

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARINGS
MAY 17, 2022**

The Chairperson called the Meeting to order at 7:00 pm. Alberta Scarfaro, Lou Jany, Steve Burda, Dean Wotring, and Roger Reichard were present.

The Chairperson led the Pledge Of Allegiance.

The Chairperson read the Fair Housing Statement.

DOCKET # 2021 – LayaL Hanna – 3512 Sharon Circle, Schnecksville, PA 18078. **Location: 4823 Main Street, Whitehall, PA 18052, PIN 548918606913**, the subject property is located in a C-1 Neighborhood Commercial Zoning District. Applicant is requesting a special exception and interpretations, or variances if necessary, to Sec. 27-60 (D) (6), Sec. 27-106 (B), Sec. 27-78 (A), and Sec. 27-121 of the Zoning Ordinance regarding change of nonconforming use (more than one principal use of the property), Sec. 27-60 (D) and Sec. 27-104 (A); interpretation, continuation of a nonconforming structure pursuant to Sec. 27-106 (B); if applicable, variance from Sec. 27-93 (density of dwellings); alternatively a use variance from Sec. 27-78 (A) and/or from Sec. 27-121 conditional use requirements for apartments; parking variance from Sec. 27-146 (C) or recognition of nonconforming parking pursuant to Sec. 27-145 (N). Continued to this meeting at the request of the Applicant.

The Applicant was represented by Ronald E. Corkery, Esquire.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Landowners. Township Exhibit #1, the Planning, Zoning, & Development Bureau Chief's March 17, 2022 letter confirming the Planning Commission's recommended approval, was admitted into the Record.

Applicant Exhibit #1 was the Zoning Hearing Board's prior Zoning Opinion in Docket #1880. Applicant Exhibit #2 was a set of photographs taken by Bashir Letayf showing cars parked on various portions of the premises, which was previously submitted to the Planning Commission.

Bashir Letayf testified that a Tenant still occupies the Bakery on the first floor of the larger building. Applicant Exhibit #3 was an advertisement for that Bakery stating that it was open by appointment only. Mr. Letayf testified that the Tenant in the apartment above the Bakery is an Employee of the Bakery; and that the new apartment in the smaller building would be rented to another Employee of the Bakery. Applicant Exhibit #4 was a site plan showing seven (7) parking spaces with a ten foot (10') setback from Main Street; two spaces being back to back. Exhibit #5 was a site plan showing eleven (11) parking spaces without the ten foot (10') setback from Main Street. Mr. Letayf testified that the smaller building had previously been used as a barber shop and an ice cream stand. The first floor of the larger building had been used as a market before the Bakery. He intends to create an efficiency/studio apartment in the smaller building.

All Exhibits were admitted into the Record.

There were no other Objectors or Supporters.

The Zoning Hearing Board held an Executive Session.

The Applicant agreed to amend Exhibit #5 to remove parking spaces numbers seven (7) and (5) and to add a parking space next to space #11, and to amend his application to include a Variance from Section 27-145(P) of the Zoning Ordinance for the ten foot (10') setback from Main Street, and to designate four (4) paces for the residential uses. Motion by Lou Jany to grant the requested relief, as amended, and subject to the conditions recommended by the Planning Commission; second by Roger Reichard. Motion passed 5 – 0.

DOCKET # 2025 – NIKAL, LLC – 3665 MacArthur Road, Whitehall, PA 18052. **Location: 3665 MacArthur Road (former Winding Brook), Whitehall, PA 18052, PIN 548993615940**, the subject property is located in a C-2A Local Commercial

Zoning District. Applicant is requesting variances to Sections 27-62(A) and 27-79 of the Zoning Ordinance for proposed uses as a hotel and restaurant, a permitted use as a bank, and to continue nonconforming use as a banquet hall.

The Applicant was represented by Thomas J. Schlegel, Esquire. The Applicant appeared through its Principal, Nicholas Lauser.

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

Applicant Exhibit #1 was the Deed to the subject property. Applicant Exhibit #2 was an aerial photograph of the subject property and surrounding area. Applicant Exhibit #3 was a site plan. Applicant Exhibit #4 was a Comfort Inn Suites hotel brochure. Applicant Exhibit #5 was the Mayor's undated letter stating his interest in having a hotel at this location. Applicant testified as to the proposed parking spaces for each proposed use: 107 spaces for the 16,000 square foot Hotel; 30 spaces for the 3,000 square foot Bank; 30 spaces for the 3,000 square foot Restaurant; and 138 spaces for the 12,000 square foot Banquet Hall. The new business across Columbia Street, Mia Bella Salon, is using up to 15 spaces on the Applicant's property; which it hopes can continue. All five (5) Applicant Exhibits were admitted into the Record.

There were no other Objectors or Supporters.

The Applicant withdrew the request for relief to continue the nonconforming Banquet Hall use; as unnecessary.

Motion by Steve Burda to grant both Variances; second by Lou Jany. Motion passed 5 – 0.

DOCKET # 2027 – Bradley D. Boltz – Bachman's Roofing, Building & Remodeling, Inc. – 36 South Elm Street, Wernersville, PA 19565. **Location: 3210 S. Third Street, Whitehall, PA 18052, PIN 549950832792**, the subject property is located in a R-4 Medium Density Residential Zoning District. Applicants are requesting variances to Sections 27-74(E)(2)(a) and Sec. 27-106 (C) of the Zoning Ordinance regarding front yard setbacks for an addition to an existing nonconforming single family residential structure to allow the addition of a side entry porch stoop (4'-8" wide x 5'-0" deep x 18" high) with (2) steps within the front yard set back. In the alternative, the Applicants request a favorable interpretation that the proposed addition is permitted pursuant to Section 27-99 of the Zoning Ordinance.

The Applicant was not represented by Counsel.

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

Bradley Boltz testified as to the plans submitted and the proposed side entry porch location, as well as the existing nonconforming front yard setback for the existing house.

There were no other Objectors or Supporters.

Motion by Roger Reichard to grant both Variances; second by Lou Jany. Motion passed 5 – 0.

Motion by Lou Jany to approve the April 19, 2022 Minutes; which were approved unanimously.

Meeting adjourned at 9:15 pm.