

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS PUBLIC HEARINGS
JANUARY 17, 2023**

The Solicitor called the meeting to order at 7:01 pm. The Solicitor read the Fair Housing Statement.

Alberta Scarfaro nominated Steve Burda to be Chairman. Steve Burda declined. Alberta Scarfaro nominated Lee Christman to be Chairperson; second by Roger Reichard. There were no other nominations. Nomination approved 5 – 0. Lee Christman nominated Steve Burda to be Vice Chairperson; second by Alberta Scarfaro. There were no other nominations. Nomination approved 5 – 0.

DOCKET # 1895 B – Creekside Land Holdings, LLC – 1216 Linden Street, Bethlehem, PA 18018. **Location: 1527 Creekside Road, Whitehall, PA 18052, PIN 549769438539 and 549769115527**, the subject property is located in a R5 High Density Residential Zoning District. Applicant is requesting a second extension of time for variances to Sec. 27-75 E (1) (a) (4), Sec. 27-121 B (6), Sec. 27-173 B, Sec. 27-75 E (2) (c) (3), and Sec. 27-121 B (2) of the Zoning Ordinance regarding setbacks, minimum lot size, density, elevation and floodproofing requirements for proposed four 10 unit apartment buildings with off street parking; which were originally granted on January 11, 2018, and extended on February 12, 2019. Rescheduled to this meeting with the consent of the Applicant.

The Applicant was represented by Kevin J. Kelleher, Esquire; and appeared through its Engineer, Mike Gable.

Whitehall Township was represented by Samuel Cohen, Esquire.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to neighboring landowners.

Mike Gable testified as to changes in the prior approved plan: the proposed cul-de-sac was removed, density is now down to 7.81 units per acre, so that Variances for density and side yard setbacks are no longer required. There was discussion as to what portions of the properties are still located in a flood plain as well as the pending FEMA Map revision process.

The Applicant's Exhibit was admitted into the Record.

Township Engineer, Robin Robinson testified as to disagreement with the height elevation at the end of Creekside Road (bottom of the parking lot).

Township Exhibit #1, Lehigh Valley Planning Commission letter dated April 7, 2020 was admitted into the Record. There was discussion that the steep slope of the sidewalk between buildings may not be ADA compliant.

The Applicant's Engineer testified that all slopes on the properties are man-made.

There were no objectors or supporters.

The Zoning Hearing Board held an Executive Session.

Motion by Alberta Scarfaro to grant the requested extension; second by Steve Burda. Motion passed 5 – 0.

DOCKET #2046 – Rached M. Francis- 607 5th Street, Whitehall, PA 18052. **Location: 607 5th Street, Whitehall, PA 18052, PIN 640800731926**, the subject property is located in a R-5A High Density Residential Without Apartments Zoning District. This is an Appeal from an Enforcement Notice. Applicant is requesting Variances to Sec. 27-28 and 27-76(E)(2)(C)(1) of the Zoning Ordinance for an addition to a single family detached dwelling built without a Building

Permit and with a side yard setback of four feet two inches (4' 2") where twelve and one-half feet (12.5') are required. Continued to this meeting at the request of the Applicant.

The Applicant was represented by William G. Malkames, Esquire.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to neighboring landowners, and the November 18, 2022 Enforcement Notice. The Enforcement Notice was admitted into the Record as Township Exhibit #1.

The Applicant testified as to the dimensions and location of his property, the adjacent PennDOT right-of-way, and the construction already performed. All nine (9) of the Applicant's Exhibits were admitted into the Record.

There were no objectors or supporters.

The Zoning Hearing Board held an Executive Session.

Motion by Steve Burda to deny the Appeal from Enforcement Notice and Variance to section 27-18 of the Zoning Ordinance; second by Alberta Scarfaro. Motion passed 5 – 0. Motion by Steve Burda to grant the Variance to section 27-16 of the Zoning Ordinance as to side yard setback; second by Roger Reichard. Motion passed 5 – 0.

DOCKET #2043 – Adam J. Shafnisky and Shannon M. Shafnisky- 3425 N. Front Street, Whitehall, PA 18052. **Location: 3435 N. Front Street, Whitehall, PA 18052, PIN 549954618461**, the subject property is located in a R-5A High Density Without Apartments Zoning District. Applicants are requesting to overrule the Zoning Officer's issuance of a Building Permit approved March 17, 2022 for new construction because the application listed the use as "Automobile Sales/Service" and that it was not a change in use. This is the second Hearing.

The Appellants were represented by Matthew Deschler, Esquire.

The Property Owner was represented by Chad DeFelice, Esquire.

The Property Owner introduced his Exhibit #25: a letter Brief addressing the thirty (30) day time period to file an Appeal.

The Property Owner testified as to taking title to the property by Deed dated August 28, 2018, the prior Owner's use as auto sales and service, the interior configuration of the building, a past environmental covenant regarding a fuel spill in approximately 2010, that approximately 97% of the approximate one-quarter (1/4) acre tract is covered by impervious surface, the prior Zoning applications for the subject property and the property across North Front Street to the east, that the Appellants have opposed every application for any of the Landowner's Principal's other business entity owned properties, the lease for the existing impound lot, the history of the Permit applications for demolition and re-building the building, posting the Demolition Permit. The history of footer inspections and use, the inability of a prior Objector to be able to see the prior building, the Lease to the prior Owner, the condition of the building, that he observed the garage operating and persons working on cars, the hours of his other Business located on Stefko Boulevard in Bethlehem, PA, that the concrete slab was removed in July, 2022, and that there was a back hoe located on the subject property until late October, 2022.

The Hearing was adjourned to February 21, 2022.

DOCKET #2047 – 3435 N. Front St., LLC- 2909 Bridge Lane, Bethlehem, PA 18020. **Location: 3435 North Front Street, Whitehall, PA 18052, PIN 549954618461**, the subject property is located in a R-5A High Density Residential Without Apartments Zoning District. This is an Appeal from an Enforcement Notice. In the alternative, Applicant is requesting a Variance to section 27-87(A)(8) of the Zoning Ordinance to allow outdoor parking or storing of damaged or junked motor vehicles or parts thereof for more than 72 hours.

This Docket was adjourned to February 21, 2023.

Motion by Alberta Scarfaro to approve the December, 2022 Minutes. They were approved unanimously. Motion by Alberta Scarfaro to approve the October, 2022 Minutes. They were approved unanimously.

Meeting adjourned at 10:24 pm.