

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
SEPTEMBER 20, 2022
RESULTS OF PUBLIC HEARINGS**

The Chairperson called the Meeting to order at 7:01 pm. Chairperson Scarfaro and Members Jany, Burda, and Reichard were present. The Chairperson led the Pledge Of Allegiance. The Chairperson read the Fair Housing Statement. The Chairperson announced that there were only four (4) Zoning Hearing Board Members present.

DOCKET # 2037 – Alberto Cervoni – 1734 Elmwood Drive, Whitehall, PA 18052. **Location: 1734 Elmwood Drive, Whitehall, PA 18052, PIN 549853260852**, the subject property is located in a R-4 Medium Density Residential Zoning District. Applicants are requesting variances to Sec. 27-92 of the Zoning Ordinance to allow parking a commercial vehicle on a lot in a Residential Zoning District; and Sec. 27-102(3) to allow external characteristics or evidence of a Home Occupation. Continued to this meeting at the request of the Applicant.

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

Applicant and his Wife, Miriam Cervoni testified in support of the application. Both Applicant Exhibits were admitted into the Record.

Objectors, Pat Bartosh, Deborah Holetz, and Phyllis Brader testified as to concerns about the changing character of the neighborhood and traffic.

There were no other Objectors or Supporters.

The Board held an Executive Session.

Motion by Steve Burda to grant the Variances with the condition that the three (3) Applicant cars parked on the street be removed from the street by December 31, 2022; second by Lou Jany. Motion passed 4 – 0.

DOCKET # 2038 – Bernard R. Hahn Trading as Shabern Realty, LLC – 177 W. 29th Street, Northampton, PA 18067. **Location: 3213 N. Hobson Street, Whitehall, PA 18052, PIN 549904944799**, the subject property is located in a R-4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-84(E)(1) of the Zoning Ordinance to construct a 14'x24' accessory building (garage) in the rear of the property with a proposed one foot side yard setback where a three feet setback is required.

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

The Applicant appeared on his own behalf with Engineer Lawrence Lopresti.

The Applicant described the property and his desire to build a garage that he could fit a car inside.

The Applicant's Engineer testified as to the dimensions of the lot, that it is nonconforming as to its small lot size, that fourteen feet (14') is the minimum width for a garage, that there are eleven (11) other garages on the block and seven (7) of those have setbacks less than three feet (3'), and that the proposed building coverage is only 34%.

There were no other Objectors or Supporters.

Motion by Lou Jany to grant the Variance; second by Roger Reichard. Motion passed 4 – 0.

DOCKET # 2039 – Marc Padilla - 5145 Garfield Avenue, Whitehall, PA 18052. **Location: 5145 Garfield Avenue, Whitehall, PA 18052, PIN 548979973095**, the subject property is located in a R-5A High Density Residential w/o

Apartments Zoning District. Applicant is requesting a variance to Section 27-62(D) of the Zoning Ordinance to allow use of a detached accessory building (two (2) story garage) for residential purposes.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to neighboring landowners, and his August 24, 2021 Enforcement Notice which was admitted into the Record as Township Exhibit #1.

The Applicant appeared on his own behalf. He testified that he only finished previously started interior renovation involving electric and plumbing in the garage, that he uses the second floor for his family and the first floor for parking cars.

Objector Susan Borger testified that the Prior Owner's Grandson made some of the improvements to the second floor without Permits, and that someone was residing in the second floor.

Objector Delores Krempasky authenticated a photograph of the Applicant's house, which was admitted into the Record as Exhibit K#1.

Objector Donald Legath testified that he would object to use of the garage as an apartment.

Objectors Jacob Krempasky and Karl Tepes testified as to on street parking concerns.

There were no other Objectors or Supporters.

Applicant's packet of Exhibits and photographs submitted with his application were admitted into the Record as Applicant Exhibit #1.

The Board held an Executive Session.

Motion by Steve Burda to deny the Variance; second by Roger Reichard. The Motion failed by vote of 2 – 2. Motion by Alberta Scarfaro to grant the Variance; second by Lou Jany. Motion failed by vote of 2 – 2. The application was denied.

The Minutes from the August 15, 2022 Meeting were approved unanimously upon Motion by Lou Jany.

Meeting adjourned at 8:30 pm.