

BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING IN VIRTUAL FORMAT
MAY 17, 2021

MEMBERS PRESENT Michael D. Hudak, President
Malissa K. Davis, Vice President
John K. Gallagher, Commissioner
John J. Merhottein Commissioner
Dale A. Sourbeck, Commissioner

OTHERS PRESENT James L. Broughal, Township Solicitor
Anthony Giovannini, Township Solicitor
Doug Bruce, Township Manager
Amanda Raudenbush, Planning Director
Steve Hunsberger, PPIS Director
Ted Rewak, Court Reporter
Brad Smith, Township Engineer
Anthony Tallarida, Township Engineer

CALL TO ORDER President Hudak was experiencing technical difficulties and asked Vice President Davis to run the meeting. The virtual public meeting was called to order at 7:00 p.m.

COURTESY OF THE FLOOR

**CARLOS LOPEZ
3609 BRADFORD CT.** Mr. Lopez said that he and his wife joined the community center on April 1, 2021. He said shortly after joining, they noticed the indoor track was not as clean as it should be. Mr. Lopez spoke with the director and offered to loan his floor scrubber. The director informed him that the person in charge of maintaining the floor was not available. Mr. Lopez wanted to know what can be done with the floor to make it clean and presentable. He said he didn't see where the center had a dedicated custodial staff. He would like to know when the floor can be addressed. Mr. Bruce said the staffer who takes care of the floor daily was out on leave. He said several staff have been working to keep the track clean and believes the custodial staff will be back very soon. Mr. Bruce said he spoke with Jackie Bittel, BTCC director, and she believes the track is safe and usable. Mr. Bruce said they have a contract with a cleaning company that cleans the facility every night in addition to the part time custodian who also cleans the facility. Ms. Davis said the custodial position is in the budget. She told Mr. Lopez that she appreciated his concern and informed him that staff is doing everything to keep the track clean and safe. Mr. Lopez offered to provide the township with volunteers to clean the facility if need be. Ms. Davis thanked Mr. Lopez.

APPROVAL OF MINUTES Mr. Gallagher commented that the resolution number in the minutes didn't match up with the numbers on the agenda. Mr. Bruce said the numbers were incorrect on the agenda.

Upon motion (Sourbeck-Gallagher), the Board of Commissioners voted by voice vote to approve the minutes of the May 3, 2021 regular public meeting in virtual format. Mr. Hudak abstained.

PUBLIC HEARING

CONDITIONAL USE HARVEST OF NORTHEAST PA LLC, 3301 EASTON AVENUE

Solicitor Broughal said the application for a conditional use is for a medical marijuana dispensary located at 3301 Easton Avenue. He said the applicant will be providing testimony for the record tonight, which will be transcribed by court reporter Ted Rewak. Solicitor Broughal said after the testimony, there will be an opportunity for commissioners and public members to ask questions. Solicitor Broughal said he recommended the board continue the matter to date yet to be determined because there is a zoning variance for lot size that needs to be addressed prior to the board deciding. Mr. Sourbeck asked if the hearing is being continued, what is the purpose of it tonight. Solicitor Broughal said they didn't realize until today that there was a zoning issue. Rather than ask the applicant to postpone what they have prepared, Solicitor Broughal said he thought it would be reasonable to allow them to testify. If the board feels otherwise, they can choose to continue the hearing without testimony. It was the consensus of the board to allow the applicant to present their plan and testimony. The testimony proceeded and will be available in transcription.

Upon motion (Gallagher-Sourbeck), the Board of Commissioners voted unanimously by voice vote to continue the hearing at a future date to be determined at the conclusion of the hearing board case.

SUBDIVISIONS & LAND DEVELOPMENT

RESOLUTION R028-21 A RESOLUTION GRANTING CONDITIONAL BOUNDARY LINE ADJUSTMENT PLAN APPROVAL OF THE LANDS OF EDWARD YOUWAKIM

Ms. Raudenbush said 1010 - 1030 Illinois Street is located on the eastern side of Hope Road. The property owner would like to shift the lot line 30 feet to the west. The Planning Commission recommended approval with conditions. Two of the Planning Commission members said the frontage of 1010-1020 Illinois Street is not wide enough for fire apparatus. Ms. Raudenbush worked with Angela Kelly, Fire Marshal, who recommended widening the road from 18 feet to 20 feet. Mr. Gallagher is concerned with the International Fire Code requirement of the distance of the front door from the street may not be met. Ms. Raudenbush said Ms. Kelly didn't point that out in her review and so believes it is not an issue. Mike Finelli, Finelli Consulting Engineers, Inc. said there is a fire hydrant. Ms. Raudenbush said the township only adopted portions of the fire code, not the whole and wondered if the portion Mr. Gallagher was referring to was not adopted and the reason for Ms. Kelly not pointing it out. Mr. Gallagher asked for confirmation. President Hudak added that said his house is 130 feet from the main road and his driveway is only 17 feet wide and believes Ms. Kelly was have let him know if there were any concerns. Mr. Sourbeck asked if additional conditions could be added to the resolution. Solicitor Broughal said yes. Mr. Gallagher suggested that the sidewalks be deferred and not waived until the vacant lots are developed. Mr. Finelli said there is no sidewalk in the immediate surrounding area and no improvements in that area. Mr. Gallagher said he would like to see improvements in the future for pedestrian safety. Ms. Raudenbush clarified that the lots already exist. Ms. Davis asked if this area has existing stormwater systems. Mr. Finelli said there is limited systems. Mr. Hudak deferred to the Planning Commission and agrees there is no need for a sidewalk. Ms. Davis said the property across the street houses the detention basin and is not developable.

Upon motion (Hudak-Sourbeck), the Board of Commissioners voted by voice vote to approve Resolution R028-21 granting the Conditional Boundary Line Adjustment Plan of the Lands of Edward Youwakim with extra condition that the Fire Marshal

confirms compliance with all Fire Code requirements. Mr. Gallagher opposed.

RESOLUTION R029-21 A RESOLUTION GRANTING CONDITIONAL SITE PLAN APPROVAL OF ST. LUKE'S EMERGENCY DEPARTMENT RELOCATION

Ms. Raudenbush said the applicant proposes to do interior renovations to the building where the emergency room is currently located. Part of the renovations include adding a 112-lot parking lot to the northside of the building to accommodate people driving themselves to the emergency room. Because of the size of the impervious coverage, the plan requires a site plan review based on the township's stormwater ordinance. Ms. Raudenbush said the Planning Commission recommended conditional approval of this plan. Ms. Davis asked if the existing stormwater system could handle the additional water or would more stormwater measures be required. Brad Smith, Township Engineer, said the existing basin is being modified to handle the additional water that the parking lot will produce. Mr. Hudak asked if the flow rate at the discharge pipes would increase and if so, how will they slow it down. Mr. Smith said the discharge still meets the ordinance requirements. Mr. Hudak said he is concerned that the property owners at the bottom of Hope Road would experience more flooding. Ms. Davis is concerned that the current design may make the flooding worse. Mr. Hudak and Mr. Sourbeck agreed.

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth said the stormwater system in place is a failing system.

Upon motion (Gallagher-Sourbeck), the Board of Commissioners voted unanimously by voice vote to table Resolution R029-21 granting conditional site plan approval of St. Luke's emergency department relocation pending further information on changes in stormwater.

MOTION

A MOTION AUTHORIZING THE ADVERTISEMENT OF AN ORDINANCE AMENDING CHAPTER 230 OF THE CODIFIED CODE OF THE TOWNSHIP OF BETHLEHEM "CODIFIED ORDINANCES," BY AMENDING CERTAIN PROVISIONS OF CHAPTER 230 (SUBDIVISION AND LAND DEVELOPMENT); ARTICLE II, TERMINOLOGY; SECTION 230-22, DEFINITIONS; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH

The discussion for this motion was combined with the next motion.

MOTION

A MOTION AUTHORIZING THE ADVERTISEMENT OF AN ORDINANCE AMENDING CHAPTER 275 OF THE CODIFIED CODE OF THE TOWNSHIP OF BETHLEHEM "CODIFIED ORDINANCES," BY AMENDING CERTAIN PROVISIONS OF CHAPTER 275 (ZONING); ARTICLE II, ARTICLE XII, ARTICLE XIII AND ARTICLE XXVII, DEALING WITH DELIVERY VEHICLES IN PARKING LOTS AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH

Ms. Raudenbush said both motions are required because the proposed change would affect both the Subdivision and Land Development Ordinance and the Zoning Ordinance. She said township staff, township consultants, and the Planning Commission have been working for several months to add a delivery van parking use to the zoning ordinance as it didn't previously exist. Ms. Raudenbush said normally parking is an accessory use to a primary use. She realized there is a need for parking as a primary use in order for this type of business to run. Ms. Raudenbush said she focused on making sure the delivery vehicle parking lots are within two miles of the interchange at Route 22 and Route 191 because 2595 Brodhead Road is where the Amazon vans load the merchandise. Ms. Davis asked what zoning district this is

allowed. Ms. Raudenbush said it is in the General Industrial District. Ms. Davis said she doesn't like the use in the Commercial Enhancement Overlay District which is between Oakland Road and Route 22. She believes the use should be in the Brodhead Road area. Mr. Gallagher asked about the word carted used in this context. Ms. Raudenbush said the word can be changed. Ms. Davis said she is concerned about increased traffic on Route 191. Mr. Merhottein, Mr. Sourbeck, and Mr. Hudak agreed. The consensus of the board was to remove the use from the Commercial Enhancement Overlay District. The revised ordinances will be forwarded to the Lehigh Valley Planning Commission and the Bethlehem Township Planning Commission for their review and comments. Solicitor Broughal noted that the ordinances will not be advertised until they go back to the Planning Commission for review. Ms. Raudenbush agreed and said it was prudent to make the changes now and have them reviewed by outside agencies. Ms. Davis asked if these motions needed to be tabled. Solicitor Broughal said the motions do not need to be tabled.

RESOLUTIONS OF THE BOARD OF COMMISSIONERS

RESOLUTION R027-21 A RESOLUTION APPROVING A GRANT APPLICATION TO THE GREENWAYS, TRAILS AND RECREATION PROGRAM OF THE COMMONWEALTH FINANCING AUTHORITY

Ms. Davis said this resolution is for the Housenick Memorial Park Phase 3 Project. Upon motion (Hudak-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve Resolution R027-21 approving a grant application to the Greenways, Trails and Recreation Program of the Commonwealth Financing Authority.

APPROVAL OF BILL AGENDA OF MAY 12, 2021

Upon motion (Merhottein-Hudak), the Board of Commissioners unanimously voted by voice vote to approve the Bill Agenda of May 12, 2021.

APPROVAL OF PURCHASE ORDERS

PO 20210827 – Joao & Bradley Construction – PW – \$7,906.00
PO 20210903 – Thyssenkrupp Elevator Corp. – BTCC – \$1,955.00
PO 20210980 – Nazareth Ford – PW – \$2,871.21
PO 20210981 – U.S. Municipal Supply – PW – \$15,970.00
PO 20210824 – Joao & Bradley Construction – PPIS – \$25,591.00
PO 20210838 – Albarell Electric Inc. – PPIS – \$2,300.00
PO 20210974 – Trane US Inc. – PPIS – \$2,862.00

Upon motion (Hudak-Sourbeck), the Board of Commissioners unanimously voted by voice to approve Purchase Orders 20210827, 20210903, 20210980, 20210981, 20210824, 20210838 and 20210974 as presented.

APPROVAL OF TREASURER'S REPORT OF APRIL 30, 2021

Upon motion (Gallagher-Sourbeck), the Board of Commissioners unanimously voted by voice vote to approve the Treasurer's Report of April 30, 2021 as presented, subject to audit.

ZONING HEARING BOARD MEETING OF MAY 26, 2021

There were no concerns regarding the Zoning Hearing Board Meeting of May 26, 2021.

MONTHLY REPORTS Mr. Bruce said the Planning Annual Report was included in the packet. All monthly reports were accepted.

DISCUSSION ITEM

RESIGNATION OF RECREATION COMMISSION MEMBER Mr. Bruce said the board has to formally recognize the resignation at a public meeting before the vacancy can be advertised.

Upon motion (Hudak-Sourbeck), the Board of Commissioners unanimously voted by voice vote to accept the resignation of John Carlotz from the Recreation Commission.

ADJOURNMENT There being no other business, upon motion (Sourbeck-Gallagher), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 8:42 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary