



# TOWNSHIP OF WHITEHALL



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

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DATE: AUGUST 14, 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

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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: JULY 2017

/caj

## RESULTS OF MEETING

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

August 14, 2017

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **July 18, 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  
ALBERTA SCARFARO, MEMBER  
DEAN WOTRING, 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.

**Alberta Scarfaro read the Fair Housing Statement.**

**Alberta Scarfaro 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 noted for the record members of the Board – Lee Christman, Louis Jany, Dean Wotring, Roger Reichard and Kenneth Snyder deliberated in Executive Session and have had the opportunity to read the Briefs of all Counsel. The Chair, Lee Christman, is available by telephone for the rendering of the Decision.

The Board did meet in Executive Session to deliberate. Also, Attorney VanLuvanee is not present for the rendering of the decision and has notified all Counsel.

Motion to deny application of Appellant's challenging the Substantive Validity of Ordinance 3061 by Louis Jany and seconded by Roger Reichard.

The Board voted 5 to 0 has denied the application of Appellant's challenging the substantive validity of Ordinance 3061.

**DOCKET # 1878 – Mounif Katrib** – 1314 Marathon Drive, Whitehall, PA 18052. **Location: 1314 Marathon Drive, Whitehall, PA 18052, PIN 549756751378**, the subject property is located in a R-4 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 for porch that was constructed without the necessary and required permits. Continued to this meeting at the request of the Applicant.

Mounif Katrib was sworn in.

Testimony was given.

Melissa Wehr, Zoning Administrator was sworn in and Attorney Fries asked questions regarding the Zoning District.

OBJECTORS/SUPPORTERS:  
NONE

Motion to approve front porch with a 16' front yard setback made by Louis Jany and was seconded by Roger Reichard.

The Board voted 3 to 2 to approve this variance request.

**DOCKET # 1879 – Fullerton-Wilbert Vault and Burial Co., Inc.** – 313 Catasauqua Avenue, Whitehall, PA 18052. **Location: 313 Catasauqua Avenue, Whitehall, PA 18052, PIN 640738392991**, the subject property is located in a I – Industrial Zoning District. Applicant is requesting a variance or interpretation to Sec. 27-81, Sec. 27-81 (B) accessory uses (B) (1) and (4) of the Zoning Ordinance regarding installing a human cremation unit in an existing warehouse used for burial and vault services. Continued to this meeting at the request of the Applicant.

Attorney Daniel Dougherty represents Applicant.

Joseph P. Beidler was sworn in.

Testimony was given.

Jay Gilbert, owner of Gilbert Funeral Home was sworn in.

OBJECTORS/SUPPORTERS:  
NONE

Motion to approve the interpretation as set forth in the applicant and hearing notice was made by Dean Wotring and was seconded by Kenneth Snyder.

Motion to deny the variance request was made by Dean Wotring and seconded by Roger Reichard.

The Board voted 5 to 0 vote, has approved the Applicant's request for an interpretation as set forth in the application and hearing notice. The Board also voted 5 to 0 to deny the request for a variance to Sec. 27-81, Sec. 27-81 (B) accessory uses (B) (1) and (4) of the Zoning Ordinance regarding installing a human cremation unit in an existing warehouse used for burial and vault services.

**DOCKET # 1880 – Bachir Letayf** – 4517 Phillip Street, Whitehall, PA 18052. **Location: 4823 Main Street, Whitehall, PA 18052, PIN 548918606913**, the subject property is located in a C1 Neighborhood Commercial Zoning District. Applicant is requesting a variance/continuation of nonconforming use to Sec. 27-104 A, Sec. 27-106 B and Sec. 27-145 N, Sec. 27-145 (D), Sec. 27-146 (20) (a) and Sec. 27-146 (c) of the Zoning Ordinance regarding continuation of nonconforming use of the property reducing the use to one (1) apartment and one (1) retail use; alternatively a variance to permit more than one principal use of the property. Applicant additionally requests variance relief if and as necessary from Sec. 27-145 (D) pertaining Aisle Width for two-way traffic. Applicant believes that he is required to provide aisle width for two-way traffic of 22 feet for parallel parking. If the Board determines that the parking is 60 to 90 degree parking and requires 25 feet of aisle width, Applicant requests a variance from this requirement due to existing site constraints. Additionally, Applicant requests a variance if and as necessary from Sec. 27-146 (20) (a) establishing retail parking requirements of one space for 200 square feet of accessible area and/or Sec. 27-146 (C) requiring parking to be the aggregate sum of all uses for a building. If the existing parking is ruled to not be nonconforming, Applicant believes that the six (6) spaces provided are more than sufficient for the proposed uses of the property. Continued to this meeting at the request of the Applicant.

Attorney Mark Malkames represents Applicant.

Bachir Letayf, property owner was sworn in.

Adele Swartz, proposed tenant was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:  
NONE

Motion was made to grant a variance for the retail use of the property as described in the testimony this evening on the condition that the use be limited to that use and any other future use of the property is subject to future Board approval was made by Louis Jany and seconded by Dean Wotring. The Board voted 5 to 0 to approve the variance request.

Motion was made to deny Applicant's request for a continuation of the nonconforming retail use was made by Dean Wotring and seconded by Roger Reichard. The Board voted 5 to 0 to deny this request.

Motion was made to approve the request for a parking variance for reduction of required parking spaces from twelve (12) to six (6) spaces with the condition that the entry and egress will be One Way with entry from Main Street and exit onto West Street. The Board voted 5 to 0 to approve this request.

**DOCKET # 1881 – Nicholas Sharrer and Holly Hacker** – 2115 N. Third Avenue, Whitehall, PA 18052. **Location: 2115 N. Third Avenue, Whitehall, PA 18052, PIN 549886657724**, the subject property is located in a R-5A High Density Residential without Apartments Zoning District. Applicant is seeking to overrule the Zoning Administrator's issuance of a Notice of Violation pursuant to Section 27-62 (G) of the Zoning Ordinance, which prohibits the use of a storage trailer as a permanent accessory structure. Applicant disputes the Zoning Administrator's inclusion of the term "container" in the describing the violation as "property contains a storage trailer/container as a permanent accessory structure".

Nicholas Sharrer was sworn in.

Holly Hacker was sworn in.

Testimony was given.

Melissa Wehr, Zoning Administrator was sworn in.

OBJECTORS/SUPPORTERS:  
NONE

Motion to deny made by Roger Reichard and was seconded by Kenneth Snyder.

The Board voted 4 to 1 to deny the Applicant's request for the Board to overrule the Zoning Officer's issuance of a Notice of Violation.

**DOCKET # 1883 – R. Louis and Susan E. Mickley** – 4590 Spring Street, Whitehall, PA 18052. **Location: 4590 Spring Street, Whitehall, PA 18052, PIN 558012631163**, the subject property is located in a R-1 Very Low Density Residential Zoning District. Applicants are requesting a variance to Sec. 27-70 (1) (c) and Sec. 27-100 of the Zoning Ordinance regarding frontage on public streets to allow the subdivision of existing parcel into two parcels in order for the property to be preserved under the Lehigh County Farmland Preservation guidelines.

Susan Mickley was sworn in.

R. Louis Mickley was sworn in.

Testimony was given.

Donna Wright, from Municipal Outreach for Lehigh County Farmland Preservation Office was sworn in.

OBJECTORS/SUPPORTERS:  
NONE

Motion to approve made the variance for 115' frontage requirement to 33' frontage was made by Dean Wotring and was seconded by Louis Jany.

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

**DOCKET # 1884 – 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 Zoning District. Applicants are requesting a variance/special exception/interpretation to Sec. 27-74 E (5) of the Zoning Ordinance regarding maximum impervious coverage. Applicants request is to expand the driveway/parking area in excess of that allowed. Applicant believes the property was used as a two (2) family previously. In the alternative, Applicant seeks a variance or special exception to utilize as a two (2) family.

Applicant requested a continuance until the September 19, 2017 meeting.

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