

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARINGS
FEBRUARY 15, 2022**

The Chairperson called the Meeting to order at 7:00 pm. All Members were present.

The Chairperson read the Fair Housing Statement.

The Solicitor announced that the Board held an Executive Session at 6:15 pm immediately prior to the Meeting, to review the testimony and Exhibits in Docket #2006.

DOCKET # 2006 – Quarry Street Whitehall Development, LP – 1177 Sixth Street, Whitehall, PA 18052. **Location: 212 Quarry Street and 217 Chestnut Street, Whitehall, PA 18052, PIN 640812431716 and 640812410733**, the subject property is located in a R-5A High Density Residential w/o Apts. Zoning District. Applicant is requesting variances and special exception to Sec. 27-76 E (1)(a)(5) Minimum Lot Area: 10,000 square feet required all other uses (adaptive reuse multi-family housing); 7,200 square feet provided. Sec. 27-145 D Parking Design Standards Minimum Aisle Width: Minimum Width of 2-Way 90 Degree Parking = 25 feet; 22 feet provided. Sec. 27-145 F Parking Design Standards Concrete Curbing: All parking areas shall be confined within concrete curbing or guardrails but not anchored bumper blocks; The existing parking lot is confined with anchored bumper blocks and macadam curbing. Sec. 27-145 P Parking areas shall maintain a maximum setback of 10 feet from any street, alley, or highway right of way; 0 feet existing nonconforming provided. Sec. 27-199.1 F(1) Parking Stall Dimensions: May be reduced to 9'x18' – (8) Existing Nonconforming 8.5'x18' Parking Spaces are provided at 212 Quarry Street lot. Sec. 27-104 A One principal use required at 217 Chestnut Street Property. Variance requested to permit two uses as follows (1) Single Family Residence (2) Parking lot for off-premises apartments at 212 Quarry Street. 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. Requesting a determination by Zoning Hearing Board that providing screening is impracticable due to site configuration and existing nonconformities. Sec. 27-145 M Special Exception for Off-Site Parking Agreement within 300 feet of the site, in the same zoning district; 6 spaces at existing nonconforming 217 Chestnut Street Outdoor Parking Lot provided. Continued to this meeting for deliberation and decision, with consent of the Applicant.

Motion by Steve Burda to deny all Variances and Special Exception (all requested relief); second by Dean Wotring. Motion passed 5 – 0.

DOCKET # 2022 – Whitehall Sunrise, LLC – 1002 MacArthur Road, Whitehall, PA 18052. **Location: 1002 MacArthur Road, Whitehall, PA 18052, PIN 549786010140**, the subject property is located in a C-2 Regional/Community Commercial Zoning District. Applicant is proposing to re-develop the Property and construct a warehouse building 50' in height in place of the existing nonconforming structures which exceed 80' in height at the highest point. Applicant requests a favorable interpretation of Sec. 27-106 of the Zoning Ordinance that the proposed reduction in height of the proposed warehouse is permitted as a continuation of a nonconforming building or structure. In the alternative, Applicant requests a variance from Zoning Ordinance Sec. 27-80 E(5) to exceed the maximum height limitation of 35' for the proposed warehouse.

The Applicant was represented by Erich Schock, Esquire.

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

Applicant's Engineer, Mark Buchvalt testified as to his qualifications; and was accepted as an Expert Witness in civil engineering. He testified as to the acreage of the site, the existing building heights, the height of the adjacent

building fronting on MacArthur Road, that the existing buildings cannot be modified for a modern industrial use, and that the height of the proposed new warehouse building would have no adverse effects on the community.

The Applicant's Principle, Gokhan Cicek testified that the condition of the existing buildings is extremely poor, that his original intention was to use the buildings for light manufacturing, and that there are structural problems with the buildings.

Mike Zerbe, a Commercial Real Estate Broker testified as to his qualifications and was accepted as an Expert Witness in commercial real estate. He testified as to an inventory he prepared of warehouses built in the area in the last three (3) years.

Applicant's Exhibits 1 through 8 were admitted into the Record.

Mike McCrickerd interrupted the Hearing with questions as to the prior Docket; but wants this project to go forward.

The Applicant testified that the new building will not be used for manufacturing, that he expects less traffic for the warehouse use than for manufacturing, that he has tried to fix up the building but was never able to establish a manufacturing use, and that he did bring some machines and raw material (plastic) into the main building.

Applicant's Traffic Engineer, John Wichner testified as to his qualifications; and was accepted as an Expert Witness in traffic engineering. He corroborated the Applicant's Principle's testimony as to anticipated traffic volume.

There were no other objectors or supporters.

Motion by Lee Christman to grant the Variance to Section 27-80 for height limitation; second by Dean Wotring. Motion passed 5 – 0. Motion by Lou Jany to deny the request for a favorable interpretation; second by Dean Wotring. Motion passed 5 – 0.

DOCKET # 2023 – D.R. Horton, Inc. c/o Erin Lee Witt – 260 Detweiler Road, Suite 103, Harleysville, PA 19438. **Location: 4302 Main Street, Whitehall, PA 18052, PIN 548958690932**, the subject property is located in a R-4 Medium Density Residential Zoning District. Applicant is proposing to develop the property by subdividing it into 60 single family residential lots. Applicant is requesting variances to Sec. 27-74 E(1)(a) and Sec. 27-74 E(1)(b)(1) of the Zoning Ordinance to allow 37 of the proposed lots to have less than the minimum required lot size, and 46 of the lots to have less than the minimum required lot width. Applicant also requests Variances to Sec. 27-114(D) and (E) for minimum lot size and minimum lot frontage in areas of steep slopes.

The Applicant was represented by Nate Fox, Esquire. Whitehall Township was represented by Sam Cohen, 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 Attorney summarized the Applicant's standing (equitable ownership by an Agreement Of Sale), the size, configuration and Zoning of the property, the 60 single family homes proposed, that there will be no road connection to Hillcrest Lane, and that the additional lots proposed are needed to offset the anticipated cost of developing steep slopes.

Erin Witt, Applicant's Representative, testified confirming the Attorney's summary, that she had no photographs as to what the proposed houses will look like, and that the Applicant is not proposing a homeowners association for the development.

Applicant's Civil Engineer, Brian Spray testified as to his qualifications; and was accepted as an Expert Witness in Civil Engineering. He testified as to the topography of the site; and that it cannot be developed without Zoning Relief. Fourteen (14) of the proposed lots have slopes in excess of 25%. He interpreted Section 27-114(D) of the Zoning

Ordinance as only applying to the entire tract; and not to the proposed individual lots. He could not answer any questions as to economic hardship.

Applicant Exhibit #1 was admitted into the Record.

Objector Harold Sell testified that he lives adjacent to the proposed road opposite Harrison Street, that he has been cutting the grass and maintaining that portion of the property next to his for 27 years, questioned as to the proximity of the proposed road, and as to blasting during development.

Objector, Larry Rood testified that he has the same concerns as Harold Sell; and already has water run-off issues.

Objector Karen Kelly testified as to her concerns with the height of proposed houses; and questioned whether they will be more than two (2) stories above grade.

The Record was closed.

There was discussion about holding an Executive Session on March 15, 2022 to review the Exhibit and testimony. The Applicant's Attorney waived the 45 day time period for written Decision from March 15, 2022. He requested to submit proposed conditions for the development. The Board agreed to re-open the Record to accept those proposed conditions.

The Hearing was adjourned to March 15, 2022 for Executive Session, and then to review any proposed conditions, and then deliberate and announce its Decision(s).

Motion by Lou Jany to approve the Minutes from the January 18, 2022 Meeting; second by Alberta Scarfaro. Motion passed 5 – 0.

The Meeting was adjourned at 9:52 pm.