



TOWNSHIP OF WHITEHALL



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M E M O R A N D U M

DATE: MAY 3, 2018
TO: ZONING HEARING BOARD
WILLIAM J. FRIES, ESQUIRE
BOARD OF COMMISSIONERS
FROM: MELISSA A. WEHR, ZONING ADMINISTRATOR *MAW*
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 2018 (Revised)

/caj

RESULTS OF MEETING

TOWNSHIP OF WHITEHALL ZONING HEARING BOARD PUBLIC HEARING

May 3, 2018

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **April 17, 2018**, 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

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.

Alberta Scarfaro read the Fair Housing Statement.

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 # 1905 – TNT Fireworks – c/o Debbie Ivins, 120 Louise Lane, Bartonsville, PA 18321. **Location: Whitehall Square, 2160 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 22, 2018 to July 5, 2018 in the parking lot.

Debbie Ivins, from TNT Fireworks, was sworn in.

Testimony was given.

No firecrackers, no reloadables and no bottle rockets will be sold.

OBJECTORS/SUPPORTERS:
NONE

Motion to approve made by Lee Christman and was seconded by Louis Jany.

The Board by a 5 to 0 vote, had approved the Applicant's request for a special exception, subject to the following conditions:

1. Applicant will comply with the recommendations of the Township Engineer, as set forth in the March 21, 2018 correspondence from Keystone Consulting Engineers, Inc. (Zoning Hearing Board Exhibit 1);
2. Applicant will comply with the comments of Lee A. Rackus, Bureau Chief, Planning Zoning & Development, as set forth in her March 15, 2018 correspondence (Zoning Hearing Board Exhibit 2);
3. Applicant will comply with all terms and conditions set forth in the Zoning Hearing Board Decision at Docket #1871, issued May 23, 2017 (Zoning Hearing Board Exhibit 3);
4. Applicant may not sell or offer for sale any firecrackers, reloadables or bottle rockets; and
5. Applicant will at all times maintain onsite, working fire extinguishers not less than thirty feet (30') feet apart.

DOCKET # 1906 – Clayvi Brown – 2517 Somerset Road, Whitehall, PA 18052. **Location: 3355 MacArthur Road, Petite Scholars Learning Center, Whitehall, PA 18052, PIN 549900872140**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-104 A of the Zoning Ordinance regarding multiple number of principal uses on lot for existing church and proposed child care program.

Clayvi Brown, Applicant was sworn in.

Amanda Lahue, was sworn in.

Mike Miller, President of the Church Council for Faith Lutheran Church, was sworn in.

Testimony was given.

At the Coplay location are the infant through Pre-K children.

In the lower level of the Church will be Kindergarten to twelve (12) years of age.

Hours of operation for the Summer will be Monday through Friday, from 6:30 a.m. to 6:00 p.m. with no weekend hours.

OBJECTORS/SUPPORTERS:
NONE

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

The Board voted 5 to 0 to approve the Applicant's request for a variance subject to the following conditions:

1. The maximum number of children for which childcare may be provided at any one time is thirty (30); and
2. The hours of operation of the childcare program will be from 6:30 a.m. to 6:00 p.m., Mondays through Fridays.

DOCKET # 1907 – Ryan Abdouche and Justin Alkhal – 209 Sixth Street, Whitehall, PA 18052.

Location: 4303 Spruce Street, Whitehall, PA 18052, PIN 558050603492, the subject property is located in a R5A High Density Residential w/o Apartments Zoning District. Applicants are requesting a variance to Sec. 27-76 E (1) (b) (1) and Sec. 27-76 E (1) (c) (1) of the Zoning Ordinance regarding lot width and lot frontage for proposed 2 lot subdivision.

Ryan Abdouche, Property Owner and Applicant, was sworn in.

Mike Minervini, from MGM Engineering, was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

NONE

Motion to approve made by Louis Jany and was seconded by Dean Wotring.

The Board voted 5 to 0 to approve the Applicant's request for a variance.

DOCKET # 1908 – Juliana Ortiz – 833 Fairmont Avenue, Whitehall, PA 18052. **Location: 2102 Wood Street, Whitehall, PA 18052, PIN 549887919192** the subject property is located in a C1 Neighborhood Commercial Zoning District. Applicant is requesting a variance to Sec. 27-146 A (6.1) (a) of the Zoning Ordinance regarding off-street parking for proposed day care center.

Julian Ortiz, Applicant was sworn in.

Carol and Michael Bednar, Property Owners were sworn in.

Testimony was given.

There will be a maximum total of fifty-five (55) children at this location.

There will be three (3) employees, 1 for each 15 clients.

The ages of the children will newborn to thirteen (13) years old.

The hours of operation will be from 6:00 a.m. to 6:30 p.m. seven (7) days a week.

OBJECTORS/SUPPORTERS:

Objectors were all sworn in:

Michael Pruzinsky, is concerned about the number of clients and parking.

Todd Heffelfinger, is concerned about parking and dumpster.

Peter Hermany, is concerned about the children going to school bus stop because there are no sidewalks.

Lisa Bartholomew, is concerned about the operations being seven (7) days a week and parking issues do exist.

Deb Pruzinsky, is concerned about the noise from the Day Care.

Motion to approve was made by Louis Jany and was seconded by Lee Christman.

The Board 5 to 0 to approve the Applicant's request for a variance, subject to the following conditions:

1. The maximum number of children for whom daycare services may be provided at any one time is thirty-four (34), no more than four (4) of whom may be infants;
2. Three (3) employees are the maximum permitted;
3. Hours of operation are limited to 6:00 a.m. to 6:30 p.m., Mondays through Fridays;
4. No weekend hours of operation are permitted; and
5. Applicant must provide a safe and convenient drop off and pick up area.

DOCKET # 1909 – Lehigh Valley Health Network – 2100 Mack Boulevard, Allentown, PA 18105.
Location: 2741 MacArthur Road, Whitehall, PA 18052, PIN 549846255902, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-161 (A) (1), Sec. 27-155 (A) (1), and Sec. 27-155 (A) (3) of the Zoning Ordinance regarding the inclusion of two (2) wall signs on the subject premises as well as the construction of a freestanding sign with a greater sign display than is provided for in the zoning ordinance, and the placement of such freestanding sign within 25 feet from a right-of-way.

Timothy Siegfried, Esquire represents Applicant.

Lori Hulse, Vice President of Operations from Lehigh Valley Hospital Network, was sworn in.

Edward Reed, from Reed Sign Company, was sworn in.

Testimony was given.

The Board went into Executive session.

OBJECTORS/SUPPORTERS:
NONE

Motion to deny the Applicant's request for a variance to Sec. 27-161 A (1) for a second wall sign was made by Stephen Burda and was seconded by Lee Christman. The Board voted 5 to 0 to deny this variance request.

Motion to approve the Applicant's request for a variance to Sec. 27-155 A (1) and A (3) regarding the construction of a freestanding sign. The Board voted 5 to 0 to approve this variance request.

DOCKET # 1910 – Michele Ringer for Elite Pet Styling, LLC – 3250 Ringer Road Whitehall, PA 18052. **Location: 3250 Ringer Road, Whitehall, PA 18052, PIN 548868872135** the subject property is located in a R2 Low Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-102 (A) (2), (4), and (6) of the Zoning Ordinance regarding expansion of existing home occupation for pet grooming only.

Michele Ringer, Applicant was sworn in.

Steven Ringer, Property Owner was sworn in.

Attorney Fries mentioned that 2-3 members of the Zoning Hearing Board are clients or have used Elite Pet Styling LLC.

Attorney Fries stated Steven Ringer was a client in a matter approximately five (5) years ago.

Attorney Fries believes there is no issue but wanted it on the record.

Testimony was given.

There will be no more than four (4) employees; three (3) employees and Michele.

OBJECTORS/SUPPORTERS:
NONE

Motion to approve made by Louis Jany and was seconded by Dean Wotring.

The Board voted 5 to 0 to approve this variance request subject to the condition that Applicant shall apply for and obtain all required Township Permits within thirty (30) days from the date of hearing.

The Zoning Hearing Board meeting minutes from **MARCH 2018** were submitted and approved by the Zoning Hearing Board. There was no meeting held on February 20, 2018 due to no applications being received.