

Allentown

*435 Hamilton Street
Allentown, Pa. 18101*



Minutes - Final

Tuesday, March 10, 2020

12:15 PM

Council Chambers

Planning Commission

MEETING VIDEOTAPED FOR PUBLIC RECORD ON THE CITY'S WEBSITE**Call to Order****Minutes of Public Meeting of February 11, 2020****OLD BUSINESS****Sidewalk Postponements:**

--- 423 E. Tioga Street, S20-4, requested by Tammy Walbert and Diane Walton.
(tabled at the February 11, 2020 meeting)

NEW BUSINESS**Street Vacation:**

--- Westerly side of E. Ford Street beginning at the intersection of Brown Street to the westerly section of S. Carlisle Street, 20-3(V), requested by Herster, Newton & Murphy.

LAND DEVELOPMENTS

--- 702 E. Congress, LMA-2020-00001, preliminary/final plan review requested by Albert Abdouche.

The applicant proposes to construct a 9,816 sq. ft. flex building.

--- 1736 Hamilton Street, LMA-2020-00003, preliminary/final plan review requested by St. Luke's University Health Network **TABLED**

The applicant proposes to construct a six-story addition.

--- 948 S Front Street, LMA-2019-00018, preliminary/final plan review requested by Front Street Lot Owners, LLC.

The applicant proposes to construct four townhomes.

--- 605 N. Wahneta Street, LMA-2020-00002, sketch plan review requested by Central Park Apartments, LP.

The applicant proposes to construct 118 apartments in 12 buildings.

STAFF REPORT**ADJOURN**

**!! APPLICANTS ARE REQUIRED TO
ATTEND !!
ANY QUESTIONS? CALL
610-437-7611**

PUBLIC MEETING FEBRUARY 11, 2020

MEMBERS PRESENT:

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

CITY STAFF PRESENT:

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

OTHERS PRESENT:

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

MINUTES:

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

NEW BUSINESS:

Election of Officers

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

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

if anybody would be so inclined.

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

Sidewalk and Curb Postponements:

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

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

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

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

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

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

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

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

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

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

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

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

Engineering states curb will be required along the stretch there.

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

Engineering states cross street.

Tony Toth states so curb will be going in.

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

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

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

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

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

Irene Woodward states yes.

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

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

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

Atty. Foucek asks what is it now.

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

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

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

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

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

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

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

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

Atty. Foucek states there is going to be curb.

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

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

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

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

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

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

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

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

Art Swallow responds that is way up.

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

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

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

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

Atty. Foucek states it is in terrible shape.

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

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

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

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

Art Swallow responds yes.

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

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

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

Damien Brown states its down there, way down there.

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

point to go anywhere.

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

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

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

Art Swallow responds yes.

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

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

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

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

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

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

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

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

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

Chris Williams states Caliber Collision they do collision repair.

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

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

Chris Williams states that is correct.

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

Engineering states potentially on the corner.

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

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

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

Tony Toth states to Chris Browns point it is a good point but I would be more inclined to let PennDOT be the trigger mechanism for this on the state road, and the only other concern I have with the sidewalk

is there is no existing pedestrian crosswalks, pedestrian signalization across Airport road and I think the state would be the primary trigger mechanism on that not us even so that to the West on the vacant lot we did require sidewalks over there for that parcel, I think that makes sense because of the situation of where it is and abutting American Parkway so I would be more inclined to say no to this one.

Damien Brown asks so no to the exemption.

Tony Toth states no sidewalk.

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

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

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

Irene Woodward states yes.

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

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

Engineering responds correct.

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

Engineering responds sometimes they put that on the developer.

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

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

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

Tony Toth states yes.

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

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

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

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

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

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

Atty. Foucek asks if they own the vacant lot

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

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

Tammy Walbert states they are both alleys.

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

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

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

Tammy Walbert states that is deceiving they are not.

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

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

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

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

Atty. Foucek states staff has visited that, I grant you on other properties there are people that have put trees in right out on the curb, always have to question that, but looking at the front of the house now that

has sidewalk and those trees are pretty much the same as the depth from the curb as the ones you have to the West and the curb is pretty wide there you could even go lesser.

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

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

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

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

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

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

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

Irene Woodward responds yes.

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

Tammy Walbert responds yes, sell the house.

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

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

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

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

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

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

City Engineering states they will send their arborist out.

Atty. Foucek states the city have their own arborist and what they do they will tell whether or not a

sidewalk would likely cause damage to your trees, so again I am going to defer to that expert.

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

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

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

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

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

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

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

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

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

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

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

Street Vacations:

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

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

Art Swallow states yes this would be our primary access to Penn Square flats, my opinion and my

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

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

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

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

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

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

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

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

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

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

Art Swallow states this was an old platted alley street from quite a long time ag

This matter was

MINUTES

MEMBERS PRESENT:

Oldrich Foucek, Chairman
Mark Buchvalt, Vice-Chairman
Damien Brown
Anthony Toth
Chris Brown
Jeff Glazier

CITY STAFF PRESENT:

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

OTHERS PRESENT:

Jose Diaz
Kathy Austin
Attorney, Daniel G. Dougherty
Attorney, Dennis McCarthy
Ryan Abdouche
Joe Olatano
Lucy Khuri
Diana Vargas
Darry J. Briggs

MINUTES:

Motion made by Atty. Oldrich Foucek to table the minutes of March 10, 2020 until the April meeting.
Motion passed unanimously.

SIDEWALK POSTPONEMENTS:

423 E. Tioga Street, S20-4, requested by Tammy Walbert and Diane Walton. (tabled at the February 11, 2020 meeting)

Tammy Walbert and Diane Walton were present. The email from the arborist about the trees along Tioga Street was discussed. It was noted that the arborist did not provide any information on the health of the trees. After some discussion about the health of the trees along Tioga Street, the owners stated that they would put in the sidewalk along Tioga Street in order to move forward with the project.

Atty. Foucek makes a motion to grant (10) Ten-year postponement to Delp and Potter. Not granted for Tioga. Damien Brown makes motion. Chris Brown seconds. Motion passed unanimously.

STREET VACATION:

Westerly side of E. Ford Street beginning at the intersection of Brown Street to the westerly section of S. Carlisle Street, 20-3(V), requested by Herster, Newton & Murphy.

Atty. Henry Newton was present on behalf of R&M Apartments Inc. Atty. Newton provided an overview of the request and noted that the street vacation would be part of their proposed development. There is currently a large parking lot, which is two property owners. The street vacation would be split between the two property owners. There was discussion about the neighbor's concern about their property being used as parking for the proposed apartments.

Atty. Foucek states we recommend the vacation of this section of Ford street. Anthony Toth moves recommendation of street vacation. Motion seconded. Motion passed unanimously.

LAND DEVELOPMENTS:

702 E. Congress, LMA-2020-00001, preliminary/final plan review requested by Albert Abdouche. (The applicant proposes to construct a 9,816 sq. ft. flex building.)

Brian Abdouche & Mike Minervini were present, representing Albert Abdouche.

Atty. Foucek says there are several comments in the letter. Particularly for parking that suggests that there would be parking perpendicular to the street so there would be people pulling in and out into the street as they are leaving which is not an acceptable concept to the staff and I would suggest nobody here either so I think that would be addressed.

Atty. Foucek states it is not consistent with the requirements of the SALDO and this would be new construction, so we are going to hold you to that. Mark Buchvalt states we should be looking into some proper curve cuts and circulation in the parking lot instead of just backing on and off to Congress and North Gilmore and I think if you read the letter there might be some zoning issues.

The applicant stated that they would like to try and get a variance to allow the plan to stand. They feel that the problem is the size of the lot. In order to get a parking lot on it, it would reduce the size of the building and limit the use.

Mr. Toth states if he wants to maintain the same footprint if he swaps parking out then he's going to have probably a setback requirement and you are going to have to go to zoning anyways so he is picking his poison possibly.

Atty. Foucek: That gives you something to think about. And we are not able to approve it at all at this point certainly not even conditionally and so whether you go back and work on redesign and work on that suggestion or decide just to go to zoning to try to get your relief, I think that we are not in position to continue this cause then we run off the time deadline unless you are willing to waive all those time requirements without all those processes because the alternative would be to withdraw plan and come back with another plan or come back and say we had relief from zoning. So, we can either withdraw the plan or waive whatever time requirements would be applicable.

Mr. Minervini stated that they would submit a time extension until after the zoning is resolved.

1736 Hamilton Street, LMA-2020-00003, preliminary/final plan review requested by St. Luke's University Health Network (The applicant proposes to construct a six-story addition.)

Next item was tabled, St. Luke's University Health Network. We will hear that another time.

948 S Front Street, LMA-2019-00018, preliminary/final plan review requested by Front Street Lot Owners, LLC. (The applicant proposes to construct four townhomes.)

Atty. Daniel Dougherty for the Front Street Lot owners, LLC. Jose Diaz, principal owner, Richard Waldruff, professional land surveyor, and Kathy Austin were present.

The proposed project is going to consist of 4 townhouses. We are providing two parking lots per unit. Approximate living area is about 1,200 square foot. There is going to be a garage for each one of these units and in addition there is a driveway.

Mr. Zagalia stated that he lives on 958 an adjoining property on South Front Street. At the South end on the corner and I have been there since 86. I am not opposed to buildings going up there I expected this 30 years ago, but what I am opposed to is 4 units. Way back 30 years when the property was sold, I looked into it and the city told me I could build a twin there and with that I just let it go. Then another neighbor of mine bought that property and now we are looking at 4 units on this property and 3 of them look like they need a variance. I think it is out of style for this neighborhood, if you look around the neighborhood there are 2 or 3 units. There is not a 4 unit around there. That was all part of Penn Square even when they built all the townhouses on Armor Court, they're all 3 units. A 4 unit would look out of place, the property is small, and it is proven by the fact that you need a variance to do anything with it. The other concern I have is water runoff. That alley has shifted because of erosion. That is corn street. The garage you see on Corn street is out in the alley but I guess nowadays they use aerial photographs to survey it and years ago when I went to the survey department they said the whole area is not surveyed correctly. I have some concerns over the survey. The current owner said that they had that property surveyed twice. My wife spoke with the second surveyor and apparently there were some problems, but all I know is what I have seen and heard over the years.

Mark Buchvalt: At least on the storm water side you have some valid points on just is the density appropriate cause they need a variance but it looks like they are taking these driveways and putting them away from the alley and each unit has its own stone water facility. So, it looks like they are taking any water that would be going to Corn Street and keeping it on the property. It looks like they are appropriately grading it.

Atty. Dougherty: The person looking at this is going to decide whether they want a huge property or not. If I want a big backyard and put a pool in there, I'm going to be looking at a different property. Now you have the millennials, they do not want to take care of any property and you put grass there and everything else and I got to cut grass, I mean it is ridiculous so it is a different buying market now. When you look at it, if he builds them and the price point has to lower because people want a bigger back yard then that is the way it has to go.

There was discussion about the number of zoning issues that need to be resolved.

Anthony Toth: Is the applicant willing to forego a formal decision today and go to zoning first and then get their decision and come back in front of the planning commission? Based on the amount of concern that several of the members have stated.

Atty Dougherty: Discussed with clients and will move forward with the variance request and you guys hold off.

Atty Foucek: You'll sign something waiving the time requirements. You will present to zoning and hopefully they'll agree. We won't approve anything today. Technically, we are tabling it. But because we have no idea when it is going to come up, there is a time deadline on that. I would table it and require the developer to extend indefinitely the requirements of the planning code for action.

Motion in order. Jeff Glazier moves that we table this. Mark Buchvalt seconds. All in favor, motion passed unanimously.

605 N. Wahneta Street, LMA-2020-0002, sketch plan review requested by Central Park Apartments, LP. (The applicant proposes to construct 118 apartments in 12 buildings.)

My name is Dennis McCarthy. I am representing the developer Central Park Apartments. With me is the Principal of Central Park Apartments Joe Caliswano and David Baray from Jena engineering. The property 605 North Wahneta street is a 12.105-acre parcel over on the East side. We are proposing 12 apartment buildings containing a total of 118 multifamily dwelling units. IT is a challenging site. Steep slopes and engineering have done a pretty great job of laying this out. If you look at the comment letters there is not major issues.

Atty. Foucek: This parcel was subject of a development plan in 2007, which has since lapsed.

Atty. McCarthy: There was conditional approval for 179 units in 2007. The project has been scaled back since the primary intervening event was the steep slope ordinance.

Atty. Foucek: So, I know there was a lot of questions from the Commission back then about the general buildability of that site. Without an ordinance, people would comprehend that sufficient slopes would make it not an easy build out. But now we have a steep slope ordinance dealing with this.

Atty. McCarthy has the march 5th review letter from the City. Most of the issues we can comply with. Before we dive into it is there any reactions, questions, comments from you?

Mr. Buchvalt: I can see you are trying to put the units in developable areas, where you are outside of the slopes.

Atty. Foucek: It is not just a slope. Even doing a couple feet on rock as opposed to simply soil. Have you investigated that yet? The applicant stated that they haven't actually gone out and located. The first step is to lay the plan out. Take in the consideration that the slopes and make sure with the grading we are not disturbing those areas. Those areas that you are speaking of are falling in that 35% slope.

Mr. Toth: Going back on that, I'm assuming we had a lot of talk of Geotech. Did you have any of the info on that related to this? The applicant state that they are trying to minimize the impact. You can remove anything, but you must look at what is economically feasible for the client and for our family.

Atty. Foucek: Wahneta Street curves around and intersects with Hanover Ave. in front of a corner

building. I think that seems to be the major ingress and egress for what is now your 118 units was a lot more substantial, but I remember the folks who live back in the neighborhood. Tacoma would be the secondary and get you out to Hanover. In a less problematic because you have a crazy 5-point intersection right there and thinking about the community in peak travel time. Especially in the morning trying to get out onto Hanover you are going to get backed up with people trying to deal with that are going to go through the neighborhood down farther west on Hanover. It is worth pulling that file out of how we dealt with that the last time. Less vehicle moves, I do think it is going to come again.

Mr. Buchvalt: I think Wahneta goes out to a signal. The signal would need to be looked at. Damien Brown: I can see the residence of Tacoma Street using the new connective Wahneta Street to get to the light.

Anthony Toth: There are going to need to be a fair amount of retaining wall? The applicant stated that there would be very few. The only time we are going to run into that is going to be when I need to retain anything going on to the steep slope area from an engineering standpoint. If I can grade it. Points and shows area of retaining wall that would be of most concerned. The intersection (unclear away from the mic).

Damien Brown: Is there any issues with public water or sewer, since you are over the ridge? The applicant has an application with LCA, they want something a little more finalized then this was, but we got their initial comments back and it seems promising. We were going back and forth with LCA was whether or not we were going to put a main along Wittman street and tie in at Tacoma or whether we could privatize the line onto the site from the beginning of the lot. I think we are going to end up bringing in a new water line.

Chris Brown states all the roadways will be private. The overall design is the density is fine but is very spread out through development would rather see more units clustered in larger footprint buildings. I can't imagine bringing all these roads and utilities into the site, single loaded. The transformation is one of our largest contiguous wooded areas remaining.

Damien Brown: Need for sidewalks on section of North Tacoma, also some type of interior pedestrian flow. I realize that exacerbates the issue that Chris brought up in being so spread out, the lack of density, brings your cost up but it should be there. Thoughts of Planning Commission, I don't think it would be bad idea if a future right of way was cut through the property and dedicated back to the city in the alignment of Trump street. Should that property to the South ever be developed, whoever the future user of that is could use that to get to Wahneta street and down to the light rather than using Tacoma or Sherman.

Damien Brown: The challenge with the sidewalk comment is if we don't require sidewalk installation now on the South side of Wahneta street, we don't have a mechanism for permanent exemptions we only have deferrals so that is something to think about. That could come back to future owner because when there are improvements on that street that issue will come up.

Atty. McCarthy stated that one of the questions is the status of Wahneta Street, is it an abandoned paper street or is not, so we'll have to do some digging with the city to see. It shows up on the plans, it is on the tax map, and it has not officially been abandoned but we must drill down to see what the process will be.

The applicant stated that from a traffic point of view any precedent from the development I would think that Wahneta Street would take the load, I don't think residences at least leaving would use Tacoma. It is easier to go out Wahneta at the light. Going north or east or west to protect the turn back on Hanover Ave which Tacoma street would not be. As far as if I am coming from downtown Allentown and I am

coming home, Tacoma might see an increase in traffic, but people may still opt to come up Wahneta because it is an easier drive.

Anthony Toth: Looking at the storm water management area, it looks like there's a swale over on the eastern side that you are going to discharge too but I think the problem is that you are bucking grades somewhere. What is the plan, how many discharge points do you ultimately think you are going to have? You don't know yet. The applicant stated that there is an area that could be a retention area at the lower end we might try to utilize along the way. There is no way you are going to get everything to one spot. So, we may be looking at dry wells and infiltration testing to see if there is permeability, if we have the soil for that and what does not happen there, we'll probably bring over. At the end of the day I must come up with what is sufficient. I talked about it with my client, I do not know until we can funnel grade and get it in there, that is our responsibility to make sure there is no additional intensity run offs.

Atty. Foucek: We talked about retaining walls before and see if they'll minimize that. On the plan there are 2 retaining walls. One along Wahneta Street on the South side that is a 5-foot-high retaining wall and then one on the Westerly side of the internal road that is 6-foot-high retaining wall. The street isn't named. The first right turn off of Wahneta, it looks like there is a note and I think that says 6 foot high so those are 2, it would seem to me when you are cutting a road through steep slopes. Did you choose to not put other retaining walls there or you just don't know now?

Mr. Berey stated that is grading, relative to the engineering part I will grade before I put retaining walls provided, I can grade and there are a few slope areas that I am not allowed to disturb. One it is more aesthetic, and it is also cheaper. The areas that I do show the retaining wall are the ones that I feel we are going to need. Those are critical areas. It is a steep slope, but it does follow the contour and that is good and bad. It is good that we are following the contours down but then when I have to cut the side slopes in I have to go left and right so that lower portion of private area there is going to be a fair amount of fill going across the back of that which we do engineering wise.

Mark Buchvalt: I think what is going to drive this layout is the grading which you are going to have to take to the zoning hearing board. Unless you are going to avoid it all together with walls which your next big step is.

Mr. Berey stated that one of the things to my understanding is that the definition of those areas that are 35% or over need to cross streets into power treatments. That is the assumption that I went on with the engineering. The second thing is that we are doing not as a road but an access.

Atty. McCarthy: And I think part of the relevance's under the steep slope ordinance for access and driveways, the planning commission might have the ability to grant relief for a driveway or an access as opposed to a zoning hearing board.

Atty. Foucek stated that it is spread out largely because of accommodations due to steep slopes, I would just offer that it is not do able because of the sloped areas. But there doesn't appear to be public amenities is that something that you would contemplate? Nobody knows what is going to happen with the state hospitals but thinking about coming there with kids, what do I do? Where do they play?

The applicant stated, in terms of amenities I don't think we'll be going and putting in a pool but maybe a playground or an area for kids to enjoy themselves in this park like setting that we would do. I don't think I can decide of where that would be.

Atty. Foucek: Anybody in the audience interested?

Come up state your name and address: Kelsie Finck. I am 259 Central Park Avenue. It is adjoining in

the back, it is a cul-de-sac off Florence, City of Bethlehem. Google Map first slide, the cul-de-sac on the far-right side of the screen, that is our development. So, my concern is mainly traffic. People park on both sides of Wahneta because of Westminster, the employees park on both sides there. Hanover the light there, every day somebody runs that light, it is very dangerous so I do believe that a traffic study would be needed. Especially at the 5 points merging onto Hanover, that is also a very dangerous point so an increase in 118 people is going to increase the volume in that whole area. My other concern is we have a very beautiful setting outside of our decks, so we face the woods so that is now going to be all housing so I would hope that we would take in some consideration with the roofs. We could do like green roofs where they can plant more grass on the roofs so that we still have that view because when we first bought our houses we were told by the realtors and the builders that we can't build back there. You know we say we live in the city but it doesn't feel like it because of all the deer and wild animals so it really is unique because we are surrounded by the woods all around and to the point that not a lot of people know about this neighborhood. The neighborhood was built in 2014 and it is still a hidden gem. When the traffic going onto Wahneta when all the cars are parked for the employees, even visitors on the weekend, you must be very considerate of one another going by. It is tight fit so that would just increase it immensely.

Mark Buchvalt: I think to her point I think you could still provide some reasonable buffer in their backyards before you start taking out vegetation. Just out of curiosity, does anyone know what is happening with that Bennet site are there any plans out there?

Mark Geosits state that they knocked down all the buildings and it looked like it was being geared up for something.

Atty. Foucek stated that we will take a lot of comments regardless of what they are. There are rules and Mr. McCarthy may ultimately pull who can comment or object if you are not from the municipality. I do not want to minimize your comments I think they are very appropriate. The aesthetics, we like to consider aesthetics. But nowhere in the principle that we fly by is aesthetic a specific requirement. I think that any responsible developer might want to consider that but that is going to be up to the next integration of this plan. So, I appreciate your comments, anybody else in the audience have comments?

Jane Wesner, owns a business at the top of N Tacoma street. On the corner. On the lower left. Sometime last year one of the neighbors behind us on Sherman street, somebody put up two signs at Hanover by Staley's there that no trucks are allowed to go up Sherman street anymore for our delivery and pickups the trucks always came up Sherman street, when they got to the top of the hill, they make a left onto East Allen and they go along side of our building and able to back in the dock by our front door. I didn't see the signs myself, but we went down to look at them and there are two signs posted in each direction on Hanover. Concerned about the traffic and the safety, they are just building 8 homes from Habitat for Humanity across the street from the Church that is going to bring a lot more traffic.

Damien Brown stated that this plan has proposals that substantially improve access to your business, Wahneta Street will curve from its present terminus and form an intersection with Tacoma right by your business. There would still be some maneuvering at your property that they would not have to back up Hanover anymore.

Sylvia Ramer. I live on Tacoma street that my recollection when they were trying to build before they were saying about how they could not do any sand blasting due to the cemetery, why is this different? Atty. Foucek stated that he does not remember that comment, I'm not sure that they would blast. Whenever you blast you need to get the appropriate permits and supervision. They are responsible for any damage done so I would imagine the risk is greater for a house than a cemetery.

Sylvia Ramer: And you would have children in these communities. Atty. McCarthy state that it would be illegal for us to not let children live there.

Atty. Foucek: I appreciate everybody's comment. These are all of the benefit of the developers, they could process this and when they come back with a plan they would expect us to actually rule on hopefully that will all be considered and put some of that into what you ultimately want to do.

Atty. Foucek requested that the staff dig through the files and then share with us some of the minutes.

Mr. Toth: One guiding principle on this one is trying to maintain as much as the existing tree canopy as you can because that is going to solve a lot of problems. The applicant stated that they cannot touch some of the steep slopes, those areas are going to remain.

STAFF REPORT:

ADJOURN:

There being no further business, the meeting adjourned at 2:45 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=798