



TOWNSHIP OF WHITEHALL



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M E M O R A N D U M

DATE: JUNE 16, 2015
TO: ZONING HEARING BOARD
JEFFREY B. MATZKING, ESQUIRE
BOARD OF COMMISSIONERS
FROM: MELISSA A. WEHR, ZONING OFFICER
RE: MINUTES FOR APPROVAL

MAW

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: JUNE 2015

/caj

RESULTS OF MEETING

TOWNSHIP OF WHITEHALL ZONING HEARING BOARD PUBLIC HEARING

July 16, 2015

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **June 16, 2015**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

ZONING HEARING BOARD:

ALBERTA SCARFARO, CHAIRPERSON
STEPHEN BURDA, MEMBER
LEE CHRISTMAN, MEMBER
LOUIS A. JANY, MEMBER
DEAN WOTRING, MEMBER
ROGER REICHARD, ALTERNATE

ABSENT:

KEN SNYDER, ALTERNATE

TOWNSHIP PERSONNEL:

MELISSA A. WEHR, ZONING OFFICER
GALLAGHER REPORTING, STENOGRAPHER

SOLICITOR:

JEFFREY B. MATZKIN, ESQUIRE
WILLIAM J. FRIES, ESQUIRE (Conflict Attorney)

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

Alberta Scarfaro 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 # 1736A – 4154 Roosevelt Street, LLC – 727 N. Meadow Street, Allentown, PA 18102.
Location: 4154, 4159 Roosevelt Street, Truman S. side of Truman, Whitehall, PA 18052, PIN 558040402252, 558040505388, 55804040606115, 548949872258, the subject property is located in a R4 Medium Density Residential and R5A High Density Residential w/o Apts. Zoning District. Applicant is requesting a variance to Sec. 27-121 (B)(6), Sec. 27-121 (B)(8), Sec. 27-146 (A)(18), Sec. 27-121 (B)(1), Sec. 27-110 (C)(3), Sec. 27-121 (B)(3), Sec. 27-121 (B)(2), Sec. 27-76 (E)(2), Sec. 27-74 (E)(2), Sec. 27-145 (P), Sec. 27-145 (R), Sec. 27-74 (E)(2)(c) and (d), Sec. 27-121 (A)(4), Sec. 27-76 (E)(1)(A)(4), Sec. 27-74 (E)(5), Sec. 27-76 (E)(5) of the Zoning Ordinance regarding parking requirements, apartment density requirements, parking and apartment screening requirements, use for a multi-tenant apartment building in the R4 and R5A Zoning Districts, driveway location requirement and rear and side yard setback requirements, density requirement and impervious coverage requirements. In addition, Applicant

is requesting recognition that the property is non-conforming with respect to distances or dimensions with respect to Sec. 27-121 (B)(8), Sec. 27-145 (P), Sec. 27-145 (R), Sec. 27-110 (C)(3), and Sec. 27-74 (E)(5). Remanded back to the Zoning Hearing Board by Lehigh County Court of Common Pleas for additional testimony regarding dimensional variance relief.

Mr. Christman stated that he owns property at 4173 Roosevelt Street.

Attorney Matzkin made a few announcements in that the Court ruled that apartments can go into the structure and that they are here today to decide dimensional variances.

Attorney Malkames asked about who the original Zoning Hearing Board members were. Attorney Matzkin addressed this issue. There are four (4) of the five (5) original members are here. The fifth (5th) original member is no longer on the Board. Attorney Malkames has no problem with Lee Christman sitting in as the fifth (5th) member but would like him to receive copies of the previous transcripts to read.

Attorney Malkames objects to anyone testifying that is not part of this appeal as per MPC 11004 A - Intervention.

Attorney Malkames disagrees with is LCCP decision to send it back to the Zoning Hearing Board.

Attorney Malkames objects to Zoning Hearing Board hearing this due to the Board being subject to a federal discrimination suit.

Attorney Malkames also believes that various deadlines were missed.

Attorney Malkames asked to incorporate previous testimony of record into the record.

All speakers were sworn in.

OBJECTORS / SUPPORTERS:

Dennis Makovsky – asked for a copy of the print. Mr. Hyman said “No” a copy of the site plan is available in the file to be reviewed.

Tim Caffrey – concerned about density and storm water.

Nicole Caffrey – expanding on previous testimony from past hearings.

Monica Fabian – concerned about emergency response to building and also is concerned about traffic.

George Makhoul – question on apartment size and relation to square footage of surrounding homes recently built in Egypt and other areas.

Christopher Gittinger, Esquire, Assistant Solicitor to Whitehall Township, representing Whitehall Township as intervener.

This Docket was taken under advisement and will render its decision at the July 21, 2015 meeting.

DOCKET # 1816 – Chick-fil-A, Inc. – 5200 Buffington Avenue, Atlanta, GA 30349. **Location: 2610 MacArthur Road, Whitehall, PA 18052, PIN 549845674665**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-80 E (2) (a) and 27-147 D of the Zoning Ordinance regarding front yard setback and loading zone requirements for proposed Chick-fil-A restaurant. Continued to this meeting at the request of the Applicant.

Blake Marles, Esquire represents Applicant.

John Martinez, Developer Manager of Chik-fil-A, was sworn in.

Justin Thorton, Engineer from Mazur Consulting, was sworn in.

Testimony was given.

OBJECTORS / SUPPORTERS:

George Makhoul – was sworn in and supports – thinks good for business and Whitehall Township.

Motion to approve made by Louis Jany, seconded by Lee Christman.

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

DOCKET # 1817 – Keith Bodisch – 725 Saint Paul Street, Whitehall, PA 18052. **Location: 725 Saint Paul Street, Whitehall, PA 18052, PIN 549891701325**, 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) and (b) of the Zoning Ordinance regarding front and rear yard setbacks for proposed additions to existing single family home.

Keith Bodisch was sworn in.

Testimony was given.

OBJECTORS / SUPPORTERS:

NONE

Motion to approve made by Stephen Burda, seconded by Louis Jany.

The Board voted 5 to 0 approve this variance request.

DOCKET # 1818 – Allentown dba Verizon Wireless – 5175 Campus Drive, Plymouth Meeting, PA 19462. **Location: 2540 MacArthur Road, Whitehall, PA 18052, PIN 549845848569**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a special exception and variances to Sec. 27-85 C (5) (a) and 27-85 C (7), 27-85 (5) (d) [7], 27-85 (5) (F) [7], and 27-85 C (5) (d) [5] of the Zoning Ordinance regarding the proposed telecommunications use and to permit dimensional variance relief to allow the proposed equipment cabinet to be located at the existing setback for the billboard sign (whereas the ordinance requires the setbacks for the underlying zoning district) and from Sec. 27-85 (5) (F) [7] which requires a 6 foot fence around the cabinet and from Sec. 27-85 C (5) (d) [5] which requires two parking spaces.

Debra A. Shulski, Esquire, represents the Applicant.

Katina Boyce, Site Acquisition Representative, was sworn in.

Jeff Nagurny, Civil Engineer, was sworn in.

Andrew Peterson, Radio Frequency Engineer, was sworn in.

Testimony was given.

OBJECTORS / SUPPORTERS:

NONE

Motion to approve made by Lee Christman, seconded by Dean Wotring.

The Board voted 5 to 0 to approve this special exception and variance request

The minutes for April 2015 were submitted and approved by the Zoning Hearing Board.