



**Jennifer Gomez, AICP
Director of Planning and Zoning**

City of Allentown
435 Hamilton Street, Allentown, PA 18101-1699
610-437-7630 x2866
jennifer.gomez@allentownpa.gov

September 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 a Segment of N. Maxwell Street

Please be informed that at the monthly meeting of the Allentown City Planning Commission held on September 12, 2023, the proposed vacation of a segment of North Maxwell Street from E. Turner Street, southward to E. Linden Street, petitioned by Michael Dravuschak – was reviewed.

After deliberations, in a 5:0 vote, the Commission recommended for City Council action the vacation as proposed subject to easements being retained for PPL and the city to enable maintenance of their respective facilities therein.

Attached is the Planning Staff Report to the ACPC for reference. If you have any questions concerning this action, please contact Brandon Jones at 610-437-7613 ext. 2859 or brandon.jones@allentownpa.gov directly for this purpose.

Truly yours,

Truly yours,

**Jennifer
Gomez**
Jennifer Gomez

Digitally signed by: Jennifer Gomez
DN: CN = Jennifer Gomez email = jennifer.gomez@allentownpa.gov
C = AD
Date: 2023.09.19 14:01:05 -04'00'

Attachment:

- Planning Staff report

ec: Michael Dravuschak (mdravuschak@gmail.com)
City of Allentown (Mark Shahda, David Petrik, Brian Borzak, Megan Wells), File



City of Allentown
Staff Report

All comments in the report are advisory.

To: Allentown City Planning Commission

From: Bureau of Planning & Zoning
Brandon Jones, brandon.jones@allentownpa.gov

Meeting Date: September 12, 2023

Proposal: Vacate a portion of N. Maxwell Street

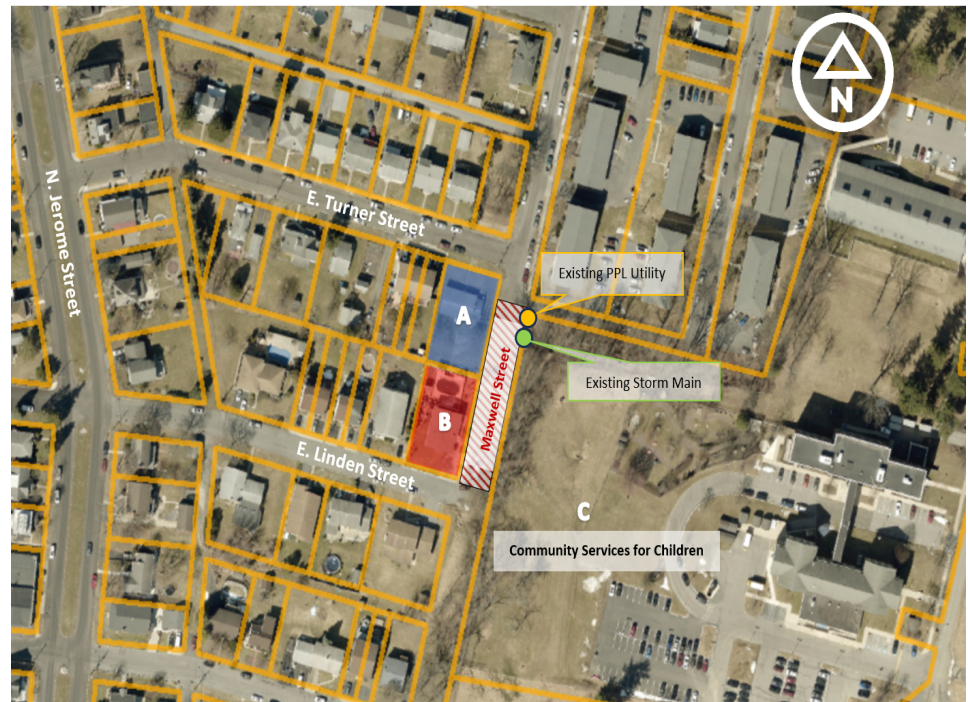
Applicant: Michael Dravuschak- 1046 E. Turner Street

Case Number: V-23.04

Description

Figure 1. Aerial showing Maxwell Street and vicinity, adjoining roadways, and abutting properties.

1. The proposed street vacation comes from Michael Dravuschak (Applicant, 1046 E. Turner Street Parcel A)(Fig.1) The subject roadway is located in East Allentown between E. Turner Street and E. Linden Street. There are two residential properties abutting the subject roadway to the west (Parcels A & B)(Fig.1) and a subdivision zoned Industrial Government abutting the subject roadway to the east (Parcel C)(Fig 2.)



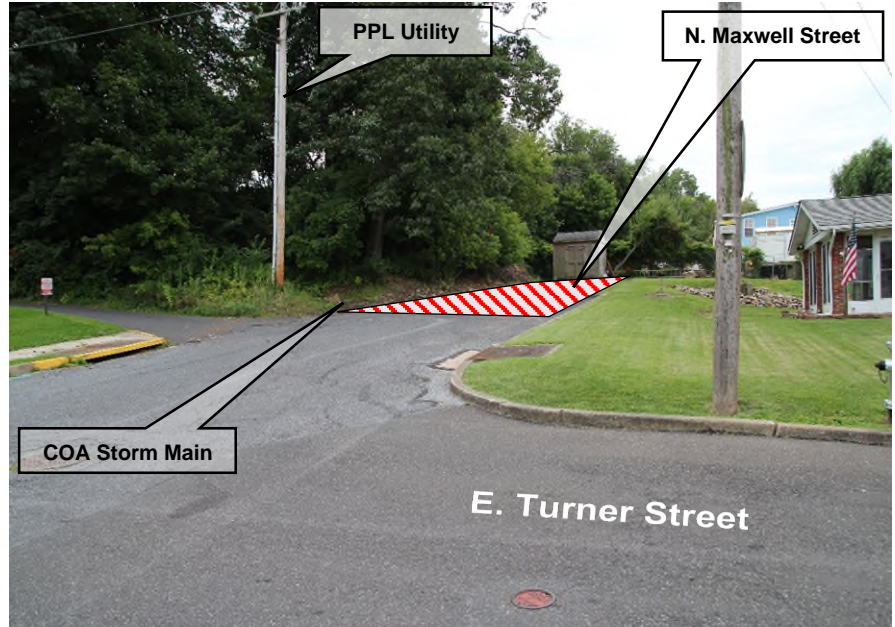
- 2. The purpose of this street vacation is that applicant states that the subject roadway is not maintained by the City and has been given up.
- 3. Petitioner requests that the vacation be granted with easements.

Findings / Comments

- 4. The subject portion of the street is unopened and unpaved with the exception of a small section located on its Northern end. (Fig 2.) The eastern half was rededicated by a subdivision in 1990 but was never opened. After 21 years

Figure 2. Showing Existing Utilities and Conditions facing South.

the city lost its rights to the subject roadway. The roadway has a 50' wide Right-Of-Way with PPL utilities located on its Northeast portion. An Allentown storm main is located within the same immediate vicinity. (Fig 2.)



- 5. On August 22, 2023 staff conducted a site visit to observe the existing conditions of the subject roadway. It was observed that private improvements were made by both abutting parcels A & B (i.e., Sheds, Basketball Court, Fencing)(Fig. 3.)

Figure 3. Showing Existing Conditions facing

- 6. Owners of both parcels A & B explained that they were notified by the City in the 80's informing that N. Maxwell Street had been vacated but no documents were provided. Both owners were under the impression that they had already gained ownership of N. Maxwell.



- 7. 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. If vacated the subject street segment would maintain its current state as unpaved. Closing it, as requested, is not seen to affect the existing street pattern.
 - ii. Re: Circulation – No, since the subject street is unimproved and will only serve abutting property owners.

- b. Whether the public need will be adversely affected.**

- i. No, since all abutting parcels will have access.

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. All three abutting parcels will retain accessibility and will not be landlocked.

8. 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
A	Michael Dravuschak- <i>Co-petitioner</i>	No Objection
B	Richard & Christina Schwab	No Objection
C	Community Services for Children	No Objection

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

Utility Agency	Response
PPL	Objects due to existing facilities and will need easements.
UGI	No objection.
LCA	No objection.
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. suggests N. Maxwell Street be vacated from E. Turner Street to E. Linden Street. An easement will be needed for PP&L and the City of Allentown.

9. The Lehigh Vally Planning Commission staff found the subject vacation proposal to be consistent with FutureLV: *The Regional Plan*.

Summary

10. To Planning Staff's view this street is only used by the abutting properties and agrees with the recommendations by PW staff and LVPC, to vacate the subject street providing easements for PPL and the City of Allentown.