

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

May 18, 2021

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

**ZONING HEARING BOARD:**

Alberta Scarfaro, Chairperson

Louis Jany, Member

Dean Wotring, Member (via telephone for deliberations and vote in the first two  
(2) Applications only)

Ken Snyder, Alternate Member

Steve Burda, Member

**TOWNSHIP PERSONNEL:**

Chris Gittinger, Zoning Officer

Shari Cooper, Court Reporter

**SOLICITOR:**

William J. Fries, Esquire

**THE MEETING WAS CALLED TO ORDER AT 7:02 PM.**

The Chairperson read the Fair Housing Statement.

**DOCKET # 2000 – BETHLIN, LLC by Mr. Abraham Atiyeh** – 1177 Sixth Street, Whitehall, PA 18052. **Location: 215 Quarry Street, Whitehall, PA 18052, PIN 640812367096**, the subject property is located in a R-5A High Density Residential w/o Apartments Zoning District. Applicant is requesting Variances to Sec. 27-199.1(E) Density, proposing 15 studio apartments with 429 square feet minimum area where 550 square feet are required; Sec. 27-199.1(F)(3) and Sec. 27-

146(A)(23), proposing 57 parking spaces where 78 are required; Sec. 27-147(D), proposing one on-site conforming loading dock truck space and one existing non-conforming loading dock truck space partially overlapping Quarry Street right of way; and a favorable interpretation under Sec. 27-199.1(J) and Sec. 27-76(E)(2)(a)(2) that the proposed setback to Currant Alley is in keeping with existing setbacks, or in the alternative a Variance to allow 14.5 feet and 0 foot setbacks where 50 feet are required.

The Applicant was represented by Architect, Gene Berg. Whitehall Township was represented by Sam Cohen, Esquire.

This application was scheduled to this meeting for vote and decision, after an Executive Session held via webEx.com on May 4, 2021.

Solicitor Fries announced that a Township Commissioner was mistakenly included in the Executive Session; but did not participate. The Applicant confirmed no Objection to the Board proceeding to decision. The Township Solicitor advised that the Township had no interest in re-opening the Record.

Motion by Alberta Scarfaro to deny all requested Variances and favorable interpretation; second by Dean Wotring. Motion passed 3 – 1.

**DOCKET # 2002 – JERC Partners LXII, LLC – 171 Route 173, Suite 201, Asbury, NJ 08802. Location: 2800 Eberhart Road, Whitehall, PA 18052, PIN Part of 549847458266**, the subject property is located in a C-2 Regional/Community Commercial Zoning District. Applicant is requesting a favorable interpretation of Sec. 27-80 and Sec. 27-194(A) that the proposed use is permitted as of right as a self storage facility constitutes a warehouse as that term is defined in the Zoning Ordinance. In the alternative, a Variance from Sec. 27-80(A) to permit the use is requested. Additionally, Applicant requests the following Variances: 1) from the maximum height requirement of Sec. 27-80(E)(5); 2) from the requirement of having frontage on a public road of Sec. 27-100; and 3) from the minimum lot frontage requirement of Sec. 27-80(E)(1)(c).

The Applicant was represented by Stephanie A. Kobal, formerly Koenig, Esquire. Whitehall Township was represented by Sam Cohen, Esquire.

This application was scheduled for vote and decision, after an Executive Session held May 4, 2021.

Solicitor Fries announced that a Township Commissioner was mistakenly included in the Executive Session; but did not participate. The Applicant confirmed no Objection to the Board proceeding to decision. The Township Solicitor advised that the Township had no interest in re-opening the Record.

Motion by Lou Jany to approve request for favorable interpretation and grant all requested Variances; second by Ken Snyder. Motion was denied as the vote was 2 – 2.

The Applicant requested separate Motions and votes for each requested relief.

Motion by Lou Jany to grant the Variance for self-storage use; second by Alberta Scarfaro. Motion passed 3 – 1. Motion by Lou Jany to grant the Variance for maximum height; second by Ken Snyder. Motion was denied as the vote was 2 – 2. Motion by Lou Jany to deny the Variance for frontage on a public street; second by Dean Wotring. Motion passed 4 – 0. Motion by Lou Jany to deny Variance for minimum lot frontage; second by Ken Snyder. Motion passed 4 – 0.

**DOCKET #1999 – Rick Safi, King Kone and the Jungle Café, LLC** – 5503 Macarthur Road, Whitehall, PA 18052. **Locations: 4128 Springmill Road and 4220 Wright Lane, Whitehall, PA 18052, PIN 558060211901 and 558060014493**, the subject properties are located in R-5A High Density Residential w/o Apartments and C-1 Neighborhood Commercial Zoning Districts respectively. Applicant is requesting a Special Exception pursuant to Sec. 27-64 and 27-60 to change a nonconforming use as a karate studio to a nonconforming use as a restaurant, and Variances to Sec. 27-78(E)(5) for impervious surface coverage at 4128 Springmill Road where 77.22% is proposed and 70% is the maximum allowed, Sec. 27-89 proposing planting arborvitaes along the frontage of 4128 Springmill Road on MacArthur Road instead of the 25 foot required Buffer Strip, Sec. 27-110(C)(5) proposing a

private driveway at 4128 Springmill Road located 107.32 feet from the intersection of Springmill Road and MacArthur Road where 200 feet are required, Sec. 27-145(D) proposing minimum parking area aisle width of 14 feet on part of 4128 Springmill Road where 22 feet are required, and 27-145(M) for off street parking on 4220 Wright Lane within 300 feet of the restaurant use which lots are in different Zoning Districts, of the Zoning Ordinance.

The Applicant was represented by Marc Fisher, Esquire; and called Engineer, David Lehr as an Expert Witness.

Township Exhibit #1, Township Bureau Chief's April 22, 2021 letter confirming the Planning Commission's recommended approval of the Special Exception, was admitted into the Record.

Applicant Rick Safi testified that he had entered into an agreement of sale to purchase the subject properties, and proposed a restaurant with 40 indoor seats and 40 outdoor seats. Applicant's Exhibit #1, a plan recommended for approval by the Planning Commission, was admitted into the Record.

Motion by Alberta Scarfaro to grant the Special Exception and Variances, subject to the Planning Commission's recommendations; second by Ken Snyder. The Motion was denied, as the Vote was 2 – 2. The Applicant requested separate Motions on each request for relief. Motion by Alberta Scarfaro to approve the Special Exception. There was no second. Alberta Scarfaro suggested the Board hold an Executive Session to further deliberate. The Board agreed. The Applicant consented to tabling the application for the Executive Session and extend the deadline for a Decision to 45 days after the Board renders its Decision. Motion by Ken Snyder to hold an Executive Session to deliberate on June 15, 2021 at 6:15 pm, prior to the monthly Zoning Hearing Board meeting; second by Lou Jany. Motion passed 4 – 0.

**DOCKET # 2004 – MADELINE PETRYKOW** – 607 Jefferson Street, Whitehall, PA 18052. **Location: 607 Jefferson Street, Whitehall, PA 18052, PIN 549893615552**, the subject property is located in a R-4 Medium Density Residential Zoning District. Applicant is requesting Variances to Sec. 27-102(A)(2)

proposing no additional off street parking spaces in addition to the two (2) existing spaces, and to have two (2) employees for a home occupation bakery where only one is permitted, for a period of eighteen (18) months, of the Zoning Ordinance.

The Applicant was not represented by counsel. The Applicant testified that she proposed no walk-in sales, and delivery only, and the two (2) proposed employees and their functions, as well as the proposed hours of operation and days of the week.

There were no other Objectors or Supporters.

Motion by Steve Burda to deny both Variances; second by Ken Snyder. Motion passed 3 – 1.

The Minutes from the April 20, 2021 Meeting were approved unanimously.

The meeting was adjourned at 9:23 pm.