

The 7 Myths of 2 West Market (40)

The Bethlehem Gadfly 2 W. Market St., Serious Issues December 3, 2018

(40th in a series of posts on 2 W. Market St.)

Bruce Haines is a Lehigh graduate who returned to Bethlehem after a 35-year career at USSteel. He put together a 12-member Partnership to rescue the Hotel Bethlehem from bankruptcy in 1998 and lives in the historic district.

Gadfly:

Clearly there are several myths that have been perpetrated during the five years we have been dealing with this commercial intrusion effort. Let's sort them out:

Myth #1) The house is too large and rundown to sell as a single-family home:

+The home itself is comparable in size & condition to many other homes in the historic district all of whom have sold and remained single family homes. Exhibit of 23 Single family homes in the district over 3000 sf that sold in this decade was presented to council.

Myth #2) The house has no yard for children to play and therefore undesirable for a family:

+The Schadt's raised their family there as did every other occupant for over 160 years.

+Location across the street from Moravian Academy is highly desirable for a family with children

+Empty Nesters moving back from the suburbs don't want big yards to maintain but want large houses for family visits and want homes walkable to downtown.

Myth #3) Because of the retail commercial building buyers can't get a mortgage:

+This is pure smoke and mirrors as bankers are more interested in appraised value. It is each bank's decision whether they finance thru their residential lending or commercial lending department. In either case the mortgage payments are not materially different and many empty nester buyers for this property may be cash buyers not requiring financing.

Myth #4) The house languished while on the market in 2013 and Morningstar saved the property:

+ Morning Star put the house under contract less than 4 months after its multi-listing in a market where historic district homes generally took 1-2 years to sell. This property clearly never had the opportunity to determine its market value for a buyer to use the property as it had always been used as a single family home with rental income supplement.

+Morning Star went forward to buy the home despite being turned down twice for a variance by the ZHB and before their appeal decision was even handed down by the Common Pleas Court—why would a rational person move forward under those circumstances were there not pressure from another prospective buyer to purchase the property?

Myth #5) Quadrant Financial loves the historic district and wants to be a good neighbor to the community:

+Good Neighbors don't threaten their neighbors with Section 8 housing, tattoo parlors, or more recently Drug rehab facilities if they don't get their way. The courts have consistently ruled against this change. City Council zoning changes attempted in both 2015 and twice now in 2018 have continually carried these threats to neighbors including during a petition signing process in 2015.

Myth #6) The ZHB finally approved their petition on the 3rd attempt and they therefore had a green light to move into the property in 2017 and should be rewarded for spending nearly \$1 million:

+ Morning Star knew full well that this approval was under appeal and proceeded at their own risk while the appeal process played out thru the court system. The final unanimous Commonwealth Court decision did not occur until May 2018 that overturned the city ZHB flawed ruling.

+ Morning Star proceeded while blatantly violated 2 specific conditions imposed by the ZHB:

- Added a huge 3rd floor fire escape and removed the iconic iron gate in direct violation of the provision for no exterior alterations to change the residential character of the main house.
- Failed to close the retail store when they opened the office which was a specific provision of the ZHB allowing only one nonconforming use on the property.

Myth #7) The City Administration has been neutral with respect to this property:

+The Mayor put forth a proposal to the Planning Commission in 2015 to accommodate this property owner that included rezoning one block of Market Street to include this parcel after the Commonwealth court upheld the original ZHB decision to preclude an office at this property.

+The city held back sending this proposal to Council after the Planning Commission failed to endorse this apparent spot zoning effort knowing that it did not have Council majority vote.

+City failed to vigorously object to the 2016 variance attempt by Morning Star that resulted in the 180 degree reversal by the ZHB to permit the office use after emphatic denial in 2013 upheld by higher courts.

+City facilitated the approval process for a Certificate of Occupancy in 2017 despite the blatant violations of conditions imposed by the ZHB decision cited in Myth #6.

+ Is the city totally incompetent or did major contributions to an organization that supports the Police Department somehow influence their approval and enforcement decisions, or is there simply only the appearance of such?

+The inconsistent nature of this petition with the city comprehensive plan and zoning plan requires the city planning professional to speak out professionally against this proposal and that has not occurred for some reason. In addition, the Lehigh Valley Planning Commission altered their Committee recommendation to weaken its response at the 11th hour for some unknown reason.

Bruce