

Development doin's

The Bethlehem Gadfly City government, Gadfly's posts February 19, 2019

Gadfly is big on citizen participation. You might have noticed. Now he knows that there will not always be the kind of drama or electricity at City Council meetings to compete with *Hardball* and *Entertainment Tonight*.

That's why you see Gadfly making “[modest proposals](#)” designed to generate viewer and spectator interest.

But even in meetings that look like they have no hot issues or big business agenda items, important things can happen. Such was the public commentary by Stephen Antalics and Bruce Haines last meeting, February 5.

Zoning.

Gadfly never expected so much time and intensity around issues associated with Zoning and the Historical Districts when he started hanging around City meetings last year.

Gadfly has more than once marveled at the unexpected and puzzling “fluidity” of ordinances in these areas, finding himself, in self-defense, self-defining more and more as a strict constructionist.

So he was very much interested in the 1-2 punch of residents Antalics and Haines peppering an otherwise pretty sleepy meeting on February 5.

Take a look.

[Video of the February 5 City Council meeting](#)

Stephen Antalics min. 23:00

Bethlehem has two historic district review commissions. North of the Lehigh River, the Historic and Architectural Review Board (HARB) reviews all exterior changes proposed to buildings in the Bethlehem Historic District. The Historic Commission (HC or HCC) is a separate historic review board that reviews modifications to the exterior of buildings in both the South Bethlehem Historic Conservation District and the Mount Airy Neighborhood District on the West Side.

The historic review boards are recommending bodies. They forward a recommendation to City Council and Council either issues or denies a Certificate of Appropriateness for the proposed revisions. Once a Certificate of

Appropriateness is approved, a building permit can be issued for a construction project provided that all other conditions are met.

SA points to a division between how historic ordinances/guidelines are applied in the North and South sides. HARB is powerful in the North. You can't change a storm door there without their approval. But things are looser in the Southside, and he uses three examples such as the Parking Garage and the new building attached to it at 3rd and New. In each case, significant variations were sought and approved.

SA: "The point I'm making is this, in your mind, looking at this logically, do you believe that the best interests of the Southside follow the best interests of the community in terms of its preservation – or the developer, who won out in these three cases, clear violations of an ordinance which in North Bethlehem wouldn't have happened. So why did it happen in the Southside? So that might help you people behind that table to get more insight into whose interests are best served – the City against the will of the people behind me who argued against it supported by the ordinance of people who studied the issue. But they are totally ignored. So, ask yourself, whose interests were best served on the Southside in terms of preservation, the developer or the City or the citizens?"

Bruce Haines min. 27:50

SA was followed by BH who consoled SA that the situation in the North is no better than the South: "Ordinances anywhere in the City are far some sacred." BH's specific point of reference was recent approval of apartments at 134 E. Broad, a request for a variance to allow no commercial in a building in the commercial district – the exact reverse of the 2 W. Market case that you will recognize Gadfly followed for so long at the end of 2018.

Here's the [owner's appeal application](#). Take a look. You might never have seen one.

See exhibit A. The developer says he cannot fulfill the requirement for a commercial operation on the first floor because of the setback. Thus, he is proposing all apartments.



What do you make of that argument? Make good sense? Gadfly is not sure that the claim that the setback makes the property unusable or unrentable for commercial purposes was challenged at all — minutes of Zoning hearings are not readily available.

BH: “It’s bizarre, we don’t have a zoning ordinance here in this City that is being complied to at all, and you [City Council] are facilitating that.” Haines charged that we have a Zoning Board with predetermined disposition to take care of developers in this City. “We have a Zoning Hearing Board that’s out of control.” “You guys need to get a handle on this stuff, you are appointing people who are rubber stamps on these boards.”

Now tension over development has been a steady theme in the year Gadfly has been following City business.

Gadfly must admit to a default disposition to distrust developers. Not that he would deal with them with a whip and a chair.

He wonders what the statistics show — what percentage does the Zoning Board turn down? What percentage approve? And that happens to the numbers when you compare appeals by developers to appeals by private citizens?

And there might be another tricky situation on the horizon. Take a look at proposed plans for the Boyd Theater coming down the line.



Nicole Radzievich, “Bethlehem’s Boyd Theatre may face its final curtain call.” Morning Call, February 12, 2019.

“The long-shuttered Boyd Theatre, once a beloved vaudeville and movie house in Center City Bethlehem, will be demolished to make way for a \$22 million apartment and retail project under a proposal owner Charles Jefferson plans to submit to the city.”

“He said Tuesday that the 120-apartment project would bring residents to a sleepy block just around the corner from historic Main Street, injecting more vibrancy into a downtown that grew up around the city’s original Moravian settlement. The first-floor retail would augment a stretch known as Restaurant Row.”

“Mayor Robert Donchez said he’s pleased redevelopment of the Boyd property, which has been shuttered for eight years, is showing signs of moving forward. That key block, the mayor said, holds a lot of potential and has been underused far too long. ‘It would have been nice had the Boyd been renovated, but sometimes the cost outweighs the benefit,’ he said.”

“The Boyd is just outside the city’s historic district and not listed on the city’s preservation plan. The proposal for the Boyd is the latest project to bring more apartments near the historic downtown. Last year City Council approved a rezoning critical to the development of a five-story apartment building, Skyline West, overlooking the Colonial Industrial Quarter.”

There’s a good argument to be made for more people living close to Downtown even though this is a commercial district, and the Boyd has hung on the City’s hands for a good while. And at least one can say that this plan follows the ordinance by having commercial on the first floor in the commercial district. But 120 apartments in that space? Whew! I can’t wait to see that plan.