



TOWNSHIP OF WHITEHALL



BOARD OF COMMISSIONERS

LINDA K. SNYDER, *President*
PHILIP M. GINDER, *Vice President*
PAUL F. GEISSINGER, *Secretary*
GERARD F. PALAGONIA
CLAIR D. HUNSBERGER
DENNIS C. HOWER
THOMAS M. SLONAKER

ADMINISTRATION

EDWARD D. HOZZA, JR., *Township Mayor*
JOHN D. MEYERS, *Deputy Mayor*
KEYSTONE CONSULTING ENGINEERS, INC.
Consulting Engineers
CHARLES J. FONZONE, ESQ., *Solicitor*
DIANE HUNSICKER, *Treasurer*

M E M O R A N D U M

DATE: APRIL 3, 2013
TO: ZONING HEARING BOARD
JEFFREY B. MATZKIN, ESQUIRE
BOARD OF COMMISSIONERS
FROM: MELISSA A. CEASAR, ZONING OFFICER *MAC*
RE: 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: **MARCH 2013**

/caj

RESULTS OF MEETING

TOWNSHIP OF WHITEHALL ZONING HEARING BOARD PUBLIC HEARING

April 3, 2013

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **March 19, 2013**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

ZONING HEARING BOARD:

STEPHEN BURDA, CHAIRPERSON
LOUIS A. JANY, MEMBER
LEE CHRISTMAN, MEMBER
LARRY BEERS, MEMBER
DEAN WOTRING, MEMBER

ABSENT:

ALBERTA SCARFARO, ALTERNATE
ROGER REICHARD, ALTERNATE

TOWNSHIP PERSONNEL:

MELISSA A. CEASAR, ZONING OFFICER
GALLAGHER REPORTING, STENOGRAPHER

SOLICITOR:

JEFFREY MATZKIN, ESQUIRE
VICTOR F. CAVACINI, ESQUIRE

THE MEETING WAS CALLED TO ORDER AT APPROXIMATELY 7:00 P.M.

Stephen Burda 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 # 1761 – James and Judith Havassy – 4623 Susan Drive, Bethlehem, PA 18017. **Location:** **5109-5111 Second Street and 5113 Second Street, Whitehall, PA 18052, PIN 559001298683** and 559001297920, 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 and Sec. 27-146 (A) (15) of the Zoning Ordinance regarding proposed law office use and parking. Continued to this meeting at the request of the Applicants.

James Havassy was sworn in and gave testimony.

Jana Havassy was sworn in.

Mark Molchany, Real Estate Agent, was sworn in and gave testimony.

OBJECTORS/SUPPORTERS:
NONE

The Board went into executive session.

Motion to approve was made by Louis Jany, seconded by Larry Beers.

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

DOCKET # 1763 - Patricia Chopra - 2635 Sapphire Lane, Bethlehem, PA 18020. **Location: 331 Grape Street, Whitehall, PA 18052, PIN 640802782624**, the subject property is located in a C1 Neighborhood Commercial Zoning District. Applicant is requesting a variance to Sec. 27-104 A of the Zoning Ordinance regarding multiple uses on lot for proposed take out restaurant with existing retail store and bakery.

Patricia Chopra was sworn in.

Horshan Gorandia, owner of Indian Bazar, was sworn in.

Testimony was given.

Restaurant will be for takeout only.

There is no separate entrance; you have to enter through the grocery store.

OBJECTORS/SUPPORTERS:

Michelle Quier, owner of neighboring bakery business, was sworn in, she is concerned about cooking smell coming into her business and is concerned about the parking.

Justin Mellinger, lives across the street, was sworn in, concerned about parking problems.

Harry Mellinger, was sworn in, also concerned about the parking.

Carol Renninger, was sworn in, concerned about traffic issues.

Continued at the request of the applicant until the April 16, 2013 Zoning Hearing Board meeting.

DOCKET # 1764 - Keystone Novelties Dist. - 201 Seymour Street, Lancaster, PA 17603. **Location: 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 from June 27, 2013 to July 6, 2013 in the parking lot.
John May was sworn in.

Testimony was given.

Tent sale dates will be from June 27, 2013 until July 6, 2013 from 9:00 a.m. to 9:00 p.m. seven days a week.

OBJECTORS/SUPPORTERS:
NONE

Motion to approve was made by Dean Wotring, seconded by Larry Beers with conditions.

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

1. There must be a direct seller on the premises at all times to watch over the sales tent and merchandise.
2. The applicant shall establish the temporary use no earlier than June 27, 2013.
3. The sales tent, display area and all merchandise must be removed from the premises by July 6, 2013.
4. The hours of operation shall be from 9:00 a.m. to 9:00 p.m.
5. Only those fireworks and novelty items specifically approved by the Township Fire Chief shall be stored or offered for sale at the premises.
6. 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.
7. There shall be no obstruction of traffic on, in, into or out of the subject premises.

DOCKET # 1765 - Luis and Yvonne Santiago - 1272 Mickley Road, Whitehall, PA 18052. **Location:** 1272 Mickley Road, Whitehall, PA 18052, PIN 549864857208, the subject property is located in a R4 Medium Density Residential Zoning District. Applicants are requesting a variance to Sec. 27-115 B of the Zoning Ordinance regarding proposed inground swimming pool in a front yard area.

Luis and Yvonne Santiago were sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

Danny Chehade was sworn in.

Thomas Schlegel, Esquire represents Mr. Chehade, concerned about location.

Rachel Chehade, was sworn in, concerned about the fence.

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

The Board voted 2 to 3 this variance request is denied.

DOCKET # 1766 - Athanasios and Dimitra Gougoustamos - 3026 MacArthur Road, Whitehall, PA 18052. **Location:** 3026 MacArthur Road, Whitehall, PA 18052, PIN 549828018530, the subject property is located in a C1 Neighborhood Commercial Zoning District. Applicants are requesting a

variance and determination to and pursuant to Sec. 27-145 A and B and Sec. 27-145 N of the Zoning Ordinance regarding dimensional requirements for parking spaces and driveways and existing nonconformities for parking.

Emil Kantra, Esquire represents applicant.

Mr. Jeffrey Ott, Civil Engineer for Ott Consulting, was sworn in.

Stavros Goyoustamos, owner's son, was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:
NONE

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

The Board voted 5 to 0 to approve this variance and determination with the following conditions:

1. Arborvitae must be planted in the rear.
2. Modify plan to include a fourth handicap space.

DOCKET # 1767 - American Family Services Foundation - 1025-1029 MacArthur Road, Whitehall, PA 18052. **Location: 1025-1029 MacArthur Road, Whitehall, PA 18052, PIN 549796004783 and 549785996839**, the subject property is located in a C2 Regional/ Community Commercial Zoning District. Applicant is requesting an interpretation or in the alternative, a variance to Sec. 27-104 of the Zoning Ordinance regarding recognition of two uses at the property using a common entranceway, or a variance to maintain two principal uses, i.e. retail store and a daycare center.

Paul J. Harak, Esquire represents applicant.

Richard Klotz, was sworn in.

Mark Tripp, part of Board of Directors and CEO of Thrift Stores, was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:
NONE

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

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

1. A maximum of ten (10) children allowed.
2. Hours of operation are to be 7:30 a.m. to 5:00 p.m.
3. The age range of children must be 3 to 5 years old.

DOCKET # 1768 - Dinbokowitz Marine - 2946 MacArthur Road, Whitehall, PA 18052. **Location:** **2958 MacArthur Road, Whitehall, PA 18052, PIN 549827766106**, the subject property is located in a C1 Neighborhood Commercial Zoning District. Applicant is requesting a variance to Sec. 27-84 A (3) of the Zoning Ordinance regarding proposed existence of accessory use (parking) prior to principle use of property.

Donna Dinbokowitz was sworn in.

Linda Williams was sworn in.

William Dinbokowitz, Jr. was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

NONE

Motion to approve made by Lee Christman, seconded by Larry Beers.

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

The minutes for February 2013 were submitted and approved by the Zoning Hearing Board.