

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARINGS
FEBRUARY 20, 2024**

The Chairperson called the Meeting to order at 7:02 pm. All five (5) Members were present. The Chairperson led the Pledge Of Allegiance. The Solicitor read the Fair Housing Statement.

Motion by Lou Jany to appoint Steve Burda as Chairperson for 2024; second by Lee Christman. Motion passed 5 – 0.

Dockets #'s 2070 and 2070A, the Paxos Appeals, are continued to the March 19, 2024 Agenda.

DOCKET # 2072 – BT Real Estate Holdings, LLC – 1090 MacArthur Road, Whitehall, PA 18052. **Location: 2813 Lehigh Street and * Pine Street, Whitehall, PA 18052, PINS 549888097149, 549888267656, and 549888640379.** The subject properties are located in the I – Industrial Zoning District and C-2 Regional/Community Commercial Zoning District respectively. Applicant is requesting Variances to sections 27-155(A)(5) and (B), and 27-161(A)(1) and (2) of the Zoning Ordinance to install a 50 foot (50') high freestanding sign near the Pine Street Bridge where only 35 feet (35') in height is permitted, and eight (8) wall signs, totaling 260.475 square feet where only one wall sign is permitted with a maximum total size of 150 square feet. In the alternative, Applicant is requesting a favorable interpretation that three (3) of the proposed wall signs are directional signs comprised of 11.375 square feet, 11.375 square feet, and 9.75 square feet respectively, and Variances to section 27-156(A) of the Zoning Ordinance where only three (3) square feet per directional sign are permitted. Continued to this Meeting with the consent of the Applicant.

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

The Conflict Solicitor disclosed a possible conflict of interest with Member, Lee Christman; and that both the Conflict Solicitor and the Applicant's Attorney agreed that there is no actual conflict of interest.

The Applicant was represented by Attorney Kate Durso. Donald Patt, Regional President for Berkshire Hathaway Fox & Roach Realtors testified as to Applicant Exhibits 1, two (2) plan sheets, and 2, the prior Zoning Hearing Board Zoning Opinion at Docket #1541. He testified that the proposed building has 108,000 square feet, three (3) entrances, three (3) stairwells, and freight elevators at the north and south entrances. The building is 95% complete. He described the purposes and reasons for the proposed signage.

Edward Reed, of Reed Sign Co. testified as to Applicant Exhibit 3, five (5) sheets of sign plans, that the proposed freestanding sign will be double sided and internally illuminated, that all of the proposed wall signs will cover approximately 1.5% of the building façade, that the properties narrow as they go south from the entrance toward the Pine Street Bridge, that the hours of operation will be from 6:00 am to 10:00 pm, that the building will be staffed from 9:00 am to 5:00 pm, and that the requested Variances represent the minimum relief necessary for the self-storage use.

Ricky Moyer, a Resident, expressed concerns about the hours of operation and hours of illumination of the proposed freestanding sign.

Donald Patt testified that the building has 715 self-storage units; and is currently taking reservations.

All Applicant Exhibits were admitted into the Record.

Objector, Howard Lieberman expressed concerns that the illuminated freestanding sign would shine into his window. He was shown on the site plan where the proposed freestanding sign is to be located.

There were no other Objectors or Supporters.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Lee Christman to grant the requested Variances subject to the condition that the proposed freestanding sign only be illuminated during open business hours (no later than 10:00 pm); second by Lou Jany. Motion passed 5 – 0.

DOCKET # 2073 – Tuskes Homes – 4511 Falmer Drive, Bethlehem, PA 18020. **Location: 4181 Bridge Street, Whitehall, PA 18052, PIN 548937040588.** The subject property is located in the R-4 Medium Density Residential Zoning District. The property is comprised of 7.92 acres with slopes averaging between 12% and 33%. Applicant is requesting a Variance to section 27-114(D) of the Zoning Ordinance for a proposed nineteen (19) lot residential Subdivision where, due to steep slopes, nine (9) of the proposed lots will be less than the minimum lot size, and four (4) of the proposed lots will have less than the required lot frontage. Continued to this Meeting with the consent of the Applicant.

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

The Applicant was represented by Attorney Kate Durso. It appeared through Licensed Engineer and Director of Development for the Applicant, Phillip Malitsch. Eighteen (18) single family homes are proposed in addition to the existing house on the property. Applicant Exhibits 1, the Agreement Of Sale for the property, 2, three (3) photographs of model homes proposed to be available, 3, an existing conditions plan showing both the steep slopes and the unique throat for access to the property next to the existing house resulting in only one way in and out for the proposed Subdivision, 4, an existing conditions plan showing that the proposed lots would meet required minimum lot size but for the steep slope and that the proposed lots are larger than most nearby existing lots, and 5, a proposed site plan showing the proposed Subdivision with two (2) cul-de-sacs, 18 single family lots with 2 car garages and driveways. The 18 proposed homes will be serviced by public water and sewer. The proposed entrance is wide enough for two (2) lots. The flood plain does impact some of the property; but that the flood plain has not been mapped for confirmation. The requested Variances represent the minimum amount of relief necessary to develop the property. There will be no impact on traffic and the proposed Subdivision does not meet the level requiring a traffic impact study. The property cannot be developed in strict conformity with the Zoning Ordinance.

David Wilson, a Licensed Engineer from Colliers Engineering & Design testified as to Applicant Exhibit 6, a grading plan showing the Zoning requirements and the Development proposals, and 7, flood elevation plans. All proposed finished floors and basements will be above the 100 year base flood plain level. The requested Variances represent the minimum relief necessary to develop the property. The property cannot be developed in compliance with the Zoning Ordinance because of the narrow access on Bridge Street. Any proposed road would encroach the steep slopes. Even only three (3) lots would require Zoning relief.

Objector, Ronald Blozinsky expressed concerns over water run-off and erosion and sedimentation plans, past complaints about the nearby Taylor Villa Subdivision having the same run-off and erosion problems during construction, and both construction and homeowner traffic accessing the property over the adjacent bridge.

Objector, Eugene Jandris expressed concerns that the Applicant is overreaching trying to jam too many homes onto the property and whether or not the 100 year flood plain includes the proposed entrance to the proposed Subdivision.

Objector, Jeff Dorn testified that the proposed Subdivision would hinder operation of the Egypt Memorial Park, and that he was concerned there will be complaints from proposed Residents about noise and crowds during an annual Festival the first weekend in June as well as other events using the Park stage.

Objector, Joe Kroboth expressed concerns about emergency response if the proposed entrance is blocked, the hours of construction, that Bridge Street cannot be widened or expanded, and anticipated damage to homes, similar to Taylor Villas, from blasting as there are a lot of rocks on the property.

Objector, Tracy Tacker expressed concerns about increased water run-off due to the increased impervious coverage, and emergency access if people park on the streets instead in driveways.

Applicant Exhibits 1 through 7 were admitted into the Record. The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Lou Jany to deny the request for Variance; second by Lee Christman. Motion passed 5 – 0.

There were no other Objectors or Supporters.

DOCKET # 2076 – Whitehall-Coplay School District – 5290 West Coplay Road, Whitehall, PA 18052. **Location: 2940 MacArthur Road, Whitehall, PA 18052, PIN 549816228759.** The subject property is located in the R-3 Low/Medium Density Residential Zoning District. Applicant is requesting a favorable interpretation of section 27-165(G) of the Zoning Ordinance that two (2) proposed freestanding LED electronic display signs are exempt from sections 27-165(B) through (F) of the Zoning Ordinance as they “. . . will only display public service information such as board meeting dates.”, and a Variance to section 27-155(B) to allow more than one freestanding sign. In the alternative, Applicant is requesting Variances to sections 27-155(B) and 27- 165(B), (C), and (D) of the Zoning Ordinance to allow more than one freestanding LED electronic display sign, one of which will be less than 30 feet from the MacArthur Road right-of-way, both of which will be located less than 250 feet from residences and less than 400 feet from a Residential Zoning District, and which are not permitted in the R-3 Low/Medium Density Residential Zoning District. Continued to this Meeting with the consent of the Applicant.

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

The Applicant appeared through Superintendent Robert J. Steckel, Jr, PHD. After a colloquy with the Solicitor, Superintendent Steckel agreed to continue the Hearing to the April, 2024 Agenda.

DOCKET # 2077 – Harbans Kaur and Kulwarn Singh – 1150 Overlook Road, Whitehall, PA 18052. **Location: 1150 Overlook Road, Whitehall, PA 18052, PIN 549766260352.** The subject property is located in the R-4 Medium Density Residential Zoning District. Applicants are requesting Variances to sections 27-23, 27-62(A), and 27-92 of the Zoning Ordinance to allow their Son to operate his commercial trucking business without a Use Permit at, and park a commercial vehicle in the driveway at the subject property, which are not permitted in the R-4 Medium Density Residential Zoning District.

The Zoning and Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners. Township Exhibits 1, the August 18, 2023 Enforcement Notice, and 2, the Applicants’ explanation letter and photographs of the Applicants’ Son’s tractor included with their application, were marked and admitted into the Record.

The Applicants appeared with their Son, Balkhar Singh. He testified that his tractor only weighs 16,000 pounds but that the gross vehicle weight is rated for 80,000 pounds, that he lives in an apartment across the street from the property, that the Neighbors have no problem with him parking his tractor on the property, that there are five (5) other trucks that park within 1,000 feet of the property, that the Business identified on the tractor is located in Bethlehem, and that his tractor had been parked on the property for approximately five (5) months while his Mother-in-Law was in poor health.

Objector, Nathaniel Smith testified that truck parking should not be permitted in a residential area.

Objector, Joan Crowley testified that the Applicants are operating a business at the property, have been parking a vehicle on gravel for four (4) years without a Permit to cover it with concrete, that the Applicants’ Son’s tractor frequently blocks the sidewalk, and that the Applicants built a barn to house a vehicle repair business.

Supporter, Michelle Pynar, the Applicants’ Son’s Wife, testified that her Husband is constantly on the road.

Supporter, Kim Bluder testified that she was in support of the application.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Dean Wotring to deny the requested Variance; second by Lee Christman. Motion passed 5 – 0.

DOCKET # 2078 – W H W Company – 3145 E. Church Street, Whitehall, PA 18052, and **Monahan Property Management**, 107 East 4th Street, Northampton, PA 18067. **Location: 3161 East Church Street, Whitehall, PA 18052, PIN 549963670791.** The subject property is located in the OS-1 Open Space Residential/Agricultural Zoning District. Applicants are requesting Variances to sections 27-23, 27-29, 27-30, and 27-68 of the Zoning Ordinance to allow Monahan Property Management to conduct outdoor storage business at the subject property without a Use Permit and which is not a permitted use in the OS-1 Open Space Residential/Agricultural Zoning District, and to allow Third Party Linde Corporation to continue to conduct outdoor storage business at the subject property in excess of those operations allowed by, and after the expiration of, the Variance previously granted at Docket #1969.

The Zoning and Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners. Township Exhibits 1, the prior Zoning Hearing Board Zoning Opinion at Docket #1969, 2, the January 12, 2024 Enforcement Notice, and 3, a photograph of the property from the application, were marked and admitted into the Record.

The Applicant appeared through its Principal and the Property Owners, William and Joan Dinbokowitz, and their Business Consultant, Howard Lieberman. They testified that the Tenant/Applicant, Monahan Property Management was no longer on the property, and that they were going to terminate that Lease. As the Applicants were not represented by an Attorney, WHW Company requested the Hearing be continued to the April, 2024 Agenda.

No one was present on behalf of Applicant, Monahan Property Management.

Motion by Lou Jany to continue to the March, 2024 Agenda; second by Dean Wotring. Motion passed 5 – 0.

Motion by Steve Burda to appoint Lee Cristman as Vice Chairman; second by Lou Jany. Motion passed 5 – 0.

Meeting adjourned at 10:30 pm.