditional approval was given by the Planning Commission with a condition an escrow account be set up in respect to a traffic light at the intersection of Juniata/S. 4th Street. After review and based upon the position of the City's Public Works and PennDOT, Mr. Lightner authorized waiving the escrow requirement for the signal. Mr. Buchvalt agreed typically PennDOT would require an escrow and if it was a condition on the plan any change would need to be readdressed.

Atty. Foucek feels it is appropriate for the Planning Commission to make a motion on withdrawing this condition and agree with the result.

Mr. Buchvalt made a MOTION to confirm and ratify the action as explained in Mr. Lightner's letter in the withdrawal of condition #8 from the February 5, 2019 staff comment letter upon which the prior approval was conditioned. Mr. Toth seconded. Motion passed.

New Business

Mr. Kimmerly announced a new Planning Director was hired and introduced Irene Woodward to the Commission members. Ms. Woodward explained she previously worked at a consultant firm called Triad Associates doing planning economic development, before that she did her own consulting doing various planning, economic development and previously the City of Bethlehem. Atty. Foucek welcomed her and said he is looking forward to working together.

Mr. Toth questioned the use of vinyl signage along Hamilton Street and wanted to make sure the Commission was on board with what the Ordinance says. If it was done before but moving forward, we need to take a stiffer look at what is in the ordinance to see if a vinyl sign placed on aluminum meets the threshold as to what we are trying to do in the HSO. Atty. Foucek believes it is a fair observation and noted it has been a while since he read the ordinance and is guided by staff comments. It is very important to be consistent and a tutorial may be needed. Mr. Toth asked if the ordinance was done in house, but doesn't think cut out vinyl would be flattering, but will follow the letter of the ordinance and up to us to decide if it meets the requirements. Mr. Kimmerly said in looking at the design guidelines, is it realistic today to look at how signs are printed as they are printed as large banners and believes the ordinance needs to be reviewed. Mr. Buchvalt asked if that can be looked at in the Comprehensive Plan. Mr. Kimmerly said yes. Atty. Foucek said you cannot define some of these signs, but the intent is probably not to have vinyl signs. Mr. Kimmerly said the intent is to have the signs not necessary be uniform, but not to have a certain look. Mr. Toth said it seems they are presenting concepts and not designs. They need to go from concept to design, which is required per the Ordinance. Atty. Foucek concurred

and if the sign company is represented, we get the design with what it will look like and how illuminated and do not have to guess. Mr. Toth said moving forward that should be our minimum threshold. Atty. Foucek said that is all good points. Mr. Andrayko interjected that is why pictures are needed of the signs are both sides of the proposed sign, to make sure the sign in the middle matches the ones on either side. In reference to the Smooth Roots sign wanting to match the Koko sign, that was denied, and they have not taken it down. Atty. Foucek stated he will have to remember that when they return.

Adjourn

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