

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARINGS
APRIL 16, 2024**

The Chairperson called the Meeting to order at 7:00 pm. All five (5) Members were present. The Chairperson led the Pledge Of Allegiance. The Chairperson read the Fair Housing Statement. The Chairperson announced that Dockets #2070 – Paxos Group Builders & Developers, LP and #2070A – Paxos Realty, LP would not be heard that evening.

Docket # 2088 – 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. Applicant is requesting Variances to section 27-114(D) and (E) of the Zoning Ordinance to construct a fourteen (14) single family detached residential lot Subdivision where two lots will have less than the minimum lot size required (21,320.97 square feet where 32,670 square feet are required, and 37,097.32 square feet where 65,340 square feet are required) and one of those lots will have 63 feet of frontage where 81 feet are required, due to steep slopes greater than 12%.

The Applicant was represented by Kate Durso, 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 Engineer and Director of Land Development, Philip Malitsch testified as to the three (3) home styles to be offered, the existing steep slopes and flood elevations, that the proposed lots are larger than most neighboring lots, and that no construction is proposed within the flood plain. The prior Subdivision proposal had 19 lots; and the current proposal has less lots requiring lot size relief, and only one lot requires frontage relief.

Engineer David Wilson testified as to the plans submitted.

Applicant Exhibits 1 through 6 were admitted into the Record.

Objector, Eugene Jandris testified that during the prior application Hearing it was stated that there was no way the Subdivision could be built with less than 19 lots, that now 14 lots are proposed, and that a Subdivision could probably be built with less than 14 lots with no Variance relief.

Objector Ron Bloszinsky testified that construction vehicles are too wide for Bridge Street, that the adjacent bridge is posted for no trucks, and his concerns that construction vehicles would block his driveway and leave mud on the street.

Objector, Joe Kroboth testified as to concerns that blasting due to rocks would damage nearby houses.

Objector Mike Rennig testified as to concerns about increased traffic from 14 homes, pedestrians using the Rail Trail, and traffic from Taylor Villas.

Supporter, Bernard Madeja testified that his Family has the right to do what it wants with its property.

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 Land Development conditions; second by Roger Reichard. Motion passed 4 – 1; with Lou Jany voting no.

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 Applicant was represented by David Comer, Esquire.

Applicant’s Superintendent, Robert Steckel, Jr., PhD. testified as to both proposed signs, seven (7) Applicant Exhibits, that the proposed MacArthur Road sign would only show School Board Meeting dates, and that the proposed Mechanicsville Road sign would show athletic events and student activities. Both proposed signs would be two-sided, would only show public service information, and would show no advertising.

Kris Kern, President and Chief Executive Officer of Digital Scoreboards testified that the proposed signs would be six feet six inches (6’ 6”) tall and nine feet nine inches (9’ 9”) wide. He reviewed Applicant Exhibits 8 and 9, lighting analyses for both proposed signs, testified that there would be no negative impact on the surrounding community, and that the proposed signs would be dimmable.

Mike Sander was recognized as an Expert Witness in civil engineering. He testified that the proposed MacArthur Road sign would be 25 feet from the right-of-way.

Applicant Exhibits 1 through 10 were admitted into the Record.

There were no Objectors or supporters.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Lou Jany to grant the requested favorable interpretation that the proposed signs are exempt from section 27-165 (A) through (F) of the Zoning Ordinance, and grant the requested Variance from section 27-155(E) to allow more than one freestanding sign; second by Lee Christman. Motion passed 5 – 0. The Applicant withdrew its request for Variances in the alternative.

DOCKET # 2086 – Whitehall Commerce, LLC – PO Box 429, Conshohocken, PA 19428. **Location: 2113 MacArthur Road, Whitehall, PA 18052, PIN 549862544968,** the subject property is located in the C-2 Regional/Community Commercial Zoning District. Applicant is requesting Variances to sections 27-80 E(2)(a) and (7), 27-84(B) and (D), 27-106(D), 27-145(P), and 27-161(A)(1) of the Zoning Ordinance to construct a new Taco Bell Restaurant with an accessory trash container enclosure in the front yards, which is not permitted, with an eight foot (8’) setback from the Mickley Road right-of-way (3.3 feet existing) and an approximate 40 feet setback from the MacArthur Road right-of-way (the existing setback cannot be determined from the application), maximum impervious coverage (77% existing, 75.3% proposed, and 70% maximum allowed), minimum parking setback from the MacArthur Road right-of-way (3.4 feet existing, 4.4 feet proposed, and 10 feet required), and maximum number of wall signs (3 existing and proposed, and only one allowed).

The Applicant was represented by Michael Malloy, Esquire

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

Brian Clearly, Project Manager for Petit Group, was recognized as an Expert Witness in civil engineering and site design. He testified as to the site plan submitted with the application and a rendering of the proposed new restaurant. Both Applicant Exhibits were admitted into the Record.

There were no objectors or supporters.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Roger Reichard to grant the requested Variances subject to the condition that total impervious coverage does not exceed 77%; second by Dean Wotring. Motion passed 5 – 0.

DOCKET # 2087 – Joseph and Catherine Zubrovich – 3322 N. Front Street, Whitehall, PA 18052. **Location: * N. Front Street, Whitehall, PA 18052, PIN 549953847027**, the subject property is located in the R-5A High Density Residential Without Apartments Zoning District. Applicants are requesting a Variance to section 27-84(A) of the Zoning Ordinance to place an eight feet (8') by sixteen feet (16') accessory structure (shed) on the Applicants' adjoining nonconforming undersized vacant lot.

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

Applicant Joseph Zubrovich testified as to the proposed location of the shed, and the Applicants' purchase of the adjacent vacant undersized lot for placement of a shed.

Five (5) Applicant Exhibits were admitted into the Record.

There were no objectors or supporters.

The Record was closed.

Motion by Lee Christman to grant the requested Variance; second by Roger Reichard. Motion passed 5 – 0.

Motion by Lee Christman to approve the March 19, 2024 Minutes; second by Dean Wotring. Motion passed 5 – 0.

Meeting adjourned at 9:35 pm.