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March 15, 2023

The Honorable Daryl Hendricks
President, Allentown City Council
435 Hamilton Street
Allentown, PA 18101

THRU: Michael Hanlon (michael.hanlon@allentownpa.gov)
Clerk of City Council

Re: Petition to Vacate South Terminal Street

Please be advised that at the monthly meeting of the Allentown City Planning Commission held on Tuesday, March 14, 2023, the proposed vacation of the full length of S. Terminal Street – petitioned by Real Star Properties, LLC – was reviewed and recommended for City Council approval subject to the condition that access easements are provided for the affected utilities to enable the maintenance and repair of their respective facilities within the right-of-way:

In practice, if a roadway vacation were granted, the parcel boundary lines of abutting properties are deemed extended up to the center of the vacated roadway.

Attached is the Planning Staff report to the ACPC for reference. Should you have any questions concerning this action, please contact me.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Jennifer Gomez", is written over a light blue circular stamp.

Jennifer Gomez

/jfs

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City of Allentown (Mark Shahda, David Petrik, Brian Borzak)



City of Allentown Staff Report

To: Allentown City Planning Commission
From: Bureau of Planning & Zoning
Meeting Date: March 14, 2023
Staff Contact: Jesus Sadiua, Planner, jesus.sadiua@allentownpa.gov

Proposal: Vacate S. Terminal Street from Hamilton Street, southward, up to terminus
Case Number: V-23.01
Applicant: Real Star Properties, LLC

Description

1. The applicant proposes to vacate -- without easements -- the whole length of South Terminal Street from Hamilton Street southward up to where it dead ends.
2. The owners of the properties immediately abutting the subject street (ie., Parcels B and C in Fig-1) are competitors of this proposed action, who wish to secure both properties by closing Terminal Street to public traffic.

Fig-1. Aerial showing Terminal Street and vicinity, adjoining roadway and abutting land uses.



Findings /Comments

3. The subject street is an open, dead-end street. It is approximately 20 feet wide and about 160 feet long. The proposed vacation would free up about .06 acres of land. It is partly improved with asphalt paving and curbing where the street abuts Hamilton. The remaining street length, however, is deemed unimproved.
4. There are 3 parcels abutting South Terminal Street (see Fig-1 for parcel label reference).

- a. Parcel A – across W. Hamilton Street -- is a transitional housing facility owned and operated by the Allentown Rescue Mission.
 - b. Parcel B – on the east side of Terminal Street – is a vacant commercial structure owned by Real Star Properties, LLC. The vacant structure used to house a bar /tavern (i.e., Banana Joe). When the structure first opened in the early 1900s, it served as a train station.
 - c. Parcels C – abuts the west border of Terminal Street – is officially classified by Lehigh County as vacant commercial land. It is owned by Y&E Empire Properties (a co-petitioner who has the same mailing address as the applicant).
5. During the Staff’s site visit (on March 8, 2023), no traffic – pedestrian or vehicular – were observed to use the subject street to access the parcels on either side of it. To our view, this street is not widely used by the public. There were dump trucks parked on Parcel C at the time of the site visit, however. The trucks were unattended at that time such that Staff was not able to find out how the trucks accessed Parcel C.
6. In accordance with Section 545-36.D of the City’s Codified Ordinances (re: Street Vacations), Planning Staff reviewed the proposed vacation against criteria prescribed therefor:
- a. **Whether the right-of-way vacation will adversely affect the street pattern or circulation of the immediate area or of the community.**
 - i. Re: Street Pattern – No. At least in the central business district (CBD), this is the only street that bears this name. Closing it, as requested, is not seen to affect the existing street pattern.
 - ii. Re: Circulation – No, since the subject street segment is not a through street and not used as a roadway.
 - b. **Whether the public need will be adversely affected.**
 - i. No, since the subject street is not a through street and neither used as a roadway or pedestrian route.
 - c. **Whether the public right-of-way may be needed for future public use.**
 - i. Planning Staff defers to the PW Staff as to future plans for the subject street.
 - d. **Whether any abutting property owner will become landlocked or will have his access substantially impaired.**
 - i. No. Although Parcel A is an abutting parcel it will not be affected by the closure of this street. For Parcels B and C -- even with the closure of the subject street – neither properties will be landlocked because both will have control over the vacated land, which land can be developed into their respective driveways that opens onto Hamilton. Moreover, Parcel B still has an access point on S. 3rd Street.
7. Meanwhile, Staff Report from the City’s Public Works Dept informs of the following:
- a. Comments from abutting properties were obtained with the following results:

Parcel Label	Property Owner	Response
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A	Allentown Rescue Mission	No comment. Not a user of Terminal Street.
B	Real Star Properties, LLC – Petitioner.	
C	Y&E Empire Properties, LLC – Petitioner.	

b. Utility agencies were also polled with the following results:

Utility Agency	Response
PPL	No objection.
UGI	Has not responded.
LCA	<i>Objects</i> due to an active sewer line in the ROW and will need easements.
Verizon	No objection.

c. City units that have a conceivable interest in vacating the subject street were also polled with the following results:

City Staff /Department	Response
A P D	Has not responded.
A F D	No objection.
Traffic Engineer	No objection.
Stormwater Engineer	No objection.
Communications /EMS	Has not responded.

d. Staff from the City’s PW Dept. has no objection to the subject street vacation on the condition that easement is provided to affected utility agencies to enable maintenance of their underground facilities.

e. Moreover, the City’s Floodplain Manager advises that if the street vacation were granted, any development or alteration to Terminal Street will require a Floodplain Development Permit and must comply with City Ordinance, Chapter 298: Flood Control.

8. Finally, LVPC’s review of the subject vacation found it consistent with regional policies (FutureLV: The Regional Plan Policy 5.4 and 2.6). While it supports the closure, LVPC recommends that utilities above or below ground remain accessible for maintenance and repair. LVPC also recommends that any gates to secure the property be located as to not interfere with vehicular traffic or pedestrian movements on Hamilton Street. The queuing of vehicles trying to access the site should be planned for by potentially locating a gate far enough inside the property as to allow a vehicle to queue outside of Hamilton Street and interior to the site to gain access to the properties.

Summary

9. Planning Staff agrees with the recommendations by PW staff and LVPC, to vacate the subject street and close it to public traffic **but that access and easements should be retained for existing utilities** as required.