



TOWNSHIP OF WHITEHALL



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M E M O R A N D U M

DATE: JULY 18, 2017
TO: ZONING HEARING BOARD
WILLIAM J. FRIES, ESQUIRE
BOARD OF COMMISSIONERS
FROM: MELISSA A. WEHR, ZONING ADMINISTRATOR
RE: ZONING HEARING BOARD MINUTES FOR APPROVAL

naw/ij

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: JUNE 2017 (Revised)

/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., **June 20, 2017**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

ZONING HEARING BOARD:

LEE CHRISTMAN, CHAIRPERSON
STEPHEN BURDA, MEMBER
LOUIS A. JANY, MEMBER
DEAN WOTRING, MEMBER
ROGER REICHARD, ALTERNATE
KENNETH SNYDER, ALTERNATE

ABSENT:

ALBERTA SCARFARO, 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.

Lee Christman read the Fair Housing Statement.

Lee Christman 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.

Lee Christman stated that Docket # 1864 will be heard in its entirety tonight if any other Dockets would like to request a continuance they may do so at any time tonight.

Attorney Fries stated this is a continuation of the hearing from February 21, 2017. For the record, of the five (5) Board members who sat in for the February 21, 2017 meeting, two (2) are unavailable for tonight's meeting. Stephen Burda due to ongoing medical issues and Alberta Scarfaro is also unavailable due to a family medical emergency. There are two (2) Alternate Board members here tonight to sit in their place, Dean Wotring who is a regular Board member and who was not available on February 21, 2017 and Ken Snyder who is a Board alternate. Both members have reviewed the hearing transcript from the February 21, 2017 meeting and the Board is prepared to proceed with the continuation and conclusion of hearing this evening.

Attorney Fries would also like to note for the record that during the hearing on February 21, 2017, the Board took an Executive session for the purpose of discussing legal standards the Board must consider for this hearing and to discuss time issues related to whether or not the hearing could be concluded that evening as it turned out that the hearing was not. The record showed Attorney VanLuvanee had not finished his case in chief and will be turning the proceedings over to him at this time.

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 VanLuvanee, present for Applicant.

Attorney Sarah Murray, present for Township, gave the opening statement.

Attorney Catherine Durso, present for Pathstone Housing Corp.

Township Witness:

Peter Terry from Benchmark Civil Engineering, was sworn in.

Thomas Comitta from Thomas Comitta Assoc., Inc. was sworn in.

Charles Fonzone, Esquire from Gross McGinley was sworn in.

Testimony was given.

Applicant Witness:

Nancy Templeton was cross examined.

OBJECTORS/SUPPORTERS:

Allen Carr, had questions on Ordinance

The Board went into Executive session.

The Board wishes to defer a decision until the next meeting on July 18, 2017 under the MPC. The Appellant had pleaded their case in chief tonight. In theory the Respondent would have another 100 days. We know they completed their hearing tonight. We have to have another hearing within 45 days so we are adjourning tonight until July 18, 2017 at 7:00 p.m. The Board invites all Counsel to submit a written letter Brief no later than July 11, 2017.

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.

The Applicant requested a continuance until the July 18, 2017 meeting.

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.

The Applicant requested a continuance until the July 18, 2017 meeting.

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.

The Applicant requested a continuance until the July 18, 2017 meeting.

There were no minutes submitted to the Zoning Hearing Board for approval.