



TOWNSHIP OF WHITEHALL



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M E M O R A N D U M

DATE: JUNE 14, 2019
TO: ZONING HEARING BOARD
WILLIAM J. FRIES, ESQUIRE
BOARD OF COMMISSIONERS
FROM: MELISSA A. WEHR, ZONING ADMINISTRATOR *maw/eg*
RE: ZONING HEARING BOARD MINUTES FOR APPROVAL

Ladies and Gentlemen:

Enclosed are the minutes of the Zoning Hearing Board for your review and approval at the next meeting:

FOR THE MONTH OF: APRIL 2019

/caj

RESULTS OF MEETING

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
PUBLIC HEARING**

June 14, 2019

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **April 16, 2019**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

ZONING HEARING BOARD:

LOUIS A. JANY, CHAIRMAN
STEPHEN BURDA, MEMBER,
LEE CHRISTMAN, 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.

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.

Lois Jany announced that Docket # 1937 has requested a continuance until the May 21, 2019 meeting.

DOCKET # 1934 – Carolina Lozada – 4414 Phillip Street, Whitehall, PA 18052. **Location: 4414 Phillip Street, Whitehall, PA 18052, PIN 558040047436**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a special exception to Sec. 27-43 C (3) of the Zoning Ordinance regarding expanding family daycare into a group day care from six children to twelve children at a time. Continued to this meeting at the request of the Applicant.

Attorney Matthew Tranter represents the Applicant.

Carolina Lozada, Applicant was sworn in.

Mark Bradbury, was sworn in.

Testimony was given.

Only Carolina and her husband work at the day care.

OBJECTOR/SUPPORTERS:

Rose Prutko, objects, concerned about the number of children.

The Board went into Executive session.

Motion to deny was made by Stephen Burda and was seconded by Lee Christman.

The Board voted 5 to 0 to deny the Applicant's request for a special exception.

DOCKET # 1936 – American Promotional Events dba TNT Fireworks – c/o Debbie Ivins 120 Louise Lane, Bartonsville, PA 18321. **Location: 2180 MacArthur Road, Whitehall, PA 18052, PIN 549852398039**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a special exception to Sec. 27-65 of the Zoning Ordinance regarding a temporary use to have a temporary tent sale of Pennsylvania legal fireworks from June 21, 2019 to July 5, 2019 in the parking lot.

Debbie Ivins, Applicant was sworn in.

Testimony was given.

Applicant agrees to the conditions imposed in previous years for Docket # 1905 and Docket # 1871.

OBJECTOR/SUPPORTERS:

NONE

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

The Board voted 5 to 0 to approve this special exception request subject to the conditions as set forth in previous written opinions of this Board dated as follows:

- May 23, 2017 – Docket # 1871
- May 17, 2018 – Docket # 1905
- Recommendations of Whitehall Township Planning Commission as noted in letter dated March 21, 2019 from Lee Rackus, Bureau Chief

DOCKET # 1937 – Dollar General c/o Chris Evans – 100 Mission Ridge, Goodlettsville, TN 37072. **Location:** 1167 MacArthur Road, Whitehall, PA 18052, PIN 549787536152, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-104 A of the Zoning Ordinance regarding multiple uses on lot for proposed additional retail tenant.

Applicant requested a continuance until the May 21, 2019 Zoning Hearing Board meeting.

DOCKET # 1938 – LV Rocks, LLC – 7918 Main Street, Box 17, Fogelsville, PA 18051. **Location:** 2160-2180 MacArthur Road, Whitehall, PA 18052, PIN 549852398039, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a special exception/interpretation to Sec. 27-65 of the Zoning Ordinance regarding seasonal use for bungee trampoline amusement in the parking lot.

Jeffrey Hussar, Esquire represents Applicant.

Michael Levitsky, Applicant was sworn in.

Testimony was given.

The only activity proposed for the location is the bungee trampoline; no rock climbing.

A storage container is proposed for the securing of the equipment.

OBJECTOR/SUPPORTERS:
NONE

The Board went into Executive session.

Motion to approve made by Alberta Scarfaro and was seconded by Lee Christman.

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

1. Port-o-Potty provided and cleaned regularly;
2. Lock Box required and permits secured;
3. Monthly inspection affidavit delivered to the Township within three (3) days of issuance;
4. Trash receptacles provided and emptied regularly;
5. Adhere to Whitehall Township Planning Commission recommendations; and
6. Maintain appropriate liability insurance.

DOCKET # 1939 – Randall Hoffman – 6203 Saddle Road, New Tripoli, PA 18066. **Location:** 1314 Pennsylvania Street, Whitehall, PA 18052, PIN 549755035287, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-74 (E) (2) (a) (1) and (3) of the Zoning Ordinance regarding setbacks, front – 25 feet required, and 20.65 feet proposed; side yard – 8 feet required and 2.30 feet proposed, to construct a single-family dwelling on a pre-existing lot of record.

Randall Hoffman, Applicant was sworn in.

Robert Piligian, from Bascom & Sieger was sworn in.

Testimony was given.

Applicant amended the application to request a side yard setback of .30 feet from the right of way to Mercer Street or 10.3 to the center of Mercer Street (unopened) paper street.

OBJECTOR/SUPPORTERS:
NONE

Alberta Scarfaro made a motion to grant the amendment to change request from 2.30 feet side yard setback to .30 feet from right of way of Mercer Street and was seconded by Stephen Burda.

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

Motion to approve made by Alberta Scarfaro and was seconded by Dean Wotring.

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

DOCKET # 1940 – First International Event, LLC Cirque Bellucci – 7123 4th Avenue #C8, Brooklyn, NY 11209. **Location:** 250 Lehigh Valley Mall, Whitehall, PA 18052, PIN 549881626487, 549891278471 and 549891034514, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a special exception to Sec. 27-65 of the Zoning Ordinance regarding a temporary use for a Circus without animals from April 22, 2019 to May 6, 2019 in the parking lot.

Ahmed Seleem, President of First International Event, was sworn in.

Testimony was given.

The event will be from April 26, 2019 to May 5, 2019.

OBJECTOR/SUPPORTERS:

John Ferreira, Lehigh Valley Mall Manager, was sworn in and supports.

Motion to approve made by Alberta Scarfaro and was seconded by Stephen Burda.

The Board voted 5 to 0 to approve this special exception request as per the conditions set forth by the Whitehall Township Planning Commission letter dated March 21, 2019.

DOCKET # 1941 - Christopher Dague – 3354 W. Columbia Street, Whitehall PA 18052. **Location:** **3354 W. Columbia Street, Whitehall, PA 18052, PIN 548970117410**, the subject property is located in a R-2 – Low Density Residential Zoning District. Applicant is requesting a variance to Sec.27-71 E (2)(a) of the Zoning Ordinance regarding rear yard setback for proposed sunroom addition .

Christopher Dague, Applicant and Property Owner was sworn in.

Testimony was given.

OBJECTOR/SUPPORTERS:
NONE

Motion to approve made by Stephen Burda and was seconded by Lee Christman.

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

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