



KOLB, VASILADIS, FLORENZ & RECCHIUTI, LLC

ATTORNEYS AT LAW

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\*Admitted in New York

June 14, 2024

VIA EMAIL ONLY

Emanuel Machado, Zoning Officer  
City of Bethlehem  
10 E. Church St.  
Bethlehem, PA 18018

Re: Properties: 405 Selfridge Street, 406 Jackson Street, 412 Jackson Street  
My client: Lady Mohawk, LLC  
Request for Zoning Determination/Preliminary Opinion

Mr. Machado:

Based on the recent decision of the Commonwealth Court concerning the appeal of the City of Bethlehem from the December 9, 2022 decision of the Bethlehem Zoning Hearing Board, which decision vacated the December 9, 2022 Zoning Hearing Board decision due to lack of jurisdiction, I am writing to renew our March 4, 2021 request for a determination/preliminary opinion pursuant to Pa. M.P.C. 916.2. As determined by the Commonwealth Court, there was not an appealable determination made in this matter, and therefore the Zoning Hearing Board did not have the jurisdiction to hear the appeal.

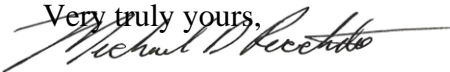
The determination sought from Zoning Officer Peiffer was concerning the applicability of the amendments to the zoning ordinance passed by City Council on March 2, 2021 to the land development plan filed by my client on October 22, 2020.

Specifically, we are seeking a determination of whether the provisions of the amendments limiting student housing would be applied to the October 22, 2020 land development plan, whether that plan is subject to changes in the zoning law that were adopted after the filing of the plan, and whether the use of the townhomes proposed in the land development could be used as student housing in the same manner as existed prior to the enactment of the March 2, 2021 amendments.

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The plan and other related materials needed to make this decision should be on file with the city. The preliminary sketch plan was reviewed by the Planning Commission on September 10, 2020, and the final plan was filed on October 22, 2020. Additionally, based on a June 29, 2021 request from the City in regards to the request for the initial determination, additional information concerning the use of the properties was provided on August 11, 2021. If there is any additional information needed, please let me know.

I look forward to a timely response from you as this matter has dragged on now for over 3 years. If you should have any questions or wish to clarify anything we are seeking, please do not hesitate to call me.

Very truly yours,  
  
Michael D. Recchiuti

cc: Craig Peiffer (via email)  
Steve Boell, Esquire (via email)  
Matt Deschler, Esquire (via email)  
Eray Donmez (via email)