

The developer, not city, should have paid (8)

The Bethlehem Gadfly 306 S. New St., Gadfly's posts, Serious Issues January 8, 2019

(8th in a series of posts on 306 S. New St.)

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Gadfly, I disagree with your assessment. It presumes the city would pay. This was a mistake generated between the developer and the restaurateur. The developer knew, after much hand-wringing in front of HCC, that the deck was NOT available for development of the restaurant. This would have been firmly decided-upon when restaurateur signed lease with developer. If it was not, this mistake is on the developer. We should have mandated seeing the original lease!. This developer knew what was allowed by law, and chose not to oversee the development plans of the restaurateur. The fact that erroneous plans were submitted to the city does not speak well of city's competency, but this "mistake," in any other city determined to operate within the confines of the law, would have been mandated to have been corrected at the developer's expense.

Developers are investors in our city. They are also partners, forming good, trusting working relationships with the cities in which they invest. If this developer knew he would be held to account for this mistake, which originated in his office, I doubt the "mistake" plans never would have been submitted to city. And now that we have let this one slide, how many more "oops" mistakes will be made, predicated on the city not requiring any remediation. 2 W. market tried to use this argument as well- "look how great it looks, he spent so much money!," not addressing the fact that his decision to renovate was done WHILE a court-case was pending against it. It's a pattern, only open to those with high-level connections, to assure that this matter will be taken care of, after the fact, an assurance that City Council has been more than willing to oblige.

Finally, the city needs to clarify its own rules. If a restaurateur submits interior build-out plans, and includes exterior plans, such as this one did,

then those “exterior” plans should not count under any approval. Interior build-out plan approval by the city should ONLY apply to interior plans.

And so on and so forth. This is not rocket-science. These waters have been made muddy by all sides on purpose, and it speaks very poorly to all parties involved, including city council. The developer should have paid for the remediation of the error, which generated in his office through lax oversight, and future city deals with this developer should take into account this very poor decision-making.

In all these matters, I hear so frequently from those who do not look deeply at our city patterns, “what’s the big deal? It’s just a (insert mistake here) building, deck, armory, unsupportable garage”....and yes, in each of these items, the collateral damage may be considered small by some (not by me). But taken together, it shows a deep and ingrained pattern of shirking of municipal responsibility to the citizens — for equal application of the law, and for true accountability to our citizens.

Paige