

RESULTS OF MEETING
TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
PUBLIC HEARINGS

November 17, 2020

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 pm, November 17, 2020, via WebEx.com.

ZONING HEARING BOARD:

Lee Christman, Chairperson
Louis Jany, Member
Alberta Scarfaro, Member
Stephen Burda, Member
Dean Wotring, Member

TOWNSHIP PERSONNEL:

Chris Gittinger, Zoning Officer
Shari Cooper, Court Reporter

SOLICITOR:

William J. Fries, Esquire

THE MEETING WAS CALLED TO ORDER AT 7:21 PM.

The Chairperson read the Fair Housing Statement.

DOCKET# 1991 – Robert H. Piligian – 415 Oakwood Drive, Whitehall, PA 18052. **Location: 269 Fifth Street, Whitehall, PA 18052, PIN 640708741902**, the subject property is located in a R-5A High Density Residential Without Apartments Zoning District. Applicant is requesting to overrule the Zoning Officer's decision pursuant to Sec. 27-58 of the Zoning Ordinance classifying the operation of an outdoor commercial meat smoker as an "accessory" use to an existing non-conforming use.

The Applicant appeared on his own behalf. There were four (4) other people who attended as interested Parties: Nick Binczack, Tarek Shehab, Carla Calcagni, and Tony Dayoub. Attorney Jason Ulrich appeared on behalf of Whitehall Township; and Whitehall Township was granted party status.

The Applicant reviewed the history of the use of the subject property and the commercial meat smoker, and his interactions with both the Owner of the commercial meat smoker and the Zoning Officer, and offered eight (8) Exhibits into the Record:

- A-1 Aerial photograph (GIS) of the subject property and surrounding area;
- A-2 Copy of portion of Township Zoning Map;
- A-3 List of permitted uses in the R-5a Zoning District;
- A-4 Classification of Accessory Uses (Zoning Ordinance Sec. 27-57);
- A-5 Zoning Hearing Board application at docket # 1068 dated July 31, 1996 and Zoning Officer letter dated August 21, 1996 allowing continuation of a non-conforming use at the subject property;
- A-6 Plan (Exhibit) from Docket # 1068;
- A-7 Information from Interested Party, Nick Binczack's web site; and
- A-8 Photographs of the commercial meat smoker and wood stacked in the garage at the subject property.

All Exhibits were accepted into the Record.

Nick Binczack, the Owner of the commercial meat smoker, and Tony Dayoub, Managing Partner of the Property Owner, 5th & Fairmont Properties, LLC, both testified as Objectors.

Motion by Lou Jany to overrule the Zoning Officer's decision; second by Stephen Burda. The Motion passed 5 – 0.

Motion by Lou Jany to approve the Minutes of the October 20, 2020 Public Meeting; second by Dean Wotring. Motion passed 5 – 0.

The Public Meeting was adjourned at 8:45 pm.