

4 – 3 on First Reading for 2 W. (43)

The Bethlehem Gadfly 2 W. Market St., Gadfly's posts, Serious Issues December 7, 2018

(43rd in a series of posts on 2 W. Market St.)

On first reading, City Council voted 4-3 in favor of the 2 W. Market petition. Couldn't be closer. Here's audio of Council members voting plus explaining, along with my summaries. Take advantage of the audio.

Listen in. **(AUDIO IS UNAVAILABLE IN THESE ARCHIVES)** What do you think? Soak 'em in.

We'll return later to do some analysis.

Second and final reading (voting) on December 18.

Mayor Donchez “Yes” (2 mins.)

Mixed-use neighborhood, low impact in a transitional neighborhood, overall a benefit for the rest of the city.

CW Negron “No” (2 mins.)

Sad driving through the Southside neighborhood from Hayes St. on. Student housing, student housing. One word made that change [referring to a definition of 5 unrelated people as “family” in zoning some years ago that made the way for the gradual increase of student housing.] Neighborhood not the same any more. [Context is Stephen Antalics' analogy of initiating a cancer on the Northside by a small change like what happened on the Southside. End up with ruined neighborhood.]

CM Colon “No” (6 mins.)

Change of zoning ordinance, etc. predated arrival on Council in 2016 but reviewed newspapers and files. Walked with CM Evans walked around the neighborhood, talked to people, some for adamantly, some against adamantly – trying to get backstory. Came to conclusion that it was an issue for the Zoning Board, only to find out the involved past history in that regard. Toured property with Mr. Rij. Unique property. Remarkable job. “Where my holdups have come in . . . to be honest with everybody . . . for me this is my hardest vote for I see both sides kind of almost like 50-50, down the middle. I hear what everybody is saying . . . open mind.” Met with realtors. “The hump that I couldn't get over was that this is a rather unique circumstance with my discomfort in granting relief through a text amendment where it had already gone through the previous processes of zoning board [etc., etc.] It went through what the

more traditional motions for this relief, and that's the hump that I can't get over now. With this text amendment being a way around all that . . . overcoming those undesirable outcomes, now looking at this to kind of pass it on through. I guess 51-49 is where I'd say I'd be at, and I'll be voting against this today based on the history of denials for relief through the other mechanisms that this process usually goes through."

CM Callahan "Yes" (11 mins.)

2 factors when making decisions: is it good for city as whole? is it good for the surrounding neighborhood. Good for city? "Absolutely is." Good for the neighborhood is the question. Was leaning favorably towards approval of the amendment at the beginning. Knows the neighborhood well, lived there. "I think what it comes down to is, the main question is this, where does the residential neighborhood begin and where does it end? And the bottom line is it doesn't. It doesn't. There's nobody that can tell me where the residential community in that neighborhood on that block begins and ends. Not only is the property mixed use, so's the neighborhood." [Gives examples of immediate neighbors to make his point.] "I think it's spot zoning against the property." Always businesses on that street. Probably never a time when there wasn't. "In my eyes," the neighborhood component begins from New St. [lost him here on directions, I think he is misspeaking]. "From New St. down to Main there's no question it's a mixed use." Always a commercial purpose on that lot, even way before there was a city, way before the zoning plan. This should have been handled years ago; now an opportunity to right a wrong. "I do believe it is spot zoning against the property." Always a commercial deed, always a commercial component there. Hopes everybody can get along after the vote however it goes and move on. Look what Mr. Rij has done. Good neighbor. Bent over backwards. "Done as much as he could to be a neighbor." Restored original historic look. "Is he a good citizen?" "We are really pushing away people who want to invest in the city." People have gone elsewhere, Mr. Rij could have too. No question that this is a proper use, especially with all the surrounding businesses and neighbors in the immediate vicinity. "It's a great neighborhood and hasn't changed." Favorite time there when it snows. Blizzard. Neighborliness. Hopes everybody can move on and all success to Mr. Rij.

CM Martell "Yes" (3 mins.)

Difficult issue. Main issue: "what's the best thing to protect the neighborhoods? What's the best thing to protect this historic

preservation of the downtowns and to again kind of protect the neighborhoods and keep that charm that everybody loves in the city of Bethlehem? And so how do you do that on this particular project?" Benefit here is that you know what you are getting [the house is done and can be looked at]. People opposed spoke of the positive impact as well. Nobody argued current detriments. Opposers arguing counterfactually, domino theory, what if. "Frankly, if you argue that way, you can argue against anything." We know it's a positive, we know the neighborhood on net feels it's a positive." Amendment has enough measures in it to mitigate concerns. And anything that happens elsewhere in the city has to go before the Zoning Board.

CW Van Wirt "No" (7 mins.)

Agrees with CM Colon that this is in her words an "end run" around the process. No way really to know what will happen but precedent is important. Hill-to-Hill bridge digital sign suit is a good example. "Precedent can be profound." Don't know how this amendment will affect the city, has not been studied. Should be using the Comprehensive Plan to guide decisions. This corner will become more commercial not less. "Pressure to changing residential to commercial in the historic district is relentless." This is a perfect example of that pressure. Particularly on the border. "Borders of the zoning areas are the fragile places. That has to be the red line." Continued commercial creep will change the character of the downtown. Cachet of historical district understandably draws businesses. Risks far outweigh benefits. Yes votes on Planning Commission were not explained. Rijs are nice people, good citizens. "We're not in the business of judging on the merit to a change in our city zoning code based on someone's aesthetics, their wealth, their access to connected lawyers. We are in the business of judging the laws we passed are in the best interest of all the city and all of the citizens of the city. Someone's personal characteristics and aesthetics and impact on that corner and all of that is honestly secondary to what are we doing for the whole of the city and how does this move past the litmus test 'is this in the best interest of the city and its citizens.'" Fully understand why good for Rij's but doesn't pass the litmus test of being good for the city. And that is the role of City Council as the representative body.

CM Reynolds "Yes" (14 mins.)

Take emotion out on both sides. And also frustration from past Zoning Board history etc. Past history is not an argument for what the right public policy is. Rational explanation for my vote. Is unique to this

neighborhood or effects across the city? Lots of talk about opening doors, setting precedent, etc. But “What’s the worst possible solution?” If passed, goes to Zoning and asks for exceptions for one of the following [the list from the ordinance, law, architecture, insurance, etc.]. Trusts Zoning, Planning, etc. in this process. Asks Solicitor Spirk about spot zoning. Spirk gives examples and opines that this is not spot zoning but could doesn’t mean should. Sees this as amending the previous corner ordinance and not a problem. Consider what abuts the property now and what hopefully abuts later with increased activity on Walnut St.

Supporters and opposers have similar histories but some in favor and some against. Doesn’t see ruin. Anecdote of mother who says if people are putting money into the neighborhood, go for it. And sugar not good for you. “Why is it that there is a difference of opinion?” A “different definition of what it means to live in a neighborhood.” That’s what’s separating people. “I don’t want all residences in my neighborhood.” “I’m not afraid of there being different things in my neighborhood.” “I wouldn’t even mind more commercial uses in my neighborhood.”

Understands fear. But “What I see on this list are not things I wouldn’t want in my neighborhood.” “If you don’t want any commercial in your neighborhood, there are townships everywhere that are built on that general idea.” Overarching feeling is sadness. Animosity is bigger threat than what happens at that property. Cancer, unpleasant neighborhoods, etc. – don’t understand this kind of thought, wants to move on. This isn’t even a problem. Go anywhere else, hear problems and issues like in Northside. Really basic needs. Time invested in this issue is wasted. Outsider would not understand what the problem is. Won’t end till somebody feels they got a victory. Sadness that it’s come to this and so much time invested. Truly believe this is not that big an issue.

Solicitor Spirk (3 mins.)

CM Reynolds asks Solicitor Spirk about spot zoning. Spirk gives examples and opines that this is not spot zoning but can doing something doesn’t mean should do. Sees this as amending the previous corner ordinance and not a problem.

CM Waldron “Yes” (3 mins.)

This is going to be a 4-3 vote, which is a rare thing on this Council. More often than not it’s 7-0 because there are clear answers and clear solutions to problems. This is one where it’s a little bit trickier for sure. Last night we had our 4th budget meeting in which we were discussing a \$78m budget for our city including a tax increase of 3%. We ended the meeting

with one person from the public who was here to be part of that meeting. This goes to show you where a \$78m budget lines up with how people passionately feel about their neighborhood. I think that shows the level of engagement in a both positive and negative way, depending on how you want to look at it. I think it ultimately comes down to the point of what Dr. Van Wirt said, is this a net positive for the neighborhood and the city. And I come down clearly on the side that yes, it is. So I will be supporting the amendment this evening.