

RESULTS OF MEETING
TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
PUBLIC HEARINGS

June 16, 2020

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 pm, June 16, 2020 via WebEx.com.

ZONING HEARING BOARD:

Lee Christman, Chairperson
Louis Jany, Member
Alberta Scarfaro, Member
Dean Wotring, Member
Kenneth Snyder, Alternate

ABSENT:

Stephen Burda, Member
Roger Reichard, Alternate

TOWNSHIP PERSONNEL:

Chris Gittinger, Zoning Officer
Shari Cooper, Court Reporter

SOLICITOR:

William J. Fries, Esquire

THE MEETING WAS CALLED TO ORDER AT 7:27 PM.

The Zoning Officer read the Fair Housing Statement.

DOCKET# 1976 – Alexin Real Estate, LLC – 3655 Municipal Drive, Whitehall, PA 18052.

Location: 3645 and 3655 Municipal Drive, Whitehall, PA 18052, PIN 549900905975 and 549900805501, the subject properties are in a R4 Medium Density Residential Zoning District. Applicant is requesting a Variance to Sec. 27-60(C), Sec. 27-60(D)(1), Sec. 27-145(P), Sec. 27-145(I), and Sec. 27-74(E) of the Zoning Ordinance to allow a non-conforming use to be expanded, a proposed parking area setback from a right-of-way line (10' required, 0.62'

proposed) and reduced landscaping in lieu of a fence or compact hedge, and maximum impervious coverage (50% required, 67.8% proposed).

The Applicant was represented by Robert H. Piligian, PLS of Bascom & Sieger, Inc.. The Applicant proposes to demolish the eastern building, enlarge the remaining western building, and enlarge the parking area to provide 34 parking spaces. The proposed use, including three (3) Dentists, four (4) Hygienists, and ten (10) Employees requires 25 parking spaces. The Applicant proposes 34 parking spaces. Mr. Piligian explained and reviewed ten (10) Exhibits (A-1 through A-10); which were admitted into evidence. He supplemented the Record describing two (2) prior Zoning Hearing Board determinations concerning the properties, as well as reference to the original Zoning Hearing Board determination allowing the dental office use in the western building.

There were no Objectors or Supporters.

Motion by Louis Jany to approve; second by Kenneth Snyder. The Board voted 5 – 0 to grant the Variances.

DOCKET # 1977 – James Foose and Carol Olsen – 3244 Water Street, Whitehall, PA 18052.

Location: 3244 Water Street, Whitehall, PA 18052, PIN 549970082436, the subject property is located in an OS-1 Open Space Residential/Agricultural Zoning District. Applicants are appealing the March 11, 2020 Enforcement Notice under Sec. 27-12 of the Zoning Ordinance with respect to the operation of a Bed and Breakfast facility. Applicants are also requesting Variances to Sec. 27-68, Sec. 27-75(D)(1), Sec. 27-80, and Sec. 27-122 to permit an Air BnB in their residence. The property is located in a flood plain.

The Zoning Officer introduced the March 11, 2020 Enforcement Notice; which was admitted.

The Applicants testified that they have owned the property since 2013. They have been using it as a Bed And Breakfast for just over one year. They will be living in the property when guests are there. Guests may come downstairs to use the refrigerator. The Applicants will not be serving breakfast to guests. The Applicants propose to use one bedroom as a guest bedroom; and provide one designated parking space.

There were no Objectors or Supporters.

Motion by Kenneth Snyder to grant the Appeal from the Enforcement Notice; second by Louis Jany. Mr. Snyder withdrew the Motion; and Mr. Jany withdrew his second. Motion by Lee

Christman to deny the Appeal from the Enforcement Notice; second by Alberta Scarfaro. Motion passed 4 – 1. Motion by Louis Jany to approve the Variances conditioned on the Applicants providing two designated parking spaces in compliance with Township Ordinance requirements for the guests; second by Kenneth Snyder. The Board voted 4 – 1 to grant the Variances subject to the parking spaces condition.

DOCKET # 1979 – Whitemak Associates c/o Washington Prime Group – 1809 East Broad Street, Columbus, OH 43215. **Location: 1225 Grape Street, Whitehall, PA 18052, PIN 549872328571**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a Variance to Sec. 27-80(E)(2)(c) of the Zoning Ordinance regarding setback for east side of the existing building. Applicant proposes to subdivide the existing Buffalo Wild Wings Restaurant from the Whitehall Mall lot so it is an independent parcel. This creates a new setback requirement and relief is needed for the setback on the east side of the building. No construction is proposed.

The Applicant was represented by Zachary Cohen, Esquire.

Betsy Waterman, Vice President Transactional Assistant of the Applicant testified as to the intent to subdivide the parcel because Buffalo Wild Wings desires to own its restaurant locations.

Bernie Teletovich was accepted as an Expert Witness in the field of Engineering. He testified that the Prior Zoning Officer agreed that the only Zoning Relief needed for the subdivision was a Variance for the setback on the east side of the building. All required parking spaces (one space for every three (3) seats) were provided. There are documented Cross-Easements for access to the proposed lot from the north (remaining Whitehall Mall lot), as well as Cross-Easements for required parking spaces to the north. There are no other issues as to traffic or parking. Exhibits 1 and 2 were admitted into evidence.

There were no Objectors or Supporters.

Motion by Alberta Scarfaro to approve; second by Louis Jany. The Board voted 5 – 0 to grant the Variance.

DOCKET # 1980 – 1788 Riverside Business center, LLC – 4421 E. West Highway, Bethesda, MD 20814. **Location: 1139 Lehigh Avenue, Whitehall, PA 18052, PIN 640824179247**, the subject property is located in a I Industrial Zoning District. Applicant is requesting a Variance to Sec. 27-155, Sec. 27-156, and Sec. 27-161 of the Zoning Ordinance regarding signage. Applicant

proposes to replace an existing 75 SF freestanding sign with a 110 SF freestanding sign, install three (3) directional signs which exceed 3 SF and contain the names of the Tenants and for certain Tenants have more than two (2) wall signs. The Application was amended to add a fourth (4th) 6.4' by 6.5' panel directional sign on the river side of the building.

The Applicant was represented by Erich Schock, Esquire.

Larry Goodwin of Real Estate Investment & Management testified that the parcel is 34.349 acres, and includes the largest light industrial building (approximately ten (10) acres) in the Lehigh Valley. There are currently 15 Tenants. He described the size and layout of the building as well as the distance and time it takes to drive around the building.

Ed Reed of Reed Sign Co. testified as to the proposed larger freestanding sign, the existing and proposed new directional panel signs for the various Tenants, as well as the difficulty locating tenant locations without larger and additional signs.

There were no Objectors or Supporters.

The Applicants Exhibits were all admitted into evidence.

Motion by Alberta Scarfaro to approve with the Amendment for the fourth (4th) directional sign; second by Louis Jany. The Board voted 5 – 0 to grant the Variances.

DOCKET # 1981 – Dana Bortz – 4250 Roosevelt Street, Whitehall, PA 18052. **Location: 4250 Roosevelt Street, Whitehall, PA 18052, PIN 558050099379**, the subject property is located in a R5-A High Density Residential Without Apartments Zoning District. Applicant is requesting a Variance to Sec. 27-115(B) of the Zoning Ordinance regarding setback distances for a swimming pool. Applicant is requesting five feet (5') on each side and Ordinance requires six feet (6').

Dana Bortz testified that her rear yard is 22 feet wide; and that the narrowest above-ground pool she could locate is twelve feet (12') wide; which would only leave five feet (5') on each side. She presented signed Acknowledgements from her Adjoining Neighbors consenting to the requested Variance; which were admitted into evidence.

There were no other Objectors or Supporters.

Motion by Louis Jany to approve; second by Alberta Scarfaro. The Board voted 5 – 0 to grant the Variance.

Motion by Alberta Scarfaro to approve the Minutes from the May 19, 2020 Zoning Hearing Board meeting; second by Louis Jany. Motion passed 5 – 0.

The meeting was adjourned at 10:11 pm.