

RESULTS OF MEETING
TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
PUBLIC HEARING

March 16, 2021

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

ZONING HEARING BOARD:

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

TOWNSHIP PERSONNEL:

Chris Gittinger, Zoning Officer
Shari Cooper, Court Reporter

SOLICITOR:

William J. Fries, Esquire

THE MEETING WAS CALLED TO ORDER AT 7:05 PM.

The Chairperson read the Fair Housing Statement.

Louis Jany served as Temporary Chairperson for the first Docket.

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. Continued to this meeting for the rendering of the Board's Decision.

The Board held an Executive Session to deliberate after last month's Hearing, starting at 6:15 pm immediately before convening this meeting.

Motion by Dean Wotring to deny the Appeal; second by Stephen Burda. Motion passed 3 – 0.

The Board's Solicitor supplanted the Board's Decision, stating that the Township should defer all further enforcement for 30 days in order to give the Appellant 30 days to provide a survey showing his property lines and the location of the fence, and that he should apply for the patio permit within ten (10) days.

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 was represented by Mathew Mobilio, Esquire. There were five (5) Objectors: Adele Lemak, Jeffrey and Shelly Fischl, Anne Felch, and Amanda Stetter.

The Applicant confirmed that he proposes two (2) off street parking areas; each having two (2) parking spaces. The Appellant offered five (5) Exhibits; which were admitted into the record. Objectors, Jeff and Shelly Fischl offered one collective Exhibit; which was admitted into the record.

Motion by Lou Jany to deny the Variance requests which would be required if the Applicant sought subdivision approval; second by Stephen Burda. Motion passed 5 – 0. Motion by Lou Jany to deny the Variance requests without subdivision approval; second by Stephen Burda. Motion passed 5 – 0.

DOCKET # 1996 – Mark Furman, et al – 3335 Oak Street, Whitehall, PA 18052.

Location: 3335 Oak Street. Whitehall, PA 18052, PIN 549904424226, the subject property is located in a R-4 Medium Density Residential Zoning District. Applicant is requesting a Special Exception pursuant to Sec. 27-74(C) of the Zoning Ordinance regarding a single operator beauty shop as a home occupation.

The Applicants were not represented by Counsel.

Brandi Furman testified as to the proposed hours of operation, the limit of numbers of customers at any one time, that there are two (2) off street parking spaces available in the driveway; in addition to the two (2) required parking spaces in the garage; that all of the beauty shop operation will take place in the basement which is 509 square feet, and has a separate entrance; that her Husband, Mark Furman's contractor business is no longer located within their home; and that she has not yet secured a Business Privilege License from the Township Treasurer.

Board Exhibit #1 is the Bureau Chief's February 19, 2021 letter setting forth the Planning Commissions recommendations as to conditions of approval.

There were no other Objectors or Supporters.

Motion by Lou Jany to approve the Special Exception subject to the Planning Commission's recommended conditions; second by Dean Wotring. Motion passed 5 – 0.

DOCKET # 1998 – Miguel and Toni Guerrero – 4715 Main Street, Whitehall, PA 18052. **Location: 4715 Main Street, Whitehall, PA 18052, PIN 548928821128,** the subject property is located in a R-4 Medium Density Residential Zoning District. Applicants are requesting a Variance to Sec. 27-62(D) of the Zoning Ordinance regarding installation of a full bathroom and wet bar in a garage (accessory building) for use as a dwelling (residential purposes).

The Applicants were not represented by Counsel.

Toni Guerrero testified that she and her Husband wished to use the second floor of their garage as a finished space; that using that space for storage as originally planned would be a waste of money and space; that it is inconvenient to go inside the house to use the bathroom; that she considers that space as habitable space; and that there are five (5) other properties in the neighborhood where people use the second floor of a garage as habitable space but could not provide any specific name or address. The Applicants offered four (4) Exhibits which were admitted into the record.

There were no other Objectors or Supporters.

Motion by Lou Jany to grant the Variance subject to the statements made in the Applicants' notarized statement which accompanied their application, and that the space would not be rented or used for sleeping or overnight; second by Ken Snyder. Motion passed 3 – 2.

The Minutes from the February 16, 2021 Meeting were approved unanimously.

The meeting was adjourned at 8:45 pm.