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Executive Director

## LEHIGH VALLEY PLANNING COMMISSION

### Minutes from the Thursday, October 25, 2018 Meeting

The Lehigh Valley Planning Commission met for its regularly scheduled monthly meeting on Thursday, October 25, 2018 at 7:00 p.m. in the Lehigh Valley Planning Commission's conference room located at 961 Marcon Boulevard, Suite 310, Allentown, PA.

Mr. Repasch chaired the meeting.

Ms. Leonard took Roll Call – Quorum Obtained.

#### **Members in Attendance:**

##### **Lehigh County**

Percy Dougherty, Bob Elbich, Mike Gibson, Steve Glickman, Rick Molchany, Owen O'Neil, Kathy Rader, Stephen Repasch, Kevin Schmidt, Douglas Stewart and Chris Weaver.

##### **Northampton County**

Eugene Clater, Janell Connolly, John Diacogiannis, Liesel Dreisbach, Charles Elliott, Jamie Horvath, Robert Lammi, Kevin Lott, Pam Pearson, Tina Roseberry and Greg Zebrowski.

#### **Members Absent:**

##### **Lehigh County**

Phillips Armstrong, Julio Guridy, Kent Herman, Dennis Hower, Miriam Huertas, Christina Morgan, Marty Nothstein, Ray O'Connell and Donna Wright.

##### **Northampton County**

Debra Bodine, Gordon Campbell, Malissa Davis, Robert Donchez, Darlene Heller, Shawn Martell, Lamont McClure, William McGee, Salvatore Panto, Tina Smith and Gerald Yob.

**Staff Present:** Matt Assad, Becky Bradley, Valarie Discafani, Tracy Oscavich, Denise Leonard, Chandra Parasa, Geoff Reese, Sue Rockwell, Jill Seitz, Bethany Vazquez and John von Kerczek.

**Public Present:** Barbara Diamond, Bruce Haines, Bill Fowler, Pauletta Fritz, Kevin Kalman, Jacob Kise, Torrey Lilienthal, Tony Madrazo, Scott McGoldrick, Martin Romale, Tim Stevens and Paige Van Wirt.

### **COURTESY OF THE FLOOR:**

Mr. Kalman, Bethlehem Township Volunteer Firefighter, presented a concept for Pennsylvania/ Lehigh Valley Traffic Emergency Management task force based on the Delaware Valley Task Force. Mr. Kalman further presented Federal Guidelines, Standard Operating Guidelines and Pennsylvania Documentation in support of his concept. The National Unifying Goals as established by the Federal DOT are: Priority to responder safety, safe quick clearance of incident to avoid backlog and optimal communication. He was advised that the Planning Commission would be the lead stakeholder. Mr. Kalman also discussed the recent Hazard Mitigation Plan and the opportunity to express concerns with LVPC staff. Ms. Bradley invited Mr. Kalman to sit down with the LVPC/LVTS staff to discuss his documentation.

Ms. Lilienthal, City of Allentown citizen, voiced concern for the health implications of the new 5G grid that will transmit waves to be used to for global transmission along with concern for the white lines in the sky. Her research resulted in an explanation of condensation, however, she has noticed an increase of insects dying in the area where this takes place. Ms. Bradley explained the Federal Commission ruling that partially usurps local authority to regulate 5G installation. She further explained that at the end of the day the Federal & State Governments regulate what can be done at the local level. The regulation does not address any health concerns.

### **CHAIRMAN'S REPORT:**

#### *1. Gala Report*

Mr. Repasch extended his appreciation to the sponsors, committee and commission members and everyone who attended the event. He acknowledge Percy Dougherty as one of the honorees and announced that the Community of Distinction Award recipient was the Macungie Borough. Ms. Oscavich reported that there were 28 projects and over 190 partners that received either a glass award or a certificate in a frame.

#### *2. New Staff: Valarie Discafani, AICP/PP, Director of Transportation Planning*

Mr. Repasch introduced Valarie Discafani, LVPC's new Director of Transportation Planning. Ms. Discafani provided a brief recap of her experience.

### **MINUTES**

Mr. Repasch stated that the minutes of the September 25, 2018 LVPC meeting are attached. Mr. Lammi made a motion to accept the minutes. Mr. Lott seconded the motion. The motion passed with Mr. Elbich and Mr. Diacogiannis abstaining.

## COMMITTEE REPORTS

### Comprehensive Planning Committee

#### *1. MacArthur Commons – Redevelopment*

Ms. Seitz presented a review of additional comments made during the Comprehensive Planning Committee meeting with regards to the proposal received for the MacArthur Commons Redevelopment plan. The proposal is not a land use of regional significance however it is a large addition to an existing shopping center. The plan proposes construction of 16,126 new square feet. The committee recommended the addition of pedestrian accommodations between the islands of proposed restaurants and retail uses in the areas currently part of the parking fields, improved bus rider accommodations such as appropriate stop signage, ADA-accessible surfaces and bus shelters and the inclusion of trees, grass and shrubbery. Mr. Clater made a motion to accept the comments as presented. Ms. Dreisbach seconded the motion. The motion passed unanimously.

#### *2. Summary Sheet*

##### *2.1. Hanover Township – Fireworks*

Mr. von Kerczek presented a review of a proposal from Hanover Township which addresses a matter of local concern. This is the first Fireworks Ordinance in the Valley since the bill was passed. Mr. Elliott made a motion to accept the staff comments. Mr. Elbich seconded the motion. The motion passed unanimously with Mr. Diacogiannis abstaining.

##### *2.2 Lower Nazareth Township – Digital/Electronic Sign Ordinance*

Mr. Repasch referred the commission to the summary sheet for the Lower Nazareth Township which addresses a matter of local concern. Mr. Elbich made a motion to accept the staff comments. Mr. Dougherty seconded the motion. The motion passed unanimously.

##### *2.3 Wind Gap Borough – Various Certificates of Compliance*

Mr. Repasch referred the commission to the summary sheet for Wind Gap Borough which addresses various Certificates of Compliance. Mr. Glickman made a motion to accept the staff comments. Ms. Pearson seconded the motion. The motion passed unanimously.

##### *2.4 Bethlehem City – Reuse of Corner Commercial Lots*

Prior to the discussion item, Mr. von Kerczek notified the commission that the LVPC comments for this item had not been updated to reflect the Comprehensive Planning Committee's comments and that the correct comment should read "the amendment addresses matters of local concern". Mr. Repasch introduced the Zoning Ordinance Amendment for Bethlehem

City which addresses the Reuse of Corner Commercial Lots and opened the floor to public comments.

Ms. Van Wirt, member of Bethlehem Zoning Hearing Board, spoke against the proposed amendment to zoning text 1304.04. The petition was filed by a single individual who was aware of the residential zoning classification at the time of purchase. The individual is now requesting the reclassification of the zoning code that was originally designed to encourage retail uses in old corner markets. Ms. Van Wirt expresses the opinion that the zoning code was created to encourage the preservation of residential use in the area in question.

Ms. Bradley explained to the Commission that the proposal was done by a private citizen and is making its way through the Bethlehem legal process. The proposal is a very specific subject and though the Commission has received the proposal for review, the roll of the Commission is to deal with broad matters of the Lehigh Valley. Ms. Bradley notes that the City of Bethlehem has final authority to decide how to address the proposal and its specific use, therefore this is a matter of local concern.

Attorney Stevens, a lawyer from a local law firm representing the citizens of the area in question, explained to the commission that there have been several attempts since 2013, three of them resulted in the variance being denied and one was approved after slight changes were made but was reversed by the Commonwealth Court in May 2018 which exhausted the legal process. He provided the commission with photos of the area along with the Commonwealth's decision which illustrates the full procedural history. Mr. Stevens made a recommendation that the Commission see this proposal as a matter of regional concern because it is the opinion of the residents that the proposal violates the Comprehensive Plan. Mr. Stevens refers to page 47 of the Comprehensive Plan, which states "that you should encourage develop of high quality residential land uses in and near downtown areas", and expressed the opinion that the purpose of the amendment is to override the Comprehensive Plan and turn non-conforming uses into conforming uses.

Mr. Fowler, neighbor of the property in question, expresses his opinion that the petitioner is trying to "Hoodwink" the Commission into thinking that this proposal is a small tweak to an existing piece of zoning. Mr. Fowler continues to notion that the corner lot provision, referred to in the zoning code, was created to allow the reconversion of former corner stores in areas where the housing density was fairly large, many of them became residential, and they don't make great residences so under very controlled conditions these corner stores could petition by special exception to become corner stores again instead of for residential use. It is the opinion of Mr. Fowler that this petition does not satisfy those conditions. Mr. Fowler continues to lay out chosen sections of the provision that refer to building specifics such as, "the primary

building on the corner shall have an existing storefront character... includ[ing] such features as large first floor commercial windows and a main entrance at the corner or along one of the street facades abetting the commercial windows". Mr. Fowler noted that the City's response, documented in item 16 of their consideration, of "the proposed amendment closely follow[ing] the existing text of zoning ordinance 1304.04, thereby incorporating the rationale of the existing 1304.04" is, in his opinion, false.

Mr. Romale, neighbor of the property in question, referred to page 10 under the title Land Use, paragraph C, of the LVPC Comprehensive Plan vision 2030 adopted on April 28, 2005. The section in reference states that "the key to controlling sprawl is more people living in higher density residential development in areas served by public sewer, public water, nearby transportation and other urban services." Mr. Romale also references page 60, under the Housing Section, of the goal which stated that "to provide an adequate supply of affordable housing which meets the needs of all incumbent social groups." Mr. Romale states that higher density development should be encouraged to fight sprawl, and that housing supply should be adequately encouraged in residential areas. It was the expressed opinion of Mr. Romale that the petition in question does not comply with statements referenced in the LVPC Comprehensive Plan.

Mr. Haines, resident of the City of Bethlehem Historic District, addresses that the proposal is for a house that has been a private residence for 160 years. Mr. Haines explains that there is no corner in the RG or RT zoning district that has a property that would qualify, and that it is his opinion that the initial recommendation of the LVPC, that states "the proposal only addresses a matter of local concern the LVPC recommends that the city ensure that such an amendment would have broad enough applicability and be suitable throughout the two districts to justify its adoption", should be strengthened and the petition given a rejection. Mr. Haines further expresses that he believes the proposed business belongs on Broad Street, not in the area in question.

Mr. Repasch commented that the Comprehensive Planning Committee's initial recommendation cited by Mr. Haines had been erroneously included in the summary sheet, as previously explained by Mr. von Kerczek. The Comprehensive Planning Committee recommends to the commission that this item is a matter of local concern.

Mr. Stewart expressed his appreciation for all public comments. Mr. Stewart continues by stating that the MPC is very clear that zoning powers are given to the municipality within which the request is made. Mr. Stewart expresses agreement with the committee that it is a matter of local concern and that the

commission should be focusing, as a regional body, on broader issues. Ms. Roseberry concurred with Mr. Stewart's comments.

Mr. Clater also expressed appreciation for all the concerns, however, he goes on to address that the concerns were brought up in the legal proceedings. Mr. Clater states that what the Commission does is the overall general concerns of the area not the specific concerns or issues of a municipality. Mr. Clater expresses his support for the comments of the Comprehensive Planning Committee, that this is a matter of local concern.

Ms. Bradley explains to the commission that the zoning ordinance in question is not written for a single property, but is rather a broader zoning ordinance. Ms. Bradley also states that it is highly unusual for a private citizen to propose a zoning amendment, and that it is up to Bethlehem City Council to decide how to proceed. Ms. Bradley concurs with Mr. Stewart that the Pennsylvania Municipalities Planning Code is very clear on such matters.

Mr. Clater made a motion to approve the recommendation of the modification as a matter of local concern, Mr. Stewart seconded the motion. Mr. Glickman and Mr. Zebrowski oppose the motion. The motion passes.

## **Environment Committee:**

### *1. Lehigh Valley Hazard Mitigation Plan Status Report*

Mr. Reese provided a status report of the Lehigh Valley Hazard Mitigation Plan which received FEMA approval the morning of October 10<sup>th</sup>. The Plan outlines twenty-five individual hazards that are covered under this plan. This document is the third iteration of this plan; one in 2007 & 2013. The latter was set to expire on October 10<sup>th</sup>. The document is about getting funding to get mitigation actions accomplished, which is only available if there is an approved plan. Plainfield Township adopted the document the evening of October 10<sup>th</sup>. The final part of the plan is to get all sixty-two municipalities along with the two counties to adopt the plan by October 10, 2019. As of this evening thirteen municipalities have adopted the plan.

### *2. Environment Committee Review – Summary Sheet*

Ms. Weaver referred the Commission to the summary sheet for an overview of the staff comments on the Environment Committee Reviews.

Mr. Zebrowski commented on the Keystone Cement proposal and indicated that it was a step in the right direction. Mr. McGoldrick and Mr. Madrazo, Keystone Cement Company, commented that the most important thing in the community is transparency and everybody is on the same page. Ms. Weaver made a motion to accept the staff comments as presented. Ms. Pearson seconded the motion. The motion passed unanimously with Mr. Elliott abstaining from items 1, 6 & 7 and Mr. Elbich abstaining from all items.

## Transportation Committee

No Report

### OLD BUSINESS

#### 1. *FutureLV a. Land Analysis*

Mr. Reese provided an update of the Developable Land Analysis which is part of the Comprehensive Plan Update. This will be the new version that will represent the Future Land Use Plan for Lehigh Valley and will be part of the Regional Comprehensive Plan. The current plan, updated in 2005, has four basic components on the Future Land Use Plan: areas recommended for urban development, rural development, preservation of agriculture, and natural resources preservation. The focus of this presentation was on how much land is left to build on which was illustrated using several maps:

- Map 1 – Developed Land
- Map 2 – Protected Land (land that is off limits and will not be developed on)
- Map 3 – Natural Resources (land that has limitations for development (example: flood plains))
- Map 4 – Developable Land (land that remains for development totaling about 100,000 acres of the 464,000 total acres in Lehigh Valley or 22%).

Ms. Bradley indicated that if we continue to develop the same way we are developing we essentially eat up all of our farmland. The location of the developable land are in the agricultural areas of both counties and will run out of land very quickly. The next step will be to determine when we will be out of land if we continue on the same path.

Ms. Lilienthal mentioned that she has noticed the stacking and packing being done on the south side of Allentown and the impact it will have on our infrastructure and the schools.

Ms. Bradley requested authorization from the commission to take this to the General Assembly on October 30<sup>th</sup>. Mr. Clater made a motion to take this to the municipal governments. Mr. Glickman seconded the motion. The motion passed unanimously.

#### *b. Planning Action Team Meetings – Slate Belt (November 13)*

Ms. Bradley provided an update on the last Planning Action Team Meeting on Tuesday, November 13 at Pen Argyl Community Center which will include all 10 communities of the Slate Belt. LVPC will work another round of meetings into the 2019 calendar due to the consensus from the communities to do them again.

### *1. Walk/BikeLV: Active Transportation Plan Update*

Ms. Bradley requested that everyone fill out the Wikimap. The map provides a place that you can say what your bike and pedestrian desires are for the region as well as areas that are problematic. The Multimodal Working Group meeting will be held on November 28 which is the working body for the Walk/Bike Active Transportation Plan. Our consultant will be bringing us some existing condition assessments. Finally the same evening there will be a public open house for the project as well.

## **NEW BUSINESS**

### *1. evoLVe: What's Now and What's Next. Date Release and Purpose*

Mr. Assad provided an overview of evoLVe which is an update of DataLV which includes housing, commercial, industrial, and retail development data, commuting trends, traffic trends, and an equity analysis. In partnership with the Greater Lehigh Valley Chamber of Commerce, the LVPC will release the data during an event on December 5<sup>th</sup> at ArtsQuest.

## **CORRESPONDENCE**

### *1. 2018 LVPC Gala*

Ms. Bradley announced that LVPC received several comments and correspondence regarding how successful the Gala was and thanking the commission for recognizing their project.

## **EXECUTIVE DIRECTOR'S REPORT**

### *1. All Community General Assembly – October 30*

Ms. Bradley invited the commission to attend the All Community General Assembly on October 30<sup>th</sup> at Penn State Lehigh Valley. Topics to include FutureLV: Land Analysis, Hazard Mitigation, MS4 and Stormwater Management and Planning Action Team Debrief.

## **PUBLIC ENGAGEMENT AND PARTICIPATION:**

Ms. Oscavich recapped the upcoming Public Engagement and Participation Events:

### *1. Lehigh Valley Government Academy @ LVPC Office – 5:30 p.m. – 9:00 p.m.*

□ *Subdivision and Land Development Review – Thursday, November 1, 8, 15*  
Total registration for 2018 was 55 people and did not include the staff who attended. The next course is Subdivision and Land Development in November (38 participants registered).

### *2. Local Technical Assistant Program (LTAP) @ LVPC Office*

□ *Salt and Snow Management – Will now be held on November 13 @ City of Allentown*

### *3. Moving Women Forward – November 17*

Event hosted on behalf of Secretary Richards that will encourage careers in leadership in the public sector as well as transportation. The panel will include Secretary Richards, Jill Krause (Assistant District Executive for Maintenance, PennDOT) and AnnMarie Vigilante (Senior Vice President, Langan Engineering). The event will be hosted by Lehigh University. Becky Bradley will serve as moderator and Patricia Johnson (Vice President Finance, Lehigh University) will welcome attendees.

### **Adjournment**

With no further business Mr. Molchany made a motion to adjourn. Mr. Glickman seconded the motion.

Submitted by:  
Becky Bradley, AICP, Executive Director and  
Denise Leonard, Executive Administrative Assistant