

“Our zoning map is an aspirational map. It is what we want our neighborhood to be” (19)

The Bethlehem Gadfly 2 W. Market St., Gadfly's posts, Serious Issues November 15, 2018

(19th in a series of posts on 2 W. Market St.)

The last piece of information that we need on the 2 W. Market case is the position of the neighbors opposed to the petition of 2 W. Market to run a business out of that residence.

Note: the text summaries of the speakers here are not exact quotes as they were in the previous post on the neighbors supporting the petition.

Attorney Tim Stevens was given two public comment times, In the second he laid out 6 key points of the argument against the petition.

Attorney Tim Stevens (2): key reasons to deny the petition:

- 1) it's self-serving interest, and that's spot zoning
- 2) it's unclear how many other properties would be affected
- 3) it's contrary to the corner lot provision that is specifically tailored for those architecturally unique corner properties such as the food place across the street from City Hall
- 4) there's nothing unique about this property being on a corner
- 5) it flies in the face of section 1323, where we see the whole theory of non-conforming uses is to bring them back into conformity (gave 5 examples of non-conforming use brought into conformity lately. The trend over the last 15yrs is to make mixed-use into residential properties
- 6) it violates Bethlehem's Comprehensive plan, such as fostering smart-growth and fostering a sense of place.

Attorney Tim Stevens (1)

The owners are wonderful people doing wonderful things to the property, but they did it knowing there was a zoning impediment. The Commission must look to the future. There's no guarantee the owner/business will stay there. Commonwealth court ruled that there was nothing that prevented this particular property from being used as a residential property. The property had been used as a residence for over 100yrs. This petition is the 5th attempt by the owner to authorize a business use there. Contrary to what Atty Preston said, this amendment does alter the classification: adding a brand-new use to a residential property. The burden of knowing the effect of this amendment on other properties is on the petitioner. You can't make a recommendation with so many uncertainties. Also, this property does not meet the corner storefront focus of the ordinance. Why wouldn't this apply to other properties on the block?

Barbara Diamond

Despite the wonderful job, 2 W. Market is still an office. It's not a home, not their home. They may have deep roots in the community, but that's still an office – it's dark at night, vacant on weekends, not a place to go to chat, borrow a cup of sugar, or where children will play. The petition looks like a blatant effort to circumvent the court. It's unclear how many properties would be affected. At what point do you tip the balance away from a residential neighborhood? You run the risk of changing the neighborhood in ways that deprive us of neighbors. Investing in the building is not the same as living there. Be aware of bad optics: this looks like special, favorable treatment to one person. I don't think you would change the ordinance for me.

Paige Van Wirt (resident of W. Market but also City Council person – will she need to recuse?)

Present non-conforming uses are grandfathered in. Certain things were allowed in the past to keep buildings from decaying. The market has now changed. My neighborhood is a residential neighborhood that is struggling to come back from that past era. I know my neighborhood and want to take care of my neighborhood. Our whole block is zoned residential. That is what we are aspiring to. Our zoning map is an aspirational map. It is what we want our neighborhood to be. Allowing the intrusion of an office building into this neighborhood defeats that purpose. There's nobody there nights and weekends, as fine people as they are. That's the loss of eyes on the street, eyes on my kids. Office use weakens the neighborhood. Nobody doubts the beauty of the rehab job,

but where does this activity belong? On Broad St. We should be making our hurting commercial districts stronger. Important to me that we don't make this decision based on what is here, what has been done to this building. We need protection from business interests that want to come in and take advantage of the beauty of our neighborhoods.

Steve Diamond

[Directly answering Claire Rij] Barbara and I would put money in. We believe in a historical area of a residential nature. The idea that that house would not be sold is a fallacy. Why didn't the present owners move in to the commercial area of the parcel? Why a fire escape if historically accurate? Homes in downtown area are very desirable. Prices are low compared, say, to Long Island. Homes here are a steal. Could be sold easily as a residence.

Gina Kelechava

[Also indirectly answering Claire Rij] She's a Real Estate agent who does a lot of business in the historic district. People who are coming here are people who are retiring. They are looking for a lifestyle change. And paying cash. This is a cool place to be. This is a fabulous improvement, but there are people coming here, and houses are scarce. Someone recently put as much in to improvement as they paid for a house — and paid cash.

Bill Scheirer

Why hasn't the property been subdivided? The unspoken assumption is that in mixed-use, the commercial dominates. Why not reverse? And modify commercial uses on the edge of residential areas not the reverse. If this applies to one property, it is, in effect, spot zoning. If it affects other properties, we ought to know that before a decision. Perhaps the recommendation should be to table till there is more information. Additional oppositional comments by Beall Fowler, Bill Scheirer, Barbara Diamond, Steve Diamond, and Bruce Haines can be found in posts 3, 4, 5, 11 in this series.

And now Gadfly will pause, allowing time to absorb the five posts presenting the various positions in the 2 W. Market case. Post your questions and comments.

Think of your role as participating in City government by helping City Council come to a fair decision.

Gadfly will return with his own analysis in a day or two or three.