



## Minutes - Final

### Community and Economic Development Committee

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Wednesday, August 19, 2020

6:30 PM

Council Chambers

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The meeting will be livestreamed. The link to the meeting can be found on the city website with the agenda and legislation at <https://www.allentownpa.gov>. Council will receive comments on the legislation prior to the meeting and will consider all comments from city residents. All comments must include name and address, including your city, and be emailed to [Michael.Hanlon@AllentownPa.gov](mailto:Michael.Hanlon@AllentownPa.gov) by 2:00 PM on the date of the meeting. Comments received from city residents by that deadline will be forwarded to the Mayor and Council members prior to the meeting and will also be noted at the appropriate period of the meeting. These timely received comments will also be posted on the City's webpage as a supporting document to the meeting. Any comments received on the meeting day, after the 2:00 pm deadline, will be forwarded to the Mayor and Council as soon as practicable.

**Roll Call: Chair Guridy, Gerlach, Affa**

[15-3707](#)

R93 CEDC this evening

Denial of a Certificate of Appropriateness – 114 N. West Street

**Attachments:** [R93 DENIAL - 114 N West St Gazebo](#)

[114 N West St Final Review](#)

[Resolution #30030](#)

Mr. Mike Hanlon stated that the office got indication that the applicant has removed a request for the petition, but you still need to approve at the Council meeting or the denial becomes an approval.

Mr. Julio Guridy stated that they will approve the denial. He asked if everybody that needs to be on the call is on the call.

Mr. Leonard Lightner stated that 114 N. West Street, the owner proposed to install a gazebo in their rear yard. This gazebo size is 12 foot wide by 14 foot deep and 10 foot height. The gazebo is proposed to be close to the garage and abutted close to the fence. HARB determined that the gazebo is inappropriately large and would cover almost the entire rear yard. This is something that normally that zoning would look at and pass or not depending on the size of it. HARB also said that the gazebo was purchased without approval. that is the basics of it and he will be able to answer any questions that they may have.

Mr. Mike Hanlon stated that he removed his petition so there is really no need to discuss it. He stated that Council got one comment from Mr. James Whitney.

James Whitney, 924 Walnut St

This denial fails to explain how its findings are related to historical appropriateness. By making a judgment that takes into account issues regarding water irrigation, and the distance between the gazebo and the homeowners fence, HARB is overstepping its authority and encroaching on the authority and duties of other governmental bodies such as the department of building standards and safety, as Allentown Zoning Board. The Denial itself acknowledges as much by stating "zoning review would be needed and that it might not meet zoning regulations." It is not the duty of any governmental Agency to make judgments based on predictions of what other agencies may decide. Doing so violates the rights of the homeowner to go before the agency whose decisions are being predicted. HARB does not have the authority police taste or preference, to weigh in on potential property line disputes, or to unqualified determinations regarding a structures impact on stormwater management. If this denial is approved, the property owner could enter into litigation against the city for violating his rights as a property owner, and the city could end up paying the claimants legal fees. Again this denial vastly oversteps the authority of HARB. I believe the mission of HARB has drifted away from its original purpose and should be reexamined.

Mr. Mike Hanlon stated to Mr. Guridy that there was an agreement that this should go before Zoning before it goes to Council.

Mr. Julio Guridy stated that you are right. He thought it should go before zoning, but since that conversation they found out that the applicant actually withdrew the application. In the future if he wants to continue he can do that on his own. At this point, what is in front of Council is just basically the denial of this Certificate of Appropriateness. He stated that he personally thinks that Council should deny this regardless and then have them go through the property channels which is going through the Zoning Hearing Board. He asked if there were any comments from Council.

Ms. Candida Affa agreed with Mr. Guridy and stated that since he pulled the application, we are just going to vote on approving. She stated that she is ok with that.

Mr. CeCe Gerlach stated that she does not have any comments.

**A motion was made by Candida Affa, seconded by Ce-Ce Gerlach, to approve the Denial of the Certificate of Appropriateness.**

**Yes:** 3 - Julio Guridy, Ce-Ce Gerlach and Candida Affa

Enactment No: 30030

**Adjourned: 6:35 PM**