



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, June 16, 2021

6:30 PM

Council Chambers

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#### Public Hearing

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Allentown City Council will consider for possible adoption an Ordinance amending the City of Allentown Zoning Ordinance. The proposed amendment of which this Notice is a summary, proposes to amend the Zoning Ordinance of the City of Allentown by repealing Section 1314.02.C.4 (7) of the Zoning Ordinance with respect to the prohibition of on-site frying of foods in the Traditional Neighborhood Development Overlay District (TNDO) in its entirety, providing for a repealer clause, a severability clause and an effective date.

The effect of the repeal of this section of the Zoning Ordinance would permit on-site frying of foods in the TNDO Overlay District.

City Council will consider the foregoing at a Public Hearing on Wednesday, June 16, 2021 at 6:30 pm in Council Chambers, Room 118, City Hall, 435 Hamilton Street, Allentown, PA. Copies of the full text of this Ordinance are available to any interested party for examination and copying at cost at the City Clerk's Office or for inspection during regular business hours at the offices of this newspaper and at the Lehigh County Department of Law. All interested parties are invited to attend and to comment.

This Public Hearing will be livestreamed. The link to the Public Hearing can be found on the city website with the agenda and legislation at <https://www.allentownpa.gov>. Council will receive comments on the legislation prior to the meeting and will consider all comments from city residents. Comments can be registered using the ecomment provision on each agenda. These comments are public and will appear on the agenda and website. All comments must include your name and address, including your city. They can also be emailed to [Michael.Hanlon@AllentownPa.gov](mailto:Michael.Hanlon@AllentownPa.gov) by 2:00 PM on the date of the Public Hearing. Any comments received on the Hearing day, after the 2:00 pm deadline, will be forwarded to the Mayor and Council as soon as practicable. In addition, if you would like to speak during the Hearing, please email address above or call the office at 610.437.7555 to leave your name, address and telephone number and you will be called during the Public Hearing.

In the event the City determines to resume in-person participation, City Council Chambers will be open for in person public comments at this Public Hearing in addition to the ecomment option.

City Council may adopt this amendment to the Zoning Ordinance at the regularly scheduled Council Meeting at 7:00 pm immediately following this Public Hearing.

[15-4191](#) Bill 31 Public Hearing, this evening  
Amending the Zoning Ordinance of the City of Allentown by repealing Section 1314.02.C.4 (7) of the Zoning Ordinance with respect to the prohibition of on-site frying of foods in the Traditional Neighborhood Development Overlay District (TNDO) in its entirety, providing for a repealer clause, a severability clause and an effective date.

**Sponsors:** Guridy and Mota

**Attachments:** [Bill 31 On Site Frying Repealer](#)  
[TNDO District Map](#)  
[City PC Staff Report](#)  
[Referral Letter](#)  
[Letter from the Lehigh Valley Planning Commission regarding Bill 31 Frying in the TNDO Zoning District](#)  
[Receipt Lehigh County Law Department](#)  
[Legal Ad](#)  
[Bill 31 On Site Frying Mailing Labels](#)  
[Bill 31 Public Comment West Park](#)  
[Bill 31 Public Comment Durante](#)

Mr. Julio Guridy calls the Public Hearing to order.

Mr. Michael Hanlon stated that the purpose of this meeting is to take public testimony from the public. Usually the Public Hearing starts out by having the Petitioners just basically say why you propose the legislation. He suggested that Mr. Guridy and Ms. Mota could say something and then he will get to the public testimony.

Mr. Julio Guridy stated that he can start doing that. They actually got a request from two people, business owners that wanted to repeal this because one of them was in front of the Zoning Hearing Board before. They had a restaurant on Seventh Street called Cuchifrito and obviously that building was sold. He was renting there and the building was demolished. He had to move and he found a place at 12th and Chew and he invested his and his family's life savings in the building and compared it to a restaurant similar to or better with a facade and better and more larger than what he had on Seventh Street. He has been a businessman for quite some time. At least 10 years on Seventh Street. He stated that he and Ms.

Gerlach met there years ago with Mr. Jose Rosado for breakfast. While he invested all this money in the restaurant and could not fry. Cuchifrito in Spanish is fried foods. The administration talked to him. He went to the Zoning Hearing Board. He was asked if he knew he could not fry anything. He did not know that there was a TNDO law that existed and he could not fry in that overlay district. The Zoning Hearing Board asked if he was going to fry and he said no because he bought his building, invested the money to retrofit it and abide by all the kitchen and ordinances that they have in the city to make sure they have a restaurant that they could operate with the condition that he does not fry food or deep fry. One of the things that happened is he and Ms. Mota both felt that they did not know they law passed. Some of them that were here passed this law on the overlay at that time. He did not even know about this particular one. He must confess, it probably was not there. The issue is that it is an ordinance that most of them did not know about in the city. When the inspector went over when they found out he was going to fry food and this law existed. He has spoken to Mr. Lightner about this issue and got to read the legislation and it is in there. He felt that it would prevent a lot of people and restaurant owners from opening. He does not know how the restaurants that opened, including Burger King that obviously fry food got through this. He does not know how some others restaurants opened, including Burger King. Obviously, they fry food. People think that they were grandfathered. They were not since they opened only a couple of years ago. He felt that this law will prevent a lot of restaurants especially Hispanic because it is part of that gastronomy of the Hispanic community. It is part of the food. You fry French fries, pork chops, pork and fried chicken. He asked to see if they could change it as was told no. The Solicitor's office did some investigation and said unless you repeal it, it is nothing you could do. There are individuals, and one will be Mr. Siegel who he read in the paper this morning and spoke to him this morning as well. One of the things that he said was it is not a good idea to repeal this because it includes a lot of other issues. Why don't we work on trying to look at it case by case. He doesn't want to do anything against the meaning of this Ordinance. What he really want is to give opportunities to some of the restaurateurs and use some of the existing technologies to prevent large amounts of smoke or odor emanating through exhaust system into the community and housing that are adjacent or nearby the restaurant. The site itself has been a restaurant for a very long time.

Ms. Candida Affa stated that she had no idea.

Mr. Julio Guridy stated that she was probably grandfathered. The issue is it is there and he would not want to create an issue for everybody, but he wants these restaurants to fry as long as they use the technology that is necessary to get rid of the odor. There are sensors there now.

Mr. Michael Hanlon stated that this is for public testimony. The purpose of the Ordinance is to repeal the prohibition on-site frying.

Mr. Enrique stated that he had a project on 15th Street that was denied because of the frying. They want to be able to have more employees.  
(inaudible)

Mr. Mike, General Manager, stated that one of the reasons he is here. He believes if the plan goes through it would benefit the people around the area and benefit the city. A lot of people moving from out of state from different backgrounds and different cultures. We can provide them on what they need.

Mr. Edward Fernandez, Walnut Street, stated that it took them time to get their license in order to fry, not only because the city. The people in the city asked what is going on. They have had their restaurant for over 15 years and just move dot the other one on Chew Street. Ever since then they were not able to fry. That is what every customer asking us for. He and his family invested in that business. It was going good in the other restaurant when they were able to fry. He stated that his father stated that any changes that are needing to be made, he is willing to make them to be able to get the license to fry again.

Letter from West Park Civic Association Board that was read before and part of the record.

Mr. Anthony Durante, 416 N. 8th Street, in regards to the proposed subject bill named above, I am writing to encourage the Allentown City Council to vote against this bill as it is contradictory to public safety as the original law was intended to protect. In a study of restaurant fires done by the U.S. Fire Administration

[https://www.usfa.fema.gov/data/statistics/reports/snapshot\\_restaurant.html](https://www.usfa.fema.gov/data/statistics/reports/snapshot_restaurant.html) data of 5,600 restaurant fires from 2011-2013 was analyzed. The number one cause of restaurants was cooking with deep fryers and ovens being cited as especially dangerous. Cooking represented 63.5% of the fires in this study. Additionally, <a

href="https://www.nfpa.org/News-and-Research/Data-research-and-tools/Building-and-Life-Safety/Eating-and-drinking-establishments"> the National Fire "https://www.nfpa.org/News-and-Research/Data-research-and-tools/Building-and-Life-Safety/Eating-and-drinking-establishments" Protection Association issued a report in 2017 that looked at data from 7,410 fires in eating and drinking establishments from 2010-2014. Cooking equipment was the leading cause in this study (61%) with cooking materials (e.g. oils) being ignited in 43% of the cases. Deep fryers were involved in 21% of the

cases &ndash; that&rsquo;s one of five fires. The Allentown Planning & Zoning Bureau has also made the recommendation to not change the current zoning ordinance language as it increases the danger of a fire occurring and it goes against the intention of the Traditional Neighborhood Development. Also, the letter from the Lehigh Valley Planning Commission, states that this is a minor proposal that is; Generally consistent with FutureLV: The Regional Plan. However, LVPC does make any specific reference as to how it complies and after reviewing the regional plan personally, it is completely unclear how the proposed bill complies with or goes against the plan and, therefore, seems irrelevant. Neither Councilman Guridy nor Councilwoman Mota, the sponsors of this bill, live anywhere near the neighborhoods covered by the TNDO. The same applies to LVPC Executive Director Becky Bradley. None of them will feel the impact that this minor proposal ; to change the Zoning Ordinance brings. Meanwhile, Allentown City residents living in the TNDO will be stuck dealing with the fumes, odors, and increased risk of fire that restaurants with deep fryers will bring should the proposed bill be passed. As such, I again appeal to the members of Allentown City Council to vote against Bill 31. With kind regards.

Ms. Cheryl Haughney, thanked Council for giving her the ability to speak this evening. As a member of the board, West Park Civic Association, they already seen their letter. She is also a member of the Library Area Association. One of the things that struck her about this proposal is that no one from City Council came to West Park for any feedback. She stated that she thinks they know who the Neighborhood Associations are and how to reach us to have some dialogues. She stated that she is a Pennsylvania Licensed Realtor and the contract to either purchase or lease these properties whether it is residential or commercial have a huge due diligence responsibility on the part of either the buyer or the tenant. The way Pennsylvania real estate law is written is that it always protects the buyer and the tenant. Before, anyone opens a business in an area, the onus is on that person or that business to do their due diligence and homework to find out what is permitted and what isn't. The same would apply if you are going to buy a property in one of our Historic District. You need to know before you buy and the contracts are written that puts the onus on those folks. She stated that she is having a real hard time over the last few years with people coming to the city where they be before City Council or before zoning. She sat in more Zoning Hearing meetings in the last five years then she cares to have. What strikes her is that it is always after the fact. Can we have some relief after the fact? Can we change the existing rule or modify it or get an exception or get a variance? Why the due diligence which is required and it on your part to do that prior to is not done baffles her. She stated that they waste a lot of the taxpayers time because people don't do what they are supposed to do. The other thing

that strikes her about this. This is going to be precedence setting. If this is permitted in this particular area there is no stopping every bodega on every corner from wanting to have fryers. As she looks around the particular neighborhoods that they are talking about, and the adjacent neighborhoods, it is really obvious that a lot of these buildings are attached to other buildings. They are part of row homes or even if they are single detached properties they often have residences above them. If this Ordinance was to be changed or zoning were to be adjusted, what assurance it is going to have that the ceilings and walls are up to fire code and appropriate for fryers. She saw a Morning Call article on the rise of vent-less fires and more sophisticated commercial kitchen technology. Do we really think that everybody got that in their budget to adhere to that and then of course, some of folks said but what about the odors. What about the waste disposal? We also noted that we got the Allentown Health Bureau, the Allentown Y, Lehigh Valley Health Network, and St. Luke's Health Network. All trying to have people make healthier food choices and here we are encouraging the opposite. She stated that she does not think it is the government's responsibility to be responsible for somebody's dietary choices, but with all the other programs trying to encourage a higher quality of life by encouraging healthier habits and lifestyles. The whole thing is just contrary. It got a lot of holes in it from where she sits. She encouraged Council to vote against it. She would like to point out that she heard that you got to have fried foods in order to have Hispanic, Latin, or she believes it was referred to by Ms. Mota in The Morning Call article Spanish food. She worked for seven years in the Caribbean and Latin America. She worked in Belize, Costa Rica, Honduras and spent time in Panama and El Salvador, and she could tell them that it was plenty of other choices for regional and cultural culinary available that did not include fried foods. She would say while yes, they have been a staple, it does not necessarily need to be. She went back to 15th and Chew. The neighborhood would very much like to see a viable business in there, but you should have done your homework. If your plan was to have fryers or you claim that you need that to make your business viable then you should have done your due diligence because you are certainly entitled to it by Pennsylvania Real Estate Rules and Regulations. The West Park Civic Association would like to congratulate Interim Police Chief Charles Roca. He has been doing an excellent job and they wanted to make sure they ended it on a positive note. She thanked Council for giving their time and attention to this and asked that they vote no on this.

Mr. Paulo Fernandez, 610 W. Walnut Street, wanted to be able to fry at Cuchifrito restaurant.

Ms. Haze Money, hazemoney@icloud.com, I'm writing this email on behalf of the community and myself, we will be more than happy if you guys would

let Cuchifrito and near by restaurant fry food. I believe this is a mistake we can fix as a community because in reality is not bothering any of us instead is making it a bit harder for us to locate near by food. Thank you for being so understanding.

Mr. Jose & Karol Martinez on behalf of the Hispanic community of Allentown and on behalf of my family that have enjoyed for years the fried food of el Cuchifrito Restaurant we really miss it a lot we need our Cuchifrito back.

Mr. Ramirez and his daughter, 1001 S. Seventh Street and Woodward Street, supports Cuchifrito and allowing the restaurant to function.

Mr. Julio Guridy stated that he will close the Public Hearing to work on this further.

Ms. Cynthia Mota stated that Mr. Guridy you did a good job explaining. She wants her fellow Councilmembers that they are dealing with people's livelihood here. She stated that she gets phone calls from employees that have been laid off because of the lack of work. To be honest, you cannot have a Spanish Restaurant without frying. All the food needs to be fried. That is part of the culture and the food and gastronomy. It needs to be fried. It is important to follow the rules. The reality is you cannot have a Spanish Restaurant without frying plantains.

Mr. Julio Guridy clarified that not all Hispanic foods need to be fried, but some of it does.

Ms. Cynthia Mota stated the most.

**ADJOURNED: 7:01 PM**