



TOWNSHIP OF WHITEHALL



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M E M O R A N D U M

DATE: MAY 5, 2017
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 2017

/caj

RESULTS OF MEETING

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
PUBLIC HEARING**

May 5, 2017

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **April 18, 2017**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

ZONING HEARING BOARD:

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

Lee Christman read the Fair Housing Statement.

Lee Christman 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 # 1839 A – B. B. Allen, LLC – Attention Marlo Longstreet, 1018 Hartzell Street, Pacific Palisades, CA 90272. **Location: 1504 MacArthur Road, Whitehall, PA 18052, PIN 549769993717**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-165 A, referencing Sec. 27-155 A (1); Sec. 27-156; Sec. 27-165 D and Sec. 27-165 C of the Zoning Ordinance regarding maximum area of both freestanding (79 SF proposed, 75 SF allowed) and directional signage (6 SF proposed, 3 SF allowed); digital sign setback (20' proposed, 50' required); and digital sign setback from residential (550' proposed, 1,000' required). Application approved April 19, 2016; Applicant is requesting to extend duration of variances pursuant to Whitehall Township Zoning Ordinance 4.15.

Erich Schock, Esquire represents Applicant.

Attorney Schock went over the extension request pursuant to Township Zoning Ordinance Section 4.15
Applicant is requesting a one (1) year extension.

Testimony was given.

OBJECTORS/SUPPORTERS:

NONE

Motion to approve made by Alberta Scarfaro, was seconded by Dean Wotring.

The Board voted 5 to 0 to approve the extension request.

DOCKET # 1856 – Jay Trabulsi – 1305 Marathon Drive, Whitehall, PA 18052. **Location: 1305 Marathon Drive, Whitehall, PA 18052, PIN 549756930956**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-74 E (5) and Sec. 27-18 of the Zoning Ordinance regarding work without a permit and maximum impervious coverage or covering entire rear yard with concrete without first securing the necessary and required approvals. Continued to this meeting at the request of the Applicant.

William G. Malkames, Esquire represents Applicant.

Jay Trabulsi, Applicant was sworn in.

Robert Piligian, from Bascom & Sieger, was sworn in.

Testimony was given.

Mr. Trabulsi will be removing all encroachments (the fence and concrete sections) that are over the property line.

OBJECTORS/SUPPORTERS:

NONE

Motion to approve made by Louis Jany, was seconded by Alberta Scarfaro.

The Board voted 5 to 0 to approve the variance request subject to the following conditions:

1. The removal of all encroachment (fence and concrete) from the adjoining neighbor's property.
2. All fencing to comply with fence setback requirements;
3. The removal of all concrete shown on the cross-hatched areas of Exhibit A-11;
4. All impervious coverage will not exceed 57%;
5. The relocation of the shed and compliance with setback requirements; and
6. All remaining concrete to comply with all building codes and inspection requirements of both third party administrators and Township officials, with the Appellant to allow core borings and testing.

DOCKET # 1868 – LIDL US Operations, LLC – 2005 Market Street, Suite 1010, Philadelphia, PA 19103. **Location: 2900 Eberhart Road, Whitehall, PA 18052, PINS 549847458266, 549837822914, 549846089723 (or portions thereof)**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-161 A (1) of the Zoning Ordinance regarding provide two (2) wall signs and on (1) freestanding sign when only two (2) signs are permitted in total.

Erich Schock, Esquire represents Applicant.

Scott Logan, Development Manager from LIDL USA, LLC, was sworn in.

Cornelius Brown, from Bohler Engineering, was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:
NONE

Motion to approve made by Stephen Burda, was seconded by Alberta Scarfaro.

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

DOCKET # 1869 – McDonald's USA, LLC – 6903 Rockledge Drive, Suite 1100, Bethesda, MD 20817. **Location: 2137 MacArthur Road, Whitehall, PA 18052, PIN 549862661998**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-161 A (1) and Sec. 27-161 A (2) of the Zoning Ordinance regarding permitting four (4) wall signs in lieu of the one (1) permitted per business establishment and allowing 104.6 SF of signage area in lieu of the maximum permitted of 84 SF.

Michael Jietner, from Bohler Engineering, was sworn in.

Joe Pany, Operator of McDonald's, was sworn in.

Testimony was given.

Applicant would like to amend the application to remove one (1) of the "Playplace" sign (sign on North wall in application) to permit three (3) wall signs instead of four (4) with the proposed sign being reduced to 75.7 square feet in area.

OBJECTORS/SUPPORTERS:
NONE

Motion to approve made by Alberta Scarfaro, was seconded by Dean Wotring.

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

DOCKET # 1870 – Hana Alchaer – 221 American Street, Whitehall, PA 18052. **Location: 221 American Street, Whitehall, PA 18052, PIN 640804636669**, the subject property is located in a R5A High Density Residential without Apartments Zoning District. Applicant is requesting a variance to Sec. 27-18 and Sec. 27-76 E (2) (c) of the Zoning Ordinance regarding work without permits and side yard setbacks for addition that was erected despite previous notifications to property owner.

Hana Alchaer, property owner was sworn in.

The Applicant gave testimony.

Tarek Shehab, a relative of the Applicant, was sworn in.

Melissa Wehr, Zoning Administrator for Whitehall Township, was sworn in.

The Board asked Ms. Wehr questions in regard to the notices that were sent to the Applicant.

OBJECTORS/SUPPORTERS:

NONE

Motion to approve made by Alberta Scarfaro, was seconded by Louis Jany.

The Board voted 5 to 0 to approve the variance request subject to the following conditions:

1. Applicant must obtain all the necessary building inspections and must comply in full with all applicable building codes within thirty (30) days from April 18, 2017, including full and complete cooperation with inspectors, further including opening of any walls or flooring and any such other items necessary to permit a full and complete inspection and
2. Once building inspections are completed, all work is to be completed in accordance with all requirements of all permits, building codes, and inspections within sixty (60) days after the completion of inspections and issuance of permits.

DOCKET # 1871 – 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, 2017 to July 5, 2017 in the parking lot.

Debbie Ivins, from TNT Fireworks, was sworn in.

Testimony was given.

Dates and hours of operation will be from June 22, 2017 to July 5, 2017, from 9:00 a.m. to 9:00 p.m.

The proposed tent will be 30' x 50' and will be removed no later than July 7, 2017.

There will be security on-site 24 hours/day.

OBJECTORS/SUPPORTERS:

NONE

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

The Board voted 5 to 0 to approve this special exception request subject to the following conditions:

- 1) Applicant shall address to the satisfaction of the Township Engineer the comments and recommendations set forth in his letter dated 3/15/17;
- 2) Applicant shall address to the satisfaction of the Bureau Chief of Development the comments and recommendations set forth in her review memorandum dated 3/15/17;
- 3) The tent shall only be in operation 6/22/17 through 7/7/17 at which time it will be removed;
- 4) Hours of operation will be limited to 9AM to 9PM;
- 5) A minimum of two employees will be on-site;
- 6) There will be 24 hour security on-site;
- 7) Sanitary facilities will be provided;
- 8) Tent size will be 30x50' maximum height of 15';
- 9) There will be on-site fire protection provided;
- 10) There shall be no obstruction of traffic on, in, into or out of the subject premises; and
- 11) The Applicant shall secure and maintain Comprehensive General Liability coverage with not less than \$1,000,000.00 combined single limit naming as additional insured "Whitehall Township" and its Boards and Commissioners (including individual members thereof) and their elected and appointed officers, officials, employees, professional consultants and agents. The applicant shall provide the Whitehall Township Zoning Office with a copy of said policy.

DOCKET # 1872 – Casual Male Retail Store, LLC – 555 Turnpike Street, Canton, MA 02021.

Location: 2344 MacArthur Road, Whitehall, PA 18052, PIN 549854439050, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-161 of the Zoning Ordinance regarding the maximum number of wall signs permitted on the building.

Jennifer Wunder, Esquire, represents Applicant.

Mark Lemelin, from the DXL Group, was sworn in.

Evan Blose, from Fast Signs, was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

NONE

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

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

DOCKET # 1873 – Lata Patel – 3671 Crescent Court East, Whitehall, PA 18052. **Location: 3671 Crescent Court East – First Floor, Whitehall, PA 18052, PIN 549838990528**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance and interpretation to Sec. 27-104 and Sec. 27-144 of the Zoning Ordinance regarding more than one (1) principal use and parking (if necessary) and interpretation of Sec. 27-58 regarding accessory uses.

William G. Malkames, Esquire represents Applicant.

Dr. Geraldo Saavedra, property owner was sworn in.

Piyush Patel, responsible pharmacist, was sworn in.

Testimony was given.

Applicant would also like to sell over the counter medicine at the upper level location.

Attorney Malkames withdrew the request for relief under Section 27-58 regarding accessory uses.

OBJECTORS/SUPPORTERS:
NONE

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

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

The Zoning Hearing Board meeting minutes from **MARCH 2017** were submitted and approved by the Zoning Hearing Board.