

The 2 W. Market case: no tempest in a teapot

The Bethlehem Gadfly 2 W. Market St., Neighborhoods, Northside January 9, 2020

🌿 95th in a series of posts on 2 W. Market St. 🌿

Barbara Diamond enjoys retirement as Lehigh University Director of Foundation Relations by engaging in various activities and organizations hopefully for the betterment of the community. Her particular interests at the moment are preventing gun violence, local government ethics reform, and Bethlehem Democratic Committee work.

Thank you Gadfly for reporting so extensively on 2 West Market St. Some people may wonder why this matters so much and see it as a tempest in a teapot. In fact this has a far-reaching impact that could adversely affect property owners in residentially zoned neighborhoods in the city. It is also about using the levers of government to dispense favorable treatment to a well-connected benefactor.

The simple facts are that the Marketer, as you call him, decided to move his business from the commercial district on Broad St to a house in the historic district. The ZHB declined a variance twice to do so but granted one not long after he made a substantial gift to build the mounted police stable. He commenced renovations knowing that litigation was ongoing and the ZHB's favorable decision might be overturned — and it *was*, unanimously, by the Commonwealth Court.

Endeavoring to get his way nonetheless, he decided to get the city to alter its zoning ordinance so that his property would fit in. This was done by a tortured amendment to the corner store provision in such a way that he could operate his business in a residential neighborhood. No analysis

was done by the city as required to determine how many other properties might be affected, and no property owners were notified before the city council approved it. Darlene Heller, Director of Planning and Zoning, acknowledged in a memo to the Bethlehem Planning Commission (BPC) that the amendment clearly benefits the business owner, and that the potential impacts on the city are unknown: “this amendment is specifically written to provide relief for one individual’s property, but there is no information about the overall number of properties that will be affected. . . . the end result of the amendment is unclear.” The BPC did not approve the amendment, but the city council did. With their favorable vote, Councilmen Waldron, Callahan, Martell, and Reynolds failed to abide by the intent of their zoning code to preserve residential neighborhoods throughout the city for the benefit of one special interest business promoted by the Mayor.

We are before the ZHB as part of the appeal process, but because of city politics we suspect that they will rule in favor of the Marketer. You only have to look at the table where the city’s attorney (who is paid by taxpayers) sits beside and confers with the marketer’s attorney to know the outcome.

Nevertheless we believe this is a fight worth the time, effort, and money. When individuals use their influence to get favorable treatment that materially has a detrimental impact on others in the community, it should be challenged.

Barbara

As always, Gadfly invites opposing views.