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December 18, 2024

The Honorable Cynthia Mota  
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 a Portion of Hill Street**

I am pleased to inform that at the monthly meeting of the Allentown City Planning Commission (ACPC) held on December 10, 2024, the proposed vacation of a segment of Hill Street in West Allentown, from S. 22nd Street eastward up to Ruhr Street – petitioned by David & Rhady Tulloch – was reviewed.

As you know, the Commission tabled this petition from the previous November meeting because the petitioners were not at hand to represent the matter. It was also found that the petition did not have the majority interest of the abutting property owners as required by Chapter 545-36A of the city's codified ordinances.

At the December 10<sup>th</sup> meeting, Petitioner David Tolluch informed that he personally spoke with the two abutting property owners, both of whom expressed no objection to the proposed vacation. The ACPC, nonetheless, was of the opinion that the abutting owners should officially respond to the city's outreach to comply with the ordinance.

After much deliberation, the ACPC unanimously agreed to recommend vacation, conditioned on receipt by City Council a written consent to the proposed vacation, by any of the two abutting neighbors.

For reference, attached is the Planning Staff report to the ACPC. We were made aware that the respective reports from the City's Public Works Department and the LVPC on the matter have been sent to City Council on separate covers.

Should you have any questions concerning this action, please contact me.

Yours truly,

**Jennifer**  
**Gomez**

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ec: Petitioner: [Tulloch\\_d@outlook.com](mailto:Tulloch_d@outlook.com)  
COA (Mark Shahda, David Petrik, Brian Borzak, Yeimy Delgado)  
LVPC ([bhite@lvpc.org](mailto:bhite@lvpc.org)); ACPC (Chris Brown)



## City of Allentown Staff Report

All comments in the  
report are advisory

**To:** Allentown City Planning Commission

**From:** Bureau of Planning & Zoning  
Brandon Jones

**Meeting Date:** November 12, 2024

**Proposal:** Petition to vacate Hill Street from South 22<sup>nd</sup> Street to vacated South Ruhr Street.

**Petitioner:** David & Rhady Tulloch

**Case Number:** V-24.06

### **Description**

1. The petition comes from David and Rhady Tulloch of 2151 Fairview St. whose property is one of those abutting the subject roadway to be vacated (i.e., Parcel B).
2. The petition covers a portion of Hill Street beginning from S. Ruhr Street and extending west to S. 22<sup>nd</sup> St. This portion of Hill Street is located in the southwest section of Allentown which is zoned Low Density Residential (Fig.-1).
3. The purpose of this vacation is to acquire extra side yard space for the petitioner's private use and maintenance (i.e., Parcel B).



Fig-1 Aerial showing area around 22<sup>nd</sup> Street and Hill Street, abutting properties, and petitioner.

### **Findings /Comments**

4. It is noted that in accordance with Section 545-36.A A petition to Council for the vacating of any street shall be signed by a **majority, in number and interest**, of the owners of property abutting on the line of the proposed vacation as fixed at the time of presentation of the petition, and shall be verified by the affidavit of one or more of the petitioners. Co-owners of undivided interest in any piece of property shall be deemed as one person for the purpose of the petition and the majority in interest of such co-owners shall determine the position of the co-owners for this purpose.

5. The specified section of Hill Street remains undeveloped and has never been accessible to public traffic, classifying it as a 'paper street.' This undeveloped segment has a right of way approximately 20 feet wide and extends about 150 feet in length.
6. It was observed that a utility pole stands on the corner of S. 22<sup>nd</sup> Street and Hill Street with overhead utility lines extending along and across the subject roadway.
7. There are 2 parcels other than the petitioner that abut the subject segment of Hill Street: **(Parcels A to C)** (Fig-1).
  - a. Parcels A and C are single-family, detached units.
  - b. Parcel A – has access from both S. 22<sup>nd</sup> Street and Willow Street with the garage and driveway facing Willow Street.
  - c. Parcels B and C – both have driveways and garages fronting South W Fairview Street (Fig-2).

8. There will be no negative impact on the adjacent properties, and each parcel will receive half the width of the subject street proposed for vacation.

9. 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:



Fig-2 Google Aerial showing effected parcels, vicinity and recently vacated streets.

**a. Whether the right-of-way vacation will adversely affect the street pattern or circulation of the immediate area or of the community.**

- i. 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 nor as a pedestrian route.

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

- i. Planning Staff defers to Public Works as to the future use of this paper street.

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

- i. No. As stated in item 6, all abutting parcels maintain primary, vehicular and pedestrian access from a main street.

10. 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:

<b>Parcel Label</b>	<b>Address /Property Owner</b>	<b>Response</b>
A	215 S 22 <sup>nd</sup> St /Jason L & Andeal Esty	No Response
B	2151 Fairview St / David & Rhady Tulloch	Petitioner
C	2143 Fairview St / Daniel Ireland & Kimberly Graham	No Response

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

<b>Utility Agency</b>	<b>Response</b>
PPL	Requires easement.
UGI	No objection
LCA	No objection
Verizon	Requires easement.

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

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

11. The Bureau of Engineering recommends that the subject portion of Hill Street be vacated provided the adjoining owners provide easements for the existing utility facilities.
12. LVPC does not object to the proposed vacation but has also recommended that all nearby property owners agree to the plan, so they are aware of their responsibilities. LVPC also suggested that accessibility be maintained for underground and overhead utilities for service providers and emergency responders. Sidewalks should be maintained with ADA-compliant features to ensure accessibility for everyone and support alternative transportation options.

### **Summary**

13. Based on the information submitted, the requirement that all applications include signatures from the majority of property owners in number and interest has not been met; therefore, staff cannot recommend approval at this time.