

**BETHLEHEM TOWNSHIP PLANNING COMMISSION
REGULAR PUBLIC MEETING
March 23, 2009**

CALL TO ORDER

Mrs. Snover called the meeting to order at 7:00 p.m. The following members were present: Leslie Walker, Harry Powell, Kenn Edinger, Susan Burnett, James Daley and Mrs. Snover. Also present were Howard Kutzler, Planning Director; Kevin Chimics of The Pidcock Company - Township Engineer; and Lisa Pereira of Broughal & DeVito, Assistant Township Solicitor.

APPROVAL OF MINUTES

Mr. Edinger made a motion to approve the minutes of the February 23, 2009 Planning Commission Meeting as presented. The motion was seconded by Mr. Daley and carried by a 6-0 vote (Mrs. Messinger was absent).

COURTESY OF THE FLOOR

Mrs. Snover stated she would take general comments during "Courtesy of the Floor" on anything that does not deal with the agenda; however, anyone with specific, technical questions on an agenda item should wait until that agenda item is discussed to offer their comments or questions.

Mark Bahnick, Van Cleef Engineering – Mr. Bahnick, project engineer for Birchwood Commons, stated that Ashley Development received final plan approval for the construction of a 50-unit, 2 and 3 bedroom townhouse project, which included the extension of 12th Street, along with Freemansburg Avenue improvements. Mr. Bahnick further stated that since receiving that approval the market has changed and the financing is not functional. Ashley Development is now proposing a new plan for apartments with 1 and 2 bedrooms for a total of 96 units and although the number of units has increased, the footprint will remain the same. Mr. Bahnick added that parking will be expanded to provide 2 parking spaces for each unit and then asked for feedback from the Planning Commission members.

Mrs. Snover stated she would like to see this project approved and Mrs. Barnett questioned whether there is a need for apartments. Mr. Brooks responded that he believes there is a need because there are very few new apartments being constructed. Mr. Brooks added that this project will be a sister to their project on Route 412, Bethlehem Fields, which has a high occupancy. Mr. Edinger stated that he believes the need for apartments has outpaced the need for condos but believes there are 2 and 3 bedroom apartments needed. Mr. Edinger added that stormwater, parking and traffic issues need to be addressed.

Mrs. Snover asked if the plan could be submitted as a preliminary/final. Mr. Kutzler responded that the Board of Commissioners decided that it should be a revised preliminary plan. Mr. Kutzler also noted that the density has almost doubled and although this is not specifically permitted by the Zoning Ordinance, it would be allowed if the Board of Commissioners permits it. Mr. Kutzler advised that there are parking issues and traffic impact to be discussed further and the goal is to create a high quality project with a sense of space, streetscape and architecture.

CORRESPONDENCE

Mrs. Snover noted the correspondence as listed on the Planning Commission agenda of March 23, 2009 and asked that any member who has not received any of the correspondence listed to please contact staff.

OLD BUSINESS

EPWORTH UNITED METHODIST CHURCH BUILDING EXPANSION PRELIMINARY/FINAL SITE PLAN

Don Lynch of DEL Consulting was present.

Mr. Lynch stated he was in receipt of the Township Engineer's review letter dated March 13, 2009 and commented regarding the City of Bethlehem review and approval regarding the adequacy of water and stated that because the site is already served by public water, the City of Bethlehem has little concern and is unwilling to provide a review letter.

Mr. Lynch the commented regarding the recommendation that sidewalk be installed in front of the proposed accessible parking spaces to connect to the sidewalk proposed at the southeastern corner of the building addition. Mr. Lynch stated that it would not be utilized and the church feels it is not necessary. Mr. Daley responded that this is only a recommendation and not a requirement.

Mr. Daley made a motion, seconded by Mr. Edinger to grant approval of the Epworth United Methodist Church Building Expansion Preliminary/Final Site Plan subject to the Township Engineer's review letter dated March 13, 2009 but omitting the water adequacy comment. The motion carried by a 6-0 vote (Mrs. Messinger was absent).

EASTON AND OAKLAND ROAD (WALGREEN'S PHARMACY AND CHILD CARE) LAND DEVELOPMENT – PRELIMINARY PLAN

Mr. Kutzler stated that he is not sure this project will happen adding that the property may soon be re-marketed.

4006 WILLIAM PENN HIGHWAY (EASTON AVENUE) LAND DEVELOPMENT - PRELIMINARY PLAN

Mr. Kutzler advised that nothing new has been submitted for this project.

CIGARS INTERNATIONAL BUILDING ADDITION – SITE PLAN

Mr. Kutzler reported that the applicant is exploring options because of the lack of public water in that area.

Mr. Edinger made a motion, seconded by Mr. Powell to table the Easton and Oakland Road (Walgreen's Pharmacy and Child Care) Land Development Preliminary Plan, the 4006 William Penn Highway (Easton Avenue Land Development Preliminary Plan and the Cigars International Building Addition Site Plan. The motion carried by a 6-0 vote (Mrs. Messinger was absent).

NEW BUSINESS

BETHLEHEM TOWNSHIP VOLUNTEER FIRE COMPANY SITE PLAN – SKETCH PLAN

Scott McMakin of Cowan Associates, Kim LaBrake of MKSD and Tim Brady of BTVFC were present.

Mr. McMakin reviewed the sketch plan which proposes the addition of a 4-bay garage to house their larger equipment. Access for the new bays will be via Hamilton Street and there will be no major modifications to the existing firehouse.

Mrs. Snover noted the number of zoning issues and stated that she feels this is an unsafe space in a small area, a residential area.

Mrs. Barnett asked if the fire company looked at moving the facility to another site. Mr. Brady explained that the original site was built in 1945 and redone in 1999. At that time the fire company considered moving the facility but because most of the members come from Miller Heights, Prospect Heights and the annex it was decided to keep the facility at the current site. Mr. Brady added that the location works well in the neighborhood and there have been no problems.

Mr. Edinger stated that he feels the fire company is putting too much in there and suggested that the fire engines access on 8th Street. Mr. Brady responded that for safety reasons all equipment accesses onto 7th or 9th Streets; nothing accesses onto 8th Street. Mr. Edinger further stated that he believes there is a need for street widening and also inquired regarding stormwater. Mr. McMakin stated that he would work with the Township Engineer on stormwater but does not feel it will be an issue since the plan only proposes and additional 2,600 sq. ft. of coverage. Mr. Edinger also asked about curbing and sidewalk. Mr. McMakin indicated that the neighborhood has no curbing and sidewalk. Mrs. Snover asked if the neighbors were made aware of this expansion. Mr. Brady stated that he has heard nothing from the neighbors and 5 out of the 8 neighbors are members of the fire company. Mr. Powell questioned whether there would be enough parking spaces. Mr. Brady responded that there is usually a staff of 9 and if a call comes in, members tend to park anywhere.

This being a sketch plan no action was required.

ZONING ORDINANCE CHALLENGE AND CURATIVE AMENDMENT – PRISONS

Mr. Kutzler provided background of the Northampton County Treatment Center, the appeal of the Zoning Hearing Board and the submission of a Curative Amendment. Mr. Kutzler also advised that the Board of Commissioners recently appointed the firm of Broughal & DeVito as Township Solicitor and should there be a conflict, the Board appointed the Law Offices of Stan Margle as Assistant Township Solicitor. Mr. Kutzler further stated that the Board of Commissioners appointed Attorney Joe Piperato to represent the Township's interests regarding the Curative Amendment and Attorney Margle will handle the issues as they relate to the text of the Zoning Ordinance.

Attorney Piperato explained that procedural action was filed by the land owner challenging the validity of the Township's Zoning Ordinance because it does not provide a location for prisons. Attorney Margle stated he is working with staff and he will attempt to defend the Township's ordinance.

Mr. Edinger noted that the Curative Amendment is very vague. Mrs. Snover concurred and suggested that the Planning Commission leave this matter up to the Solicitors and the Board of Commissioners. Mr. Daley questioned who is pursuing the use, Fritch Fuel or Mr. Atiyeh. Attorney Piperato noted that Mr. Atiyeh is the equitable owner.

The Planning Commission took no formal action on this matter.

ADMINISTRATIVE REVIEW

For the benefit of the new Planning Commission members, Mr. Kutzler explained the Administrative Review process. Mr. Edinger suggested that Bob Martin of St. Luke's be asked to come to the next Planning Commission meeting to bring the newly appointed Planning Commission members up to speed on the status of this project. Mr. Edinger also suggested that if some of the applicants in Administrative Review have not been in contact with staff within the last few months that they be contacted as to their intentions.

Township Engineer Kevin Chimics reviewed the plans currently in Administrative Review as follows:

**BASILE SENIOR HOUSING, LLC MAJOR SUBDIVISION –
PRELIMINARY PLAN**

Has not heard from the engineer in a few months.

**OPUS LOT 3, PHASE 2 LAND DEVELOPMENT – (LOWER NAZARETH TOWNSHIP)
FINAL PLAN**

The developer is working out an agreement with the Board of Commissioners regarding a driveway permit and the necessary improvements in the Township for the project to move forward.

CONRAD (BRODHEAD ROAD) LAND DEVELOPMENT – PRELIMINARY PLAN

This applicant is waiting to see what happens with the Opus plan.

**ST. LUKE’S HOSPITAL RIVERSIDE OUTPATIENT
COMPLEX LAND DEVELOPMENT – FINAL PLAN**

St. Luke’s is in the process of getting their Highway Occupancy Permit.

**FREEMANSBURG SQUARE MAJOR SUBDIVISION –
PRELIMINARY PLAN**

This applicant presented an updated plan at the last Planning Commission meeting.

**FIELD OF DREAMS PHASE 1
SUBDIVISION AND LAND DEVELOPMENT – FINAL PLAN**

A staff meeting has been scheduled.

Mr. Edinger noted that he has seen utility poles being put up on the St. Luke’s property and asked if those poles were only temporary because the Planning Commission was quite adamant about underground utilities. Mr. Kutzler noted that it will be very difficult to put utilities underground along the frontage on Freemansburg Avenue.

OTHER BUSINESS

Mr. Edinger recommended that the new Planning Commission members attend the Basic Course in Planning offered by the LVPC, noting that funds are budgeted for such training.

Mrs. Barnett questioned why commercial properties along Freemansburg Avenue have parking along the highway when Freemansburg Square was told they could not. Mr. Kutzler explained that those commercial projects came in before the ordinance was changed.

Mrs. Barnett noted that several years ago she received a letter from the Township regarding development of the Township owned land at the corner of Hecktown/Oakland Road and questioned the status of that development.

ADJOURNMENT

Mr. Edinger made a motion to adjourn the meeting at 8:05 p.m. The motion was seconded by Mr. Walker and carried unanimously.

NEXT PLANNING COMMISSION MEETING

Monday, April 27, 2009 - Regular Public Meeting

Respectfully submitted,

Judy Todaro
Recording Secretary

Howard Kutzler
Director of Planning & Economic Development