

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARINGS
August 16, 2022**

The Acting Chairperson, Lou Jany called the meeting to order at 7:00 pm. He and Members Dean Wotring, Steve Burda, and Roger Reichard were present. Conflict Solicitor Kate Durso, Esquire was present. The Acting Chairperson led the Pledge Of Allegiance. The Acting Chairperson read the fair housing statement.

The Conflict Solicitor announced that Docket # 2032 – Joshua and Margaret Carter was withdrawn by the Applicants, that Docket # 2037 – Alberto Cervoni was continued to September 20, 2022 at the request of the Applicant, and that there were only four (4) Board Members to hear Appeals that evening.

DOCKET # 2033 – Christian Church Light In The Darkness – 2102 Wood Street, Whitehall, PA 18052. **Location: 2102 Wood Street, Whitehall, PA 18052, PIN 549887919192**, the subject property is located in a C-1 Neighborhood Commercial Zoning District. Applicant is requesting a variance to Sec. 27-78 (E)(2)(c) of the Zoning Ordinance regarding side yard setback to allow an HVAC exterior unit. Five feet (5') required; less than three feet (3') proposed.

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 its Pastors, Priscilla and Luis Jimenez. The Applicant's HVAC Contractor, Wesan Kamhia of Complete Home Specialists testified as to the emergency repair to the heating system and adding HVAC air conditioning for the basement, the impracticability of locating the exterior HVAC unit anywhere else on the property, and that the across-the-street Neighbors have an exterior HVAC unit within their side building set back.

Objector, Michael Pruzinsky testified that there is an exterior HVAC unit in the rear yard of the Applicant's property, and that he fears the sound of the exterior HVAC unit will interfere with his wife's sleeping, and that he and his Wife do not operate their HVAC unit during the night.

The Applicant agreed not to operate the new HVAC air conditioning after 10:00 pm.

There were no other objectors or supporters.

The Board held an Executive Session.

Motion by Steve Burda to grant the Variance subject to the condition that the air conditioning be turned off by 10:00 pm; second by Dean Wotring. Motion passed 4 – 0.

DOCKET # 2035 – Brian and Kristen Saylor – 2 Eisenhower Circle, Whitehall, PA 18052. **Location: 2 Eisenhower Circle, Whitehall, PA 18052, PIN 549842209935**, the subject property is located in a R-5 High Density Residential Zoning District. Applicants are requesting a variance to Sec. 27-75(E)(3) of the Zoning Ordinance regarding maximum building coverage. 40% allowed; 41.7% proposed. Applicants include PIN 549842403747 comprised of 2,178 square feet owned by defunct Presidential Village Community Associates as part of their property.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners. He testified that the portions of land to the rear of the parcels in this subdivision had originally been retained by a Homeowners Association that is now defunct, and that Whitehall Township had required those portions of land be conveyed to the Property Owners, that the Applicants had never taken title to the portion of land behind their property, and requested that a condition of any relief be that the Applicants take title to that portion of land.

The Applicants testified that there are five (5) other homes on their side of the subdivision that have decks. They want the deck to use as an oasis to enjoy peace and quiet, and that they cannot enjoy sitting in their front yard. They thought they had already taken title to that portion of land behind their property.

There were no objectors or supporters.

Motion by Roger Reichard to grant the Variance with no conditions; second by Dean Wotring. Motion passed 4 – 0.

DOCKET # 2036 – Prikama Property, LLC – 183 Roberts Drive, Allentown, PA 18104. **Location: 2304 MacArthur Road, Whitehall, PA 18052, PIN 549854509470**, the subject property is located in a C-2 Regional/Community Commercial Zoning District. Applicant is requesting variances to Sec. 27-80(E)(2)(C) of the Zoning Ordinance regarding side yard setback for a proposed addition to the existing building where 20 feet are required and 16.4 feet are proposed; and Sec. 27-84(E)(2) regarding setback of a proposed accessory structure where ten feet (10') are required and 1.5 feet (1.5') are proposed.

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

The Applicant appeared through its Architect, Jude Cooney and Project Manager, Roger Soler of FSOPF, LLC. The Project Manager testified as to the changing nature of the mini mart business and the commercial need for more cooler space to remain economically viable. Exhibit A-1 was a plan showing the existing 10.5 foot side setback, the proposed 16.4 foot setback for the addition to the building, and the proposed 1.5 foot setback for the accessory cooler. The Project Manager has been talking with the Neighbor to the north about whether or not he wanted a fence, and that the Applicant is willing to make the parking spaces 10 feet by 20 feet, and that the existing parking spaces are 9 feet by 18 feet. Exhibit A-2 was a plan showing existing conditions.

The Owner of the property adjacent on the north side sent an e-mail to the Zoning And Code Enforcement Officer which was requested to be read into the Record. The Applicant objected. The Board sustained that Objection by a 4 – 0 vote.

The Applicant's Exhibits were admitted into the Record.

Motion by Steve Burda to grant the Variances conditioned on making two (2) new parking spaces 10 feet by 20 feet; second by Roger Reichard. Motion passed 4 – 0.

On Motion of Dean Wotring, the Minutes from the June and July, 2022 Meetings were approved unanimously.

Meeting was adjourned at 8:25 pm.