

# **“I’m missing the point,” the ZHB solicitor says about the Mayor’s involvement in the 2 W. Market decision**

The Bethlehem Gadfly 2 W. Market St., Neighborhoods, Northside January 8, 2020

 93rd in a series of posts on 2 W. Market St. 

The Zoning Hearing Board meets on 2 W. Market again tonight. Might be the last time. One can hope that we will hear closing arguments.

So Gadfly is kind of rushing to come up to speed and to point out to you interesting elements from the December 11 meeting.

So let Gadfly start with the testimony of Bruce Haines for the neighbors. It will give you a stark understanding of the difference between public commentary at a City Council meeting meant to influence a Council decision and the quasi-legal format of the Zoning Hearing Board.

Simply stated, there are things you can say to Council that don’t “count” at an appeal hearing like this before the ZHB.

Let Gadfly ask you a question.

Do you think a Mayor’s position on an issue can have influence on his Planning Director and City Council members?

Gadfly would say yes. How about you?

Certainly this was an issue in the meetings on 2 W. Market before the Planning Commission and City Council. The Planning Director did not endorse/approve the Marketer proposal. The Mayor weighed in on the side of the Marketer — and did so late in the game. So neither the City

Planning Director nor the City Planning Commission approved the Marketer petition. But the Mayor — who, of course, had no formal vote at any time — overrode his Planning Director, and his position favorable to the petition was well known to Council members, some of whom might be thought to be his allies, and the public. There was suspicion that the Mayor's favorable position was a favor to a prominent financial contributor to the City and that the Mayor's favorable position was a factor in Council's approval.

Hmm, has Gadfly characterized that fairly?

So, Gadfly would say that in the mind of followers of the local proceedings the beliefs and actions of the Mayor were quite relevant to the passing of the Marketer petition.

But not so in front of ZHB.

Take 5 minutes and follow Mr. Haines sparring with the City attorney and the ZHB solicitor over the Mayor's involvement.

<https://youtu.be/LGBOmPE3sjq>

You will hear that there is no relevance to what the Mayor felt, said, did. It doesn't matter if the Mayor was for or against. You will hear that the Board doesn't care if the Mayor endorsed or not. It doesn't matter if the Mayor contradicted his Planning Director.

The ZHB solicitor ends this exchange by saying he's "missing the point" of Mr. Haines's recurring references to the Mayor's role.

Really?

Makes Gadfly feel like a country rube.

But you will enjoy Mr. Haines braving the legal dragons.

*to be continued . . .*