

**RESULTS OF MEETING**

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

December 9, 2019

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **November 19, 2019**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

**ZONING HEARING BOARD:**

STEPHEN BURDA, MEMBER,  
LEE CHRISTMAN, MEMBER  
DEAN WOTRING, MEMBER  
ROGER REICHARD, ALTERNATE  
KENNETH SNYDER, ALTERNATE

**ABSENT:**

LOUIS A. JANY, CHAIRMAN  
ALBERTA SCARFARO, MEMBER

**TOWNSHIP PERSONNEL:**

MELISSA A. WEHR, ZONING ADMINISTRATOR  
GALLAGHER REPORTING, STENOGRAPHER

**SOLICITOR:**

WILLIAM J. FRIES, ESQUIRE  
CATHERINE E. N. DURSO, ESQUIRE (for Docket # 1959)

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

**Lee Christman read the Fair Housing Statement.**

**Pledge of Allegiance to flag was done.**

**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 # 1959 – KP Investments, LLC** – 3437 MacArthur Road, Whitehall, PA 18052. **Location:** **1624 Schadt Avenue, Whitehall, PA 18052, PIN 549854256057**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-145 P, Sec. 27-74 E (2) and (5), Sec. 27-145 D, and Sec. 27-145 F of the Zoning Ordinance regarding use variance, parking setbacks, impervious coverage, minimum aisle width and parking lot curbing for proposed music therapy, art therapy studio and office space. Continued to this meeting at the request of the Applicant.

Attorney Catherine E. N. Durso represents the Whitehall Township Zoning Hearing Board for this Docket.

Attorney Kevin Fogerty represents the Applicant.

Testimony was given.

The Applicant was informed that only (3) members from the original hearing are present. The Applicant wished to proceed with tonight's hearing and have the (2) missing board members read the transcript from the evening's meeting and have the decision rendered at the December 17, 2019 meeting. The Applicant also understands that no work can be done to the property until a decision is made.

David Lear, Senior Project Engineer from Lehigh Engineering, was sworn in.

Testimony was given and the record was closed.

**OBJECTORS/SUPPORTERS:**

Samuel Cohen, Esquire entered his opinion as an interested party on behalf of Whitehall Township.

The Docket was continued until the December 17, 2019 hearing for the rendering of the decision.

**DOCKET # 1960 – Holy Trinity Roman Catholic Church** – 4102 S. Church Street, Whitehall, PA 18052. **Location:** **4102 S. Church Street, Whitehall, PA 18052, PIN 54894835130**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a favorable interpretation to Sec. 27-165 G and in the alternative a variance to Sections 27-165 (B), (C), (D), (E) and (F) of the Zoning Ordinance regarding proposed (LED) sign.

Attorney Daniel Dougherty represents the Applicant.

Reverend Monsignor Daniel Yenushosky, was sworn in.

Jeff Hoffman, from Bartush Signs, was sworn in.

Testimony was given.

The Board went into Executive session.

**OBJECTORS/SUPPORTERS:**

Bernie Hahn, supports the application and was sworn in.

Samuel Cohen, Esquire entered his opinion as an interested party on behalf of Whitehall Township.

Motion for a request for a favorable interpretation to Section 27-165 (G) was made by Stephen Burda to deny and was seconded by Roger Reichard.

The Board voted 5 to 0 to deny this favorable interpretation request.

Motion for a variance to Section 27-165 B, C, D, E and F was made by Stephen Burda to approve and was seconded by Dean Wotring.

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

**DOCKET # 1961 – Stella Cadente Investment LLC** – 117 E. Broad Street, Bethlehem, PA 18018.

**Location: 3214 N. Ruch Street, Whitehall, PA 18052, PIN 549914058861**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-74 (E) (5), Sec. 27-145 (A), Sec. 27-145 (D), Sec. 27-145 (F), Sec. 27-145 (O) and Sec. 27-145 (P) of the Zoning Ordinance regarding maximum impervious coverage, dimensions of nonparallel parking spaces, minimum width of aisles providing access to parking spaces, requirements for curbing and guardrails for parking areas, requirements for accessible parking spaces and the minimum set-back from a street, alley or right-of-way for parking areas that was improved without the necessary permits.

Robert Donchez, Esquire represents the Applicant.

Sean Burke, Non- Equity Manager, was sworn in.

Michael Schwartz, Engineer from Gilmore and Associates, Inc., was sworn in.

Testimony was given.

#### OBJECTORS/SUPPORTERS:

Bernie Hahn, owns the property behind this property, was sworn in.

Samuel Cohen, Esquire entered his opinion as an interested party on behalf of Whitehall Township.

The Board went into Executive session.

Motion to deny was made by Stephen Burda and was seconded by Kenneth Snyder.

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

**DOCKET # 1962 – St. Luke's Health Network, Inc. d/b/a Saint Lukes Hospital of Bethlehem** – 801

Ostrum Street, Fountain Hill, PA 18015. **Location: 2363 MacArthur Road, Whitehall, PA 18052, PIN 549854662118**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting variances/interpretation to Sec. 27-80 E (2), Sec. 27-80 E (5), Sec. 27-145 (F), Sec. 27-145 (I) and Sec. 27-145 (P) of the Zoning Ordinance regarding allowance of the nonconforming parking along Ramp C to remain as it exists, allowance of a 0.34' rear yard setback where 25' is required and a maximum building height of 39.64' where 35' is allowed, not providing curbing along parking areas where required; not screening along parking areas where required, and having a

parking setback along MacArthur Road of 4.03' along Schadt Avenue of 1.12' and along Ramp C of 8.12' (and encroaching into the right-of-way) where 10' is required.

This Docket was continued until the December 17, 2019 meeting at the request of the Applicant.

The Zoning Hearing Board meeting minutes from **SEPTEMBER 2019 - SPECIAL MEETING** and **SEPTEMBER 2019** were submitted and approved by the Zoning Hearing Board.