



Memo

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To: Honorable Members of the Bethlehem Township Board of Commissioners
Doug Bruce, Township Manager
From: Amanda L. Raudenbush, AICP, CFM, Planning Director
Date: November 13, 2019
Re: November 18, 2019 Board of Commissioners Meeting Report

Departmental Activities

- Staff responded to multiple large right-to-know requests
- Staff continues implementation of iWorQ system

Pre-Application Meeting

No Pre-Application Meetings were held with Township Staff this month.

Board of Commissioners New Business

- **Micklos PCSM – Waiver Request** – The Micklos family has built a home at 4136 Bethman Road. Due to the amount of impervious coverage, the property needs to comply with the Stormwater Management Ordinance to address water runoff and water quality. While working through this process, the applicant has been required by the Lehigh Valley Planning Commission (LVPC) to revise the emergency spillway to conform to their standards. At this point, in order to comply with the LVPC requirements, the applicant is requesting a waiver from Section 218-28B(4) regarding the 2.0 foot requirement between the spillway crest and the top of the berm.

- **Birches at Bethlehem (formerly Solebury Senior Living) – Preliminary/Final Plan** – The Applicant is proposing to develop an 8.1 acre site located at 5030 Freemansburg Avenue. The preliminary/final plan proposes the 57,654 square foot personal care facility. This facility will house 124 beds, with 67 beds in personal care units and 57 beds in memory care units. The plan also identifies the associated parking, loading areas and stormwater facilities. The plan also shows a passive recreation area with an integrated trail system. Limited access to the

site is proposed from Freemansburg Avenue, with right-in, right-out and left-in movements proposed. All left-out movements are proposed to utilize Beaujolais Place to access the traffic signal at Wagner Drive and Freemansburg Avenue.

Board of Commissioners Old Business

- **Justice Grown – Conditional Use** – Bethlehem Village Shoppes would like to utilize an empty storefront for a Medical Marijuana Dispensary. This existing shopping center is located at 3650 Nazareth Pike and the new business is proposed for the northern end unit, next to the District Magistrates Office. A Medical Marijuana Dispensary is listed as a Conditional Use in the General Commercial zone and therefore needs to go through the Conditional Use process which includes a public hearing. The 3,380 square foot facility includes a 213 square foot vault room.

Comments were issued by the Township’s consultants, and forwarded to the Applicant. The Bethlehem Township Planning Commission recommended granting the conditional use, with the stipulation that the secure delivery area be a fully enclosed garage.

Important Information Regarding This Conditional Use Application

The Pennsylvania Medical Marijuana Act was enacted on April 17, 2016 and is known as Act 16. Section 2107 of Act 16 preempt municipal zoning, however municipalities still have the responsibility for the location of these uses. This means municipalities **may not be more restrictive** than the state regulation, i.e. requirements for dispensary cannot exceed for other commercial businesses in same zoning district. This use and its’ licensing are regulated by the Pennsylvania Department of Health. The Township Zoning Ordinance lists Medical Marijuana Dispensary as a Conditional Use in the General Commercial zone.

A Conditional Use is a category of use permitted by the Municipalities Planning Code. Conditional uses require a public hearing and approval by the governing body. Conditional uses are permitted as long as base zone requirements and additional conditions as outlined in the zoning ordinance are met, as well as any other conditions that the governing body may attach. The applicant bears burden of proof for specific standards and criteria, meaning they are objective and measurable. With any concerns regarding general, non-specific or non-objective standards (i.e. compatibility with the neighborhood, in harmony with the general purpose of the ordinance, etc.), the burden of proof is on the objectors. Those objectors must prove with credible and particularized evidence that the proposed use will not comply with non-specific, non-objective standards.

The conditions outlined in the Zoning Ordinance for this use are in line with the State Regulations, and therefore are not more restrictive than the State Regulations. A copy of the conditions as listed in the Bethlehem Township Zoning Ordinance is attached.

-**Easton Avenue Culverts**, 3268 Easton Avenue & 3276 Easton Avenue – The owner of 3276 Easton Avenue has indicated that they have hired a contractor to provide a proposal to fix the sidewalks. That proposal is expected in the next two weeks.

The owner of 3268 Easton Avenue did not attend the injunction hearing. They have requested that another hearing be scheduled at a time agreed to by all parties. This will be scheduled in the near future.

Current Submissions for November 25, 2019 Planning Commission Meeting
- 2595 Brodhead Road – Site Plan