

RESULTS OF MEETING
TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
PUBLIC HEARING

February 16, 2021

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 pm, February 16, 2021, via WebEx.com.

ZONING HEARING BOARD:

Alberta Scarfaro, Chairperson
Dean Wotring, Member
Ken Snyder, Alternate Member
Louis Jany, Member

TOWNSHIP PERSONNEL:

Chris Gittinger, Zoning Officer
Shari Cooper, Court Reporter

SOLICITOR:

William J. Fries, Esquire

THE MEETING WAS CALLED TO ORDER AT 7:03 PM.

The Chairperson read the Fair Housing Statement.

Docket # 1992 – Carmike Enterprises, LLC – 15 Arrowhead Lane, Northampton, PA 18067-9793. **Location: 5201 and 5212 Main Street, Whitehall, PA 18052, PIN 559001188368 and 559001164222**, the subject property is located in a R-5a High Density Residential w/o Apartments Zoning District. Applicant is requesting a Special Exception/Variance to Sec. 27-60, Sec. 27-76, and Sec. 27-246 of the Zoning Ordinance regarding change of non-conforming use from bar/restaurant to non-conforming use as two apartments, continuation of accessory parking for 5212 Main Street with 5201 Main Street, and change of non-conforming use of an

office to non-conforming use as a 16th boarding room. This Docket is an Appeal from an Enforcement Notice. This Docket was continued to this meeting at the request of the Applicant.

The Applicant agreed to proceed with only four (4) Board Members.

The Zoning Officer offered two (2) Exhibits in support of the Enforcement Notice: the Enforcement Notice, and the Planning Commission's letter recommending approval with conditions; which were admitted into the Record.

The Applicant appeared through its Principal, Mike Turczyn, and was represented by Mark Malkames, Esquire. The Applicant's Draftsman, Tarek Shehab testified as to the plans for the proposed new boarding rooms. Eight (8) Exhibits were offered and accepted into the Record. There were no other Objectors or Supporters.

Motion by Lou Jany to grant the Special Exception and Variance conditioned upon the Planning Commission's recommendation letter, the Planning Commission's prior April 17, 2018 recommendation letter, and the conditions imposed by Zoning Hearing Board's prior Decision; second by Dean Wotring. Motion passed 4 – 0.

DOCKET # 1994 – KEVIN THOMAS- 1621 Harding Circle, Whitehall, PA 18052.

Location: 1621 Harding Circle, Whitehall, PA 18052, PIN 549832006265, the subject property is located in a R-5 High Density Residential Zoning District. Applicant is appealing an Enforcement Notice as to placement/replacement of a fence in violation of Sec. 27-96(B) of the Zoning Ordinance and installation of a patio in violation of Sec. 27-18 of the Zoning Ordinance.

Chairperson Scarfaro recused herself from hearing this Docket. The Applicant agreed to proceed with only three (3) Board Members.

The Zoning Officer introduced six (6) Exhibits in support of the Enforcement Notice; which were admitted into the Record.

An Objector, Carisa Kaintz introduced seven (7) photographs as Exhibits; which were accepted into the Record.

The Applicant introduced fifteen (15) photographs; which were accepted into the Record.

Tammy Thomas, Alberta Scarfaro, and Robin Schultz testified in support of the Applicant.

There were no other Supporters or Objectors.

The Zoning Hearing Board determined to hold an Executive Session to deliberate on this Docket, via WebEx.com, on March 16, 2021 at 6:15 pm, and then announce its Decision at the March 16, 2021 Zoning Hearing Board Meeting.

DOCKET # 1995 – Moshe Guetta c/o Joe Setton – 2239 Route 309, Orefield, PA 18069. **Location: 1033 East Aly, Whitehall, PA 18052, PIN 640814428958**, the subject property is located in a R-5A High Density Residential w/o Apartments Zoning District. Applicant is requesting to subdivide the property requesting Variances to Sections 27-76(E)(1)(a) for minimum lot sizes where 7,500 square feet are required and 2,600 square feet and 3,530 square feet are proposed, 27-76(E)(1)(b) for minimum lot widths where 70 feet are required and 40 feet are proposed, 27-76(E)(1)(c) for frontage on public streets where 55 feet are required and 40 feet are proposed, 27-76(E)(2)(a) for a minimum rear yard setback the specifics of which cannot be determined from the application, 27-76(E)(2)(b) for minimum rear yard setback the specifics of which cannot be determined from the application, 27-76(E)(2)(c) for side yard setback where 25 feet are required and 7 ½ feet are proposed, and 27-93 for density where 5,445 square feet are required per lot and 3,900 square feet and 3,530 square feet are proposed. In the alternative to subdividing the subject property, Applicant is requesting Variances to Sections 27-104(A) and (C) to allow two (2) principal uses and two (2) single family dwelling units where only one of each is allowed, 27-76(E)(2)(c) for side yard setback where 25 feet are required and 7 ½ feet are proposed, and 27-93 for density where 10, 890 square feet are required, and 7,300 square feet are proposed.

The Applicant requested to continue this Docket so that a full five (5) Member Zoning Hearing Board would hear it. This Docket was continued to the March 16, 2021 Zoning Hearing Board Agenda.

Motion by Louis Jany to approve the Minutes from the January 16, 2021 Meeting Meeting; second by Ken Snyder. Motion passed 4 – 0.

The Meeting was adjourned at 9:30 pm.