

**Results Of Meeting
TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
December 21, 2021 Public Meeting**

ZONING HEARING BOARD:

Alberta Scarfaro, Chairperson
Lou Jany, Member
Steve Burda, Member
Dean Wotring, Member

SOLICITOR:

William J. Fries, Esquire

TOWNSHIP:

Steven Mack, Official Court Reporter
Chris Gittinger, Zoning And Code Enforcement Officer

The Chairperson called the meeting to order at 7:04 pm.
The Chairperson read the Fair Housing Statement.

DOCKET #2002 A – 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 approval of a Settlement Agreement in this Appeal to the Lehigh County Court Of Common Pleas.

This Docket was continued to January 18, 2022 at the request of the Applicant.

DOCKET # 2013 – 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 and special exception to Sec. 27-199 1 F (2) Parking area setbacks from on-site buildings and from surrounding streets may be reduced, and screening requirements may be reduced if providing screening is impracticable due to site configuration and existing nonconformities. Determination by Zoning Hearing Board required that parking setbacks are impracticable; Sec. 27-104 A One Principle Use Required, Two Principal Uses Proposed: Adaptive Reuse for Multifamily Housing and Commercial Storage; Sec. 27-147 D Number of Required On-Site 12'x35' truck loading spaces: 2 on-site truck loading spaces required. One on-site loading dock truck space proposed plus one existing nonconforming loading dock truck space partially overlapping Quarry Street provided; Sec. 27-60 D (6) Change of Nonconforming Use from Warehouse / Manufacturing to Commercial Storage proposed; Special Exception Application has been submitted separately. Continued to this meeting at the request of the Applicant.

The Applicant was represented by Joel Wiener, Esquire, Bryan Ritter, PE, and Gene Berg, Architect.

Whitehall Township was represented by Sam Cohen, Esquire.

The Zoning And Code Enforcement Officer testified as to publication, posting, and notice to Neighboring Property Owners.

Township Exhibit #1, letter from Bureau Chief Of Planning, Zoning, and Development's letter dated August 20, 2021 advising that the Planning Commission recommended denial of the requested Special Exception, was admitted into the Record.

Bryan Ritter, PE testified as to Applicant Exhibit #1, the proposed site plan.

Gene Berg testified as to the floor plans prepared, Docket #1515 Zoning Opinion, , historic photograph of the subject property, and recent photographs of the subject property.

Abraham Atiyeh testified that he agreed with his Engineer's and Architect's testimony, and that the proposed warehousing and storage use for his Companies will be under separate ownership in the future.

The Applicant's 20 Exhibits were admitted into the Record.

There were no other Objectors or supporters.

All four (4) Zoning Hearing Board Members requested an Executive Session to review before deliberations. An Executive Session was scheduled on January 18, 2022 at 6:30 pm. The Applicant agreed that the Zoning Hearing Board will have 45 days from the January 18, 2022 Executive Session to issue its written decision.

Motion by Lou Jany to table until the January 18, 2022 Executive Session; second by Steve Burda. Motion passed 4 – 0.

Docket #2015 – Sunshine Auto Center and Chadi Chehade – 1538 West Chew Street, Allentown, PA 18102. **Location: 1059 Third Street, Whitehall, PA 18052, PIN 640804614710**, the subject property is located in a C-1 Neighborhood Commercial Zoning District. Applicant is requesting a Use Variance from Sec. 27-78(A) to allow automotive sales at the subject property as a stand alone use; a Use Variance from Sec. 27-78(B) to allow for automotive sales as an Accessory Use; and a Use Variance from Sec. 27-78(D) to allow for automotive sales as a Conditional Use. Applicant also requests a Variance to Sec. 27-78(E)(5) to allow for 100% impervious coverage of the surface of the property where 70% is permitted. Adjourned to this meeting with the consent of the Applicant to present additional evidence.

The Applicant was represented by Matthew Mobilio, Esquire.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners.

The Applicant's December 8, 2021 site plan showing 1,583 square feet of macadam to be removed leaving only 70 % impervious surface coverage was admitted into the Record as Exhibit #6.

David Lutz testified as to trucks accessing the subject property from the rear alley. The Applicant assured that no roll-backs, flat beds, or other trucks would access the subject property from the rear alley.

There were no other Objectors or Supporters.

Motion by Lou Jany to grant the Variance to allow automotive sales as a stand alone use; second by Steve Burda. Motion passed 4 – 0. The Applicant's request for a Variance to allow automotive sales as an Accessory Use was withdrawn as moot. Motion by Steve Burda to stay enforcement of the Enforcement Notice for 90 days to allow the Applicant to remove 1,583 square feet of macadam; second by Lou Jany. Motion passed 4 – 0. Motion by Steve Burda to deny the Variance for 100% impervious surface coverage; second by Lou Jany. Motion passed 4 – 0.

DOCKET # 2017 – Thomas and Christine Nicklas – 2503 Augusta Drive, Whitehall, PA 18052. **Location: 2503 Augusta Drive, Whitehall, PA 18052, PIN 549823272195**, the subject property is located in a R-3 Low/Medium Density Residential Zoning District. Applicants are requesting a variance from, or favorable interpretation to, Sec. 27-115 and the Swimming Pool Guide to allow a swimming pool in a yard that abuts a street.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners.

Applicants' Exhibit #1, the site diagram submitted with the application, was admitted into the Record.

There were no other Objectors or Supporters.

Motion by Alberta Scarfaro to grant the Variance to allow the swimming pool to be placed as located on the diagram, subject to a 30 foot setback from Schadt Avenue; second by Lou Jany. Motion passed 4 – 0. Motion by Alberta Scarfaro to deny the Applicants' request for a favorable interpretation of the Zoning Ordinance and Swimming Pool Guide; second by Steve Burda. Motion passed 4 – 0.

DOCKET # 2018 – Elizabeth K. Messerli and Lawrence P. Good, II – 3601 Cobblestone Lane, Whitehall, PA 18052. **Location: 3601 Cobblestone Lane, Whitehall, PA 18052, PIN 549911664367**, the subject property is located in a R-4 Medium Density Residential Zoning District. Applicants are requesting a variance to Sec. 27-102(A) of the Zoning Ordinance regarding multiple Home Occupation Uses in one dwelling unit where only one is permitted.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners.

Lawrence P. Good, II testified that he has four (4) LLC's and his Wife has a photography Business that they operate at their home. Exhibit #1, the three (3) page typed statement included with the application, was admitted into the Record.

There were no other Objectors or Supporters.

Motion by Dean Wotring to grant the Variance; second by Lou Jany. Motion passed 4 – 0. The Applicant then stated he has five (5) LLC's.

DOCKET # 2019 - Hadi Wakim – 528 Jefferson Street, Whitehall, PA 18052. **Location: 528 Jefferson Street, Whitehall, PA 18052, PIN 549893809514**, the subject property is located in a R-4 Medium Density Residential Zoning District. Applicant is requesting a Variance from Sec. 27-74(E) (5) regarding maximum impervious surface coverage to add a swimming pool and patio where 63.96% (4,989 square feet) is proposed and 50% (3,900 square feet) is the maximum permitted.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners.

The Applicant's Exhibit #1, the site plan submitted, was admitted into the Record.

There were no other Objectors or Supporters.

The Zoning Hearing Board Members requested an updated site diagram with complete calculations of proposed impervious surface coverage. The Applicant agreed to submit the updated diagram before the next Meeting, and to waive time requirements for Hearing and written decision. The application was adjourned to January 18, 2022 to accept additional evidence with the consent of the Applicant.

DOCKET # 2020 – Megan Mullin – 3032 North Third Street, Whitehall, PA 18052. **Location: 3032 North Third Street, Whitehall, PA 18052, PIN 549952205487**, the subject property is located in a R-5A High Density Residential Without Apartments Zoning District. Applicant is requesting Variances to Sec. 27-62(A) to allow use as an Air B&B which is not a permitted use, and Sec. 27-146(A)(13) for off street parking where two (2) additional spaces are required and none are proposed.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners.

The Applicant testified that she lives with her Partner, Shawn Regits, at 740 Palomino Drive, Catasauqua, PA. She is recently divorced and spends a lot of time away from the subject property. She wishes to rent both bedrooms out, to a maximum of four (4) guests.

There were three (3) Objectors: Lori Ann Fehnel, Pierre Mourani, and Carlos DelGado.

The Applicant testified that there are other house rentals in the neighborhood.

Motion by Steve Burda to deny the Variance to allow the Air BnB use; second by Dean Wotring. Motion passed 4 – 0.
Motion by Steve Burda to deny the Variance for off-street parking; second by Dean Wotring. Motion passed 4 – 0.

Motion by Lou Jany to approve the November 16, 2021 Minutes; second by Alberta Scarfaro. Motion passed 4 – 0.

Meeting adjourned at 10:40 pm.