



# TOWNSHIP OF WHITEHALL



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## M E M O R A N D U M

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DATE: OCTOBER 16, 2019  
TO: ZONING HEARING BOARD  
WILLIAM J. FRIES, ESQUIRE  
CATHERINE E. N. DURSO, ESQUIRE  
BOARD OF COMMISSIONERS  
  
FROM: MELISSA A. WEHR, ZONING ADMINISTRATOR  
RE: ZONING HEARING BOARD MINUTES FOR APPROVAL

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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: **SEPTEMBER 2019**

/caj

**RESULTS OF MEETING**

**TOWNSHIP OF WHITEHALL  
ZONING HEARING BOARD  
PUBLIC HEARING**

October 16, 2019

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **September 17, 2019**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

**ZONING HEARING BOARD:**

LOUIS A. JANY, CHAIRMAN  
STEPHEN BURDA, MEMBER,  
ALBERTA SCARFARO, MEMBER  
DEAN WOTRING, MEMBER  
KENNETH SNYDER, ALTERNATE

**ABSENT:**

LEE CHRISTMAN, MEMBER  
ROGER REICHARD, ALTERNATE

**TOWNSHIP PERSONNEL:**

MELISSA A. WEHR, ZONING ADMINISTRATOR  
GALLAGHER REPORTING, STENOGRAPHER

**SOLICITOR:**

WILLIAM J. FRIES, ESQUIRE  
CATHERINE E. N. DURSO, ESQUIRE (for Docket # 1959)

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

**Louis Jany read the Fair Housing Statement.**

**Pledge of Allegiance to flag was done.**

**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 # 1954 – Yousif Jabir** – 3216 S. Third Street, Whitehall, PA 18052. **Location: 1154 MacArthur Road, Whitehall, PA 18052, PIN 5497787117057**, the subject property is located in a C-2 Regional/ Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-104 A of the Zoning Ordinance regarding multiple uses on a lot for proposed third use (retail) on lot. Continued to this meeting for the rendering of the Board's decision.

Yousif Jabir, Applicant was sworn in.

Stewart Gouck, from Gouck Architects was sworn in.

Testimony was given.

The Board went into Executive session.

OBJECTORS/SUPPORTERS:  
NONE

Motion to approve was made by Stephen Burda and was seconded by Alberta Scarfaro.

The Board voted 5 to 0 to approve the Applicant's request for a variance regarding multiple uses on a lot for proposed third use (retail) on lot with the condition that ten (10) parking spaces have a curb stop on the north side and the other five (5) spaces on the east side have curb stops installed and maintained.

**DOCKET # 1957 – Ghaith Assaf** – 12 N. Jerome Street, Allentown, PA 18109. **Location: 283 Fifth Street, Whitehall, PA 18052, PIN 640708665290**, the subject property is located in a R5A High Density Residential w/o Apartments Zoning District. Applicant is requesting a special exception to Sec. 27-60 D (6) of the Zoning Ordinance regarding changing one non-conforming use - music store to another non-conforming use – warehouse with minimal wholesale and retail use.

Ghaith Assaf, Applicant was sworn in.

Madona Issa, was sworn in.

The Applicant will reduce the custom area in order to reduce the number of required parking spaces.

OBJECTORS/SUPPORTERS:  
NONE

Motion to approve was made by Alberta Scarfaro and was seconded by Kenneth Snyder.

The Board voted 5 to 0 to approve the Applicant's request for a special exception regarding the changing of one non-conforming use, a music store to another non-conforming use, a warehouse with minimal wholesale and retail use with the condition that you fully and completely be in compliance with all the recommendations from the Whitehall Township Planning Commission letter dated August 22, 2019.

The Board voted 5 to 0 to approve the Applicant's request for a variance regarding to convert the first floor to a banquet hall and the existing two (2) apartments on second floor to remain with the conditions that there is no BYOB at this time and if the Applicant wishes to have a BYOB establishment he must appear before the Zoning Hearing Board with request and the hours of operation may not exceed past midnight.

**DOCKET # 1959 – KP Investments, LLC c/o Kathy Purcell, Managing Member – 3437 MacArthur Road, Whitehall, PA 18052. Location: 1624 Schadt Avenue, Whitehall, PA 18052, PIN 549854256057**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-74 A of the Zoning Ordinance regarding the proposed use of music therapy, art therapy studio and office space.

Attorney Catherine E. N. Durso represents the Whitehall Township Zoning Hearing Board for this Docket.

Attorney Kevin Fogerty represents the Applicant.

Kathy Purcell, property owner and Applicant was sworn in.

Kenneth Palumbo, Realtor and listing Agent from Hanna Frederick Group, was sworn in.

Building was used for a vet office up until January 2018 and then closed.

Testimony was given.

KP Investments is the owner of the property and Music Therapy Associates will be the occupant of the property.

The max office = self and 1-2 others; max number of professionals at one time = 2 therapists.

The Applicant requested a continuance to revise the application to include relief from the parking requirements until the October 15, 2019 Zoning Hearing Board meeting.

The Zoning Hearing Board meeting minutes from **APRIL 2019** and **AUGUST 2019** were submitted and approved by the Zoning Hearing Board.