



TOWNSHIP OF WHITEHALL



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M E M O R A N D U M

DATE: JULY 13, 2017
TO: ZONING HEARING BOARD
WILLIAM J. FRIES, ESQUIRE
BOARD OF COMMISSIONERS
FROM: MELISSA A. WEHR, ZONING ADMINISTRATOR *MAW*
RE: ZONING HEARING BOARD MINUTES FOR APPROVAL

Ladies and Gentlemen:

Enclosed are the minutes of the Zoning Hearing Board for your review and approval at the next meeting:

FOR THE MONTH OF: MAY 2017

/caj

RESULTS OF MEETING

TOWNSHIP OF WHITEHALL ZONING HEARING BOARD PUBLIC HEARING

July 13, 2017

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **May 16, 2017**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

ZONING HEARING BOARD:

LOUIS A. JANY, MEMBER
DEAN WOTRING, MEMBER
ALBERTA SCARFARO, MEMBER
ROGER REICHARD, ALTERNATE
KENNETH SNYDER, ALTERNATE

ABSENT:

LEE CHRISTMAN, CHAIRPERSON
STEPHEN BURDA, MEMBER

TOWNSHIP PERSONNEL:

MELISSA A. WEHR, ZONING ADMINISTRATOR
GALLAGHER REPORTING, STENOGRAPHER

SOLICITOR:

WILLIAM J. FRIES, ESQUIRE

THE MEETING WAS CALLED TO ORDER AT APPROXIMATELY 7:00 P.M.

Louis Jany read the Fair Housing Statement.

Louis Jany stated that anyone at this meeting, who would want any documentation pertaining to any of the Dockets for this meeting, must fill out an Entry of Appearance Form.

DOCKET # 1864 – PVC Third Street, L.P. and Quarry Street Whitehall Development, L.P. – 1177 Sixth Street, Whitehall, PA 18052. Applicants are challenging the validity of Whitehall Township Ordinance 3061, and are requesting that the Zoning Hearing Board issue a written Decision (1) holding that Ordinance No. 3061 is substantively invalid; (2) enumerating the defects in the Ordinance that render it substantively defective; and (3) make recommendations for amendments to the Ordinance to cure the defects found as required by Section 916 (c) (5) of the Municipalities Planning Code and Sec. 27-50 C (5) of the Zoning Ordinance of Whitehall Township. A copy of the Substantive Validity Challenge of Applicants as filed on November 18, 2016, including all attachments thereto, are available for public

examination at the Township Municipal Building. Continued to June 20, 2017 meeting at the request of the Applicant.

Attorney Fries explained the case is continued until the June 20, 2017 meeting at the request of the Applicant and noted for the record that the Board met in Executive session prior to the public meeting to discuss the composition of the Board members for the next meeting and decided if needed the Alternate Zoning Hearing Board members will be prepared to sit in on the June 20, 2017 so there will be no more delays in hearing the case.

DOCKET # 1874 – Simon Brro – 422 N. Grant Street, Allentown, PA 18102. **Location: 844 Third Street, Whitehall, PA 18052, PIN 640802912872**, the subject property is located in a C1 Neighborhood Commercial Zoning District Zoning District. Applicant is requesting a variance to Sec. 27-60 D (1) of the Zoning Ordinance regarding expanding non-conforming use more than 25% of its floor area.

Simon Brro, Applicant was sworn in.

Testimony was given.

The proposed hours of operation are Monday to Friday from 9:00 a.m. to 5:00 p.m. and Saturday from 10:00 a.m. to 3:00 p.m.

Will have six (6) spaces.

OBJECTORS/SUPPORTERS:
NONE

The Board went into Executive session.

Motion to approve made by Dean Wotring and was seconded by Alberta Scarfaro.

The Board voted 5 to 0 to approve this variance request with the following condition:

1. No outside storage, including but not limited to tires, oil, used parts or similar materials or equipment used with the business.

DOCKET # 1875 – Wilbur E. Hill III – 928 Sixth Street, Whitehall, PA 18052. **Location: 3330 Columbia Street, Whitehall, PA 18052, PIN 549904138085**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-60 C, Sec. 27-60 D (1), Sec. 27-60 D (2) and Sec. 27-106 C of the Zoning Ordinance regarding relocating an existing non-conforming structure (and use) and a minor expansion to permit the structure to setback from existing property lines.

Mark Malkames, Esquire represents Applicant.

Robert Piligian, from Bascom & Sieger, was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:
NONE

Motion to approve made by Alberta Scarfaro and was seconded by Roger Reichard.

The Board voted 5 to 0 to approve this variance request.

DOCKET # 1876 – Valenti Mid-Atlantic Realty II, LLC – c/o Troy Valenti, 2015 Stonegate Drive, Suite 101, Vestavia Hills, AL 35242. **Location: 2545 Mickley Avenue, Whitehall, PA 18052, PIN 549855172442**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-80 E (7) and Sec. 27-145 T (1) of the Zoning Ordinance regarding relief from maximum impervious surface and dimension of end-of-row parking spaces to allow for the development of a fast food restaurant with drive through window service.

David Tshudy, Esquire represents Applicant.

Troy Valenti, Vice President, was sworn in.

Fidel Gonzalez, was sworn in.

OBJECTORS/SUPPORTERS:
NONE

Motion to approve made by Roger Reichard and was seconded by Alberta Scarfaro.

The Board voted 5 to 0 to approve this variance request.

DOCKET # 1877 – Danny S. Jarrah – 1129 Congress Street, Whitehall, PA 18052. **Location: 1129 Congress Street, Whitehall, PA 18052, PIN 549765264114**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-74 E (2) (a) of the Zoning Ordinance regarding front yard setback 25 feet required 22 ½ feet proposed for addition constructed without permits.

Mark Malkames, Esquire represents Applicant.

Danny Jarrah, property owner and Applicant, was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

Rick Kershner, supports, was sworn in.

John Ferreira, supports, was sworn in.

Motion to approve made by Alberta Scarfaro and was seconded by Roger Reichard.

The Board voted 5 to 0 to approve this variance request with the following conditions:

1. Applicant must obtain all the necessary building inspections and must comply in full with all applicable building codes within thirty (30) days from May 16, 2017, including full and complete cooperation with inspectors, further including opening of all areas (walls, flooring, etc.) and any such other items necessary to permit a full and complete inspection and
2. Once building inspections are completed, all work is to be completed in accordance with all requirements of all permits, building codes, and inspections within sixty (60) days after the completion of inspections and issuance of permits.

The Zoning Hearing Board meeting minutes from **APRIL 2017** were submitted and approved by the Zoning Hearing Board.