



City of Allentown
Staff Report

All comments in the
report are advisory

To: Allentown City Planning Commission
From: Bureau of Planning & Zoning
Meeting Date: September 10, 2024

Proposal: Petition to Vacate a Portion of E. Clay Street
Petitioner: Nikhil Oza (Patoza Club LLC)
Case Number: V 24-05

- 1. The petition comes from Nikhil Oza, the equitable owner of 906 Club Avenue. The purpose of this request is to vacate a segment of E. Clay Street in order to acquire half, or 6 feet of the vacated land.

Description

- 2. The subject segment of E. Clay street is located in East Allentown, just south of Union Blvd. between N. Wall street and Club Avenue; the boarder between Allentown and Bethlehem. This segment also serves as a boundary to where the Highway Business District Zone transitions to the Medium Density Residential Zone. (Figure 1)



Figure 1 Aerial of vicinity showing E. Clay Street, abutting parcels and adjacent roadways.

Findings /Comments

- 3. The subject street segment has been plotted but is unimproved and was never constructed or opened to public traffic. It measures approximately 12 feet wide and about 200 feet long. On the western end of the subject segment a wooden fence has been erected extending out into the majority the right of way along with an improvised parking space which is accessed from N Wall Street.
- 4. There are two parcels that abut the proposed segment to the south, both having an objection to the vacation offering no co-signature.
 - a. Parcel A (832 Club Ave.) has improvised parking on the eastern end of the subject segment.

- b. Parcel B (833 N Wall St.) has improvised parking on the western end of the subject segment as well as a fence enclosing a portion of the subject segment.

5. In a recent site visit (September 2/24), Planning Staff noted that though Parcel A uses the eastern subject segment for parking there is an abundant amount of parking available along Club Ave. Parcel B along with other abutting properties facing N. Wall St. have limited or no parking available. (Figure 2)

6. Reports from the City's Public Works Dept and that from the LVPC both recommend that access to utilities both above and below ground remain accessible in the event of maintenance or repair that may be required.

7. Per recommendation from LVPC all emergency access to utilities and abutting properties should be maintained if the street vacation is approved.



Figure 2 Street view of improvised parking and fence enclosure.

8. Nevertheless -- 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 therefore:

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. Club Ave. is used as an alternate route to travel from Hanover Ave. to Union Blvd. vice versa. N. Wall St. is mainly used to access surrounding residential properties. Neither street would be affected if the subject segment were to be vacated.

b. Whether the public need will be adversely affected.

- i. There is a potential that if an agreement to provide access to parking for Parcel B (833 N Wall St) is not granted, their access to parking could be affected.

c. Whether the public right-of-way may be needed for future public use.

- i. Planning Staff agrees with the LVPC recommendation that the city should consider sidewalk mobility infrastructure in coordination with requirements of the Americans with Disabilities Act (ADA). The curb cut access for the rights-of-way for E. Clay Street is not ADA compliant along Club Avenue at the frontage to the portion of E. Clay Street. *Sidewalk infrastructure with accommodations in ADA compliance is recommended to ensure accessibility for all people and to promote alternative modes of transportation options, particularly in a neighborhood that serves as a walking corridor for the Allentown School District. (FutureLV, Policy 2.3)*

d. Whether any abutting property owner will become landlocked or will have his/her access substantially impaired.

- i. The petitioned area provides access to a private parking space for Parcel B but will not landlock any of the abutting properties.

14. Meanwhile, Staff Report from the City's Bureau of Engineering, Public Works Dept informs of the following findings:

a. Comments from abutting properties were obtained with the following results:

Parcel Label	Address /Property Owner	Response
833 N Wall St	833 N Wall St.	Objects
832 Club Ave.	832 Club Ave.	Objects

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

Utility Agency	Response
PPL	Objects until an easement is provided
UGI	No Response
LCA	Objects until an easement is provided
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 Superintendent	No objection
Stormwater Engineer	No objection
Communications /EMS	Has not responded.

15. The Bureau of Engineering of Public Works is inclined to vacate the street segment provided that easements for existing utilities above and below ground are granted.

Summary

16. Based on the foregoing findings, Planning Staff is inclined to endorse the proposed vacation of the street segment with easements as requested by affected utility agencies and emergency personnel. It is also recommended that sidewalk infrastructure in coordination with the requirements of the (ADA) be considered on the eastern segment along Club Ave. Maintaining parking for both Parcel A and B is to be considered a civil matter that will need to be resolved between the petitioner and the objector.