

**BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING
JULY 5, 2022**

MEMBERS PRESENT John J. Merhottein, President
Malissa K. Davis, Vice President
Jan Beatty, Commissioner
Dale A. Sourbeck, Commissioner

MEMBERS ABSENT John K. Gallagher, Commissioner

OTHERS PRESENT Anthony Giovannini, Township Solicitor
Doug Bruce, Township Manager
Amanda Raudenbush, Community Development Director
Matt Miranda, Assistant Director, PPIS
Anthony Tallarida, Township Engineer

CALL TO ORDER Mr. Merhottein called the meeting to order at 7:00 p.m., and led those in attendance in reciting the Pledge of Allegiance.

EXECUTIVE SESSION ANNOUNCEMENT Solicitor Giovannini announced that on Monday, June 20, 2022, the Board of Commissioners met in executive session at approximately 6:30 p.m. to 7:00 p.m. and again on July 5, 2022, from 6:00 p.m. to 6:30 p.m. to discuss potential litigation pursuant to Section 708a of the Pennsylvania Sunshine Act.

COURTESY OF THE FLOOR

**TOM KEEFER
3803 CARTER RD.** Mr. Keefer said the communication within the township departments is terrible. He also asked Mr. Merhottein to step down from his position as Commissioner because he is running for state office.

**ROY ROTH
4323 CHETWIN TERR.** Mr. Roth said the interchange at Route 191 and Route 22 is the gateway to the township but it looks like a junk yard. He asked the board to have it cleaned up.

APPROVAL OF MINUTES Mr. Merhottein said the approval of the minutes of the June 20, 2022 regular public meeting were pulled from the agenda.

ORDINANCE 05-22 **AN ORDINANCE AMENDING CHAPTER 202, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF CODIFIED ORDINANCES OF THE TOWNSHIP OF BETHLEHEM, TO ADD A NEW ARTICLE VII, FATS, OILS, AND GREASES CONTROL PROGRAM, WHICH WILL PROVIDE CONTROLS FOR THE DISCHARGES OF WASTEWATER CONTAINING FATS, OILS, AND GREASES TO THE TOWNSHIP'S SEWER SYSTEM AND WASTEWATER TREATMENT PLANT**

Upon motion (Sourbeck-Davis), the Board of Commissioners voted unanimously by voice vote to adopt Ordinance 05-22 amending Chapter 202, Sewers and Sewage Disposal, of the Code of Codified Ordinances of the Township of Bethlehem, to add a new Article VII, Fats, Oils, and Greases Control Program, which will provide controls for the discharges of wastewater

containing fats, oils, and greases to the township's sewer system and wastewater treatment plant. Mr. Gallagher was absent.

SUBDIVISIONS & LAND DEVELOPMENT

SKETCH PLAN- 5007 FREEMANSBURG AVE (APARTMENT BUILDING)

Ms. Raudenbush said the applicant is proposing a 26-unit, three-story apartment building on the northside of Freemansburg Avenue. The tract is zoned Rural Residential and is within the Neighborhood Enhancement Overlay District. The proposed use is not permitted within the current zoning.

Attorney Erich Schock, representing the developer, said this is only a concept plan and the developer is seeking feedback from the board. He said the property's current zoning would allow for a project like a small bed-and-breakfast. He said the developers believe an apartment building is a better use of the site and are exploring ideas for amenities such a dog park. Attorney Schock said the lot is not the right fit for a single-family home.

Mr. Merhottein said he preferred residential use over commercial. Ms. Davis said she drove by the property and believes the building as presented is too tall and suggested the building be two-story. Mr. Merhottein and Ms. Beatty agreed. Ms. Davis expressed concern about the traffic exiting onto Freemansburg Avenue. Mr. Sourbeck agreed and said he was very concerned that this project will increase traffic. Ms. Davis said she would like to see the parking lot shielded from the street. Mr. Merhottein said that perhaps a turning lane into the property could be added on to Freemansburg Avenue.

DAVID THOMSEN 4980 COUNTRY TOP TRAIL

Mr. Thomsen respectfully requested that this plan does not get approved. He said the building is too tall and is concerned with people speeding through his development. Mr. Thomsen said a dog park would create more noise and unpleasant odors for the residents.

STAN KRAMER 5020 COUNTRY TOP TRAIL

Mr. Kramer said he supports the concerns expressed by his neighbor, Mr. Thomsen, and added that their neighborhood is otherwise single-family residences.

ALBERT FULCHER 4920 COUNTRY TOP TRAIL

Mr. Fulcher said the traffic on Freemansburg Ave is a nightmare and that he moved to the township for the quietness. He said that according to the plan presented, the dumpster for the apartment abuts his property and would produce bad odors. Mr. Fulcher believes an apartment building is not the correct use for that area.

ARTHUR VANDERSCHAUW 4960 COUNTRY TOP TRAIL

Mr. Vanderschauw agreed with his neighbors and said he doesn't believe the township needs more apartments.

MICHAEL FOWLER 5000 COUNTRY TOP TRAIL

Mr. Fowler said his house is directly behind the proposed apartments. He agreed with his neighbors' concerns. He added that speeding through the neighborhood puts the children at risk.

BARRY ROTH 4323 CHETWIN TERR.

Mr. Roth said he was concerned about spot zoning. Ms. Raudenbush said what the applicant is proposing would not create a spot zoning. Mr. Roth said he would rather see single family homes on the property.

TOM KEEFER

Mr. Keefer said he was at the June Planning Commission meeting and the

3803 CARTER RD.

applicant never mentioned anything about a dog park. Attorney Schock said he mentioned it to the board as an idea. It was not proposed in the conceptual plan.

The board took no formal action on the sketch plan.

RESOLUTION R059-22

A RESOLUTION GRANTING CONDITIONAL FINAL LAND DEVELOPMENT PLAN APPROVAL OF PENN CENTER 33 (FORMERLY MILL CREEK BUSINESS PARK)

Ms. Raudenbush said the plan proposes a planned business development consisting of four flex buildings with public and private improvements. She said the preliminary plan and the conditional use were approved at the November 15, 2021, Board of Commissioners' meeting. She said they are under a deadline and explained that if the board does not approve this resolution, the plan would be deemed approved without any conditions. Ms. Davis asked Ms. Raudenbush to read the list of the conditions agreed upon.

Lisa Pektor, project developer, gave a presentation on the entities being considered, such as a trade school, for the flex buildings. She said there is a demand for this type of flex space and it is not meant to be a warehouse.

Ms. Davis asked if the buildings would be built one at a time. The applicant said buildings one and three would be done first. Buildings two and four are better suited for one use. Ms. Davis asked what the traffic pattern for the trucks were at the PennDOT Park & Ride. The applicant said they are still working with PennDOT to get access onto their site.

**DON WRIGHT
2815 HOPE RIDGE DR.**

Mr. Wright said the planning commission put on as many conditions as possible and asked the board to consider them all carefully.

Mr. Sourbeck asked what the deadline date was. Ms. Raudenbush said July 31, 2022 and added that the township's staff preferred the plan not be added to the July 18, 2022, Board of Commissioners agenda, which already includes several major development plans.

Mr. Sourbeck made a motion to table Resolution R059-22. Since there was no second, the motion failed.

Upon motion (Davis-Beatty), the Board of Commissioners voted by voice vote to approve Resolution R059-22 granting conditional final land development plan approval of Penn Center 33 (formerly Mill Creek Business Park). The motion passed 3-1. Mr. Sourbeck opposed. Mr. Gallagher was absent.

**MOTIONS OF THE
BOARD OF
COMMISSIONERS**

MOTION

A MOTION AUTHORIZING THAT JAMES BEAHM BE GRANTED A LATE RETIREMENT WITH 100% JOINT AND SURVIVOR BENEFIT FROM THE AFSCME PENSION FUND, EFFECTIVE JULY 1, 2022

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted voice vote to approve a motion authorizing that James Beahm be granted a late retirement with 100% Joint and Survivor benefit from the AFSCME Pension Fund, effective July 1, 2022. Mr. Gallagher was absent.

MOTION

A MOTION AUTHORIZING AND APPROVING THE FEMA FLOOD MITIGATION SCOPING PROPOSAL FROM HRG INC., TOWNSHIP STORMWATER ENGINEER

Upon motion (Davis-Beatty), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing and approving the FEMA Flood Mitigation Scoping proposal from HRG Inc., township stormwater engineer.

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE AN ORDINANCE AMENDING CHAPTER 186, PROPERTY MAINTENANCE, OF THE TOWNSHIP OF BETHLEHEM CODE OF ORDINANCES, FOR THE PURPOSE OF ADOPTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS, AND CHANGES THERETO

Ms. Raudenbush said this is ordinance adopts the codes updated by the state, which is done every three years.

Upon motion (Beatty-Sourbeck), the Board of Commissioners voted by voice vote to approve a motion authorizing the township manager to advertise an ordinance amending Chapter 186, Property Maintenance, of the Township of Bethlehem Code of Ordinances, for the purpose of adopting the 2018 International Property Maintenance Code, with certain additions, insertions, deletions, and changes thereto. Mr. Gallagher was absent.

APPROVAL OF PURCHASE ORDERS

PO 20221518 – Pact One – PPIS – \$86,321.00

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted by voice to approve Purchase Orders 20221518 as presented. Mr. Gallagher was absent.

ADJOURNMENT

Upon motion (Sourbeck-Merhottein), the Board of Commissioners voted by voice vote to adjourned the meeting at 8:18 p.m. Mr. Gallagher was absent.

Respectfully submitted,

Laura G. Zapata
Recording Secretary