

RESULTS OF MEETING

TOWNSHIP OF WHITEHALL ZONING HEARING BOARD PUBLIC HEARING

January 29, 2019

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **January 15, 2019**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

ZONING HEARING BOARD:

STEPHEN BURDA, MEMBER,
LEE CHRISTMAN, MEMBER
LOUIS A. JANY, MEMBER
ALBERTA SCARFARO, MEMBER
DEAN WOTRING, MEMBER

ABSENT:

ROGER REICHARD, ALTERNATE
KENNETH SNYDER, ALTERNATE

TOWNSHIP PERSONNEL:

MELISSA A. WEHR, ZONING ADMINISTRATOR
GALLAGHER REPORTING, STENOGRAPHER

SOLICITOR:

WILLIAM J. FRIES, ESQUIRE

THE MEETING WAS CALLED TO ORDER AT APPROXIMATELY 7:00 P.M.

Attorney Fries asked for nominations for Chairperson. Alberta Scarfaro nominated Louis Jany and was seconded by Lee Christman. The Board voted 5 to 0 to appoint Louis Jany Chairperson for the year 2019.

Louis Jany read the Fair Housing Statement.

Pledge of Allegiance to flag was done.

Louis Jany stated that anyone at this meeting, who would want any documentation pertaining to any of the Dockets for this meeting, must fill out an Entry of Appearance Form.

DOCKET # 1923 – Wilbur E. Hill, III – 3330 Columbia Street, Whitehall, PA 18052. Location: **3330 Columbia Street, Whitehall, PA 18052, PIN 549904138085**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec.27-104 A of the Zoning Ordinance regarding reinstallation of separate electrical meters on previously existing structures that were deconstructed in accordance with Whitehall Township ZHB Docket 1875 of May 16, 2017. Continuation of prior existing uses onsite. Applicant also claims the vested rights by reason of permit number 797-17.

Mark Malkames, Esquire represents the Applicant.

Robert Piligian, from Bascom & Sieger Land Surveyors was sworn in.

Wilbur Hill was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

George Kinek, was sworn in, is concerned about 200 Amp service and being converted/rented out for a business.

The Board went into Executive session.

Motion to approve was made by Lee Christman and seconded by Alberta Scarfaro in regard to the continuation of a non-conforming use for residential purposes as stated by the Applicant.

Motion to approve additional meter as a continuation of a non-conforming use to service the garage based upon Appellant's representations that there will be no residential or business use in the garage.

Attorney Malkames is withdrawing vested right theory.

The Board voted 5 to 0 to approve this variance request.

DOCKET # 1924 – Realty Income Corporation – 11995 El Camino Real, San Diego, CA 92130.

Location: 2630 MacArthur Road, Whitehall, PA 18052, PIN 549846306986, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting an interpretation and variance (if necessary) to Sec. 27-80 E (6) of the Zoning Ordinance regarding minimum building width per establishment.

Bob Gage, Applicant and from Development Services at GBT Realty was sworn in.

Testimony was given.

There are (4) tenants proposed for the new building; (2) restaurants and (2) retail shops are proposed.

Two of the proposed tenants will each have a leased space of 21.33'; (1) of the tenants will have 18.67'; and the remainder 29' wide frontage for the other tenant.

The Applicant requested a continuance until the February 19, 2019 Zoning Hearing Board meeting.

The Board granted this request.

DOCKET # 1895 A – Creekside Land Holdings, LLC – 1216 Linden Street, Bethlehem, PA 18018. **Location: 1527 Creekside Road, Whitehall, PA 18052, PIN 549769438539 and 549769115527**, the subject property is located in a R5 High Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-75 E (1) (a) (4), Sec. 27-121 B (6), Sec. 27-173 B, Sec. 27-75 E (2) (c) (3), and Sec. 27-121 B (2) of the Zoning Ordinance regarding setbacks, minimum lot size, density, elevation and floodproofing requirement for proposed four 10 unit apartment buildings with off street parking. Applicant is requesting an approval extension on the validity of the zoning approval which was issued on January 10, 2018.

Paul Harak, Esquire represents the Applicant.

Dwayne Wagner, Manager of entity was sworn in.

Applicant is asking for an extension until January 11, 2020.

Testimony was given.

OBJECTORS/SUPPORTERS:

Jeff Swiezak was sworn in, opposes extension of variances concerned about FEMA regulation changes.

Motion to approve was made by Alberta Scarfaro and seconded by Stephen Burda to extend relief by the Zoning Hearing Board from January 11, 2018 to January 11, 2020.

The Board voted 5 to 0 to approve this extension request.

DOCKET # 1926 – Romil Santos - 1049 N. 13th Street, Allentown, PA 18102. **Location: 521 Fifth Street, Whitehall, PA 18052, Little Stars Early Learning Center, LLC, PIN 640709698652**, the subject property is located in a R5A High Density Residential w/o Apartments Zoning District. Applicant is requesting a special exception to Sec. 27-60 of the Zoning Ordinance regarding multiple non-conforming uses for proposed day care.

Attorney William Malkames represents the Applicant.

John Talago, owner of the property was sworn in.

Romil Santos, Applicant was sworn in.

Testimony was given.

The Applicant proposes to have (4) employees and a maximum of (20) clients.

The hours of operation would be Monday through Friday from 6:00 a.m. to 7:00 p.m.

The Board went into Executive session.

Motion to approve was made by Lee Christman and was seconded by Dean Wotring.

The Board voted 5 to 0 to approve this special exception request with the following conditions:

1. The Center shall operate between the hours of 6:00 a.m. to 7:00 p.m. Monday to Friday;
2. The Center shall serve patrons aged between 6 months and 12 years in age;
3. The Center shall serve a maximum of (20) children;
4. The Applicant shall secure approvals from the Township as well as outside agencies regulating such use.

There were no minutes submitted to the Zoning Hearing Board for approval.