

Allentown

*435 Hamilton Street
Allentown, Pa. 18101*



Minutes - Final-revised

Tuesday, June 9, 2020

12:15 PM

Virtual Meeting link: <https://rebrand.ly/acpcjune9>

Planning Commission

Call to Order

Minutes of Public Meeting of May 12, 2020

LAND DEVELOPMENTS:

--- 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, 2021. 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, a 12-month extension was granted on June 12, 2018 that expired on July 2, 2019, and a 12-month extension was granted on June 11, 2019 that expires on July 2, 2020.

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

--- 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, 2021. Conditional preliminary/final plan approval was granted on June 14, 2016 and 12-month extension granted on June 12, 2018 and another extension was granted on June 11, 2019 that expires on June 14, 2020.

The application proposed to construct 54 twin dwellings.

Old Business

New Business

Staff Report

Adjourn

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

ALLENTOWN CITY PLANNING COMMISSION
PUBLIC MEETING June 9, 2020

MINUTES

MEMBERS PRESENT:

Oldrich Foucek, Chairman
Mark Buchvalt, Vice Chairman
Richard Button, Secretary
Christian Brown
Jeff Glazier
Damien Brown
Anthony Toth

CITY STAFF PRESENT:

Irene Woodward, Planning Director
Frederick Andrayko, Zoning Supervisor
Craig Messinger, Public Works
Mark Geosits, Public Works
Nelson Varughese, Public Works
Jerald Hartnett, IT

OTHERS PRESENT:

Arthur Swallow, Arthur A. Swallow Associates, LLC

MINUTES:

Motion made by Atty. Oldrich Foucek to approve the minutes of May 12, 2020 as written. Motion passed unanimously.

LAND DEVELOPMENTS:

Landmark Tower 90th South 9th Street, requested by Ascot Circle Realty LLC, Attn. Bruce Loch. The applicant proposes to extend the approvals for another year.

Arthur Swallow is present on the line speaking. The reason for the extension request is Mr. Loch has been seeking a tenant and has naming rights for the building intended to bring someone new to the area. Getting the right tenant takes some time. A statement from Mr. Loch, during this pandemic there has been increased interest in the property. Ascot Realty has received 7 inquiries from New York Companies looking to make a change to see what Lehigh Valley has to offer. The architect's plan shows 33 stories with ground level retail and top 4 floors proposed residential penthouse and 30 floors of office space. Actively pursuing tenants and we would like 2-year extension.

Atty. Foucek states that it has been 5 years since we granted conditional final plan approval, so it is a significant period to have to do something with this development. The dimensions are on a small lot and it met code. It did not require variances but 5 years ago it did not seem like an ideal building. Irene, do we have to apply any other standards, the Goody Clancy report, does the developer need to accommodate anything we did not have 5 years ago. I do not want to go two years.

Irene Woodward answers that the SALDO has not changed. There may have been some recommendations based on the Goody Clancy.

Jeff Glazier calls for two years but if consensus is for one, developer can show in a year what progress is made for extension. It is a different development than in the past and can put the most value into Allentown on a small parcel of land.

Damien Brown: It looks like the intention is to directly abut the properties to the North. I am wondering how they can achieve an all glass building on the North because of proximity of the neighboring buildings. Is the intention for the North façade to be glass as well? You are only allowed to have a minimal amount of window space if there is a direct abutting or adjoining property. Otherwise, I am inclined to grant the approval.

Arthur Swallow: We may have received a waiver for excavation within 5 feet of the property line. The proposed building is intended to join with the parking deck and a license with the parking authority. We are building right up to the edge which will need to be addressed when the time comes.

Irene Woodward states if they are significantly changing the building they would have to come back.

Damien Brown: I am inclined to grant the approval. There will be significant design changes, or they will have to acquire that property to the North for the 360-degree view. Why don't we approve for 1 or 2 years?

Mark Buchvalt asks if it is going to be a year until our Zoning Ordinance is updated and changes would be needed. A year makes sense.

Anthony Toth: This project has gone on for 5 years now and we have extended approval, so this project is lacking and not a whole lot of interest for moving forward. We can come to a common ground to provide a deadline for the extension. Deadline to keep things moving. In favor of 6 to 8 months.

Atty Foucek states to grant a one-year extension and require the developer to come back. If Bruce had something, I would like to see proof of what is going on, because I am concerned that this is a project that is not that attractive to a large commercial user. You are going vertical and people do not want to be in an elevator or stairwell all day.

Arthur Swallow states it is 5,194 square feet.

Anthony Toth states it would have to meet the new building code and standards.

Atty. Foucek states the request seems to be for a year. What I want the record to reflect that a year from now if the conditions have not been met, we want something stronger than my client is searching for a tenant. Give us something that shows that there is real negotiating like a letter of intent otherwise we are going in circles. Client will have a year, but he needs to know that this commission will look at it differently a year from now, it has six years.

Richard Button states give an extension for a year.

Arthur Swallow states that I will make sure to pass along the comments to show progress.

Atty. Foucek asks for motion to grant a one-year extension to July 2, 2021. Richard Button makes

motion to grant for one year. Jeff Glazier seconds the motion. Motion passed unanimously.

Penn Square Section 6, 868 Constitution Drive, Phases 1 and 2, requested by Allentown Community Development Company for a

Atty. Foucek states we approved this 2016 for a 2-month extension June 12th of 2018. Another extension granted on June 11th expiring next week.

Arthur Swallow on the line. We designed a development with 54 twin units on the last piece of land. Since we attained approval on this project the owners had us redesign the total apartments, so we attained approval of the apartments last September with conditions. There is a buyer who is seeking tax credits from the state, and that process started in January. The application has not been considered with the current circumstances. We would like to keep this plan active and we have one or two interested in the twin and we ask for a two-year extension, but a one-year extension will be fine. Nothing has changed with Zoning or SALDO. On Section 6 of this project all permits and approvals are in place and active.

Atty Foucek points out on the agenda fourth line, it says conditional preliminary/final plan approval was granted on June 14, 2016. With a 12-month extension June 12, 2018. There is a December 14, 2018 letter from Stewart to Mr. Loch and is that letter where we offer the following comments?

Irene Woodward states there were revised plans were submitted and that is the internal comments. The initial approval still stands.

Atty. Foucek states so we are looking back to 2016. Arthur, the conditions set forth for the revised plan where it says provide documentation from the Vasquez family, have those items been followed through?

Arthur Swallow states that was the hold up. One of the adjoining property owners was convinced South Albert Street was an open street and they claimed half of it so they were back and forth with attorneys for two years until it was settled. The city has the settlement agreement. The result was they had to pay the guy and he released his rights and paid off his claims.

Damien Brown states he likes the idea of twin home more than the apartments.

Arthur Swallow states the potential buyer is looking to the state for potential tax credit, so we have no report on status. I would like two years.

Atty. Foucek states there were three two years and two one years. There are items out of his control that contributed to the delay so I will go two years.

Atty. Foucek asks to make a motion to grant a two-year extension. Jeff Glazier makes motion. Chris Brown seconds motion. Motion passed unanimously.

ADJOURN:

There being no further business, the meeting adjourned.

Respectfully submitted,

Recording Secretary _____