

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

April 20, 2021

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 pm, April 20, 2021, via WebEx.com.

**ZONING HEARING BOARD:**

Alberta Scarfaro, Chairperson  
Louis Jany, Member  
Dean Wotring, Member  
Ken Snyder, Alternate Member

**TOWNSHIP PERSONNEL:**

Chris Gittinger, Zoning Officer  
Shari Cooper, Court Reporter

**SOLICITOR:**

William J. Fries, Esquire

**THE MEETING WAS CALLED TO ORDER AT 7:02 PM.**

The Chairperson read the Fair Housing Statement.

**DOCKET # 1997 – American Promotional Events, d/b/a TNT Fireworks c/o**

**Debbie Ivins** – 120 Louise Lane, Bartonsville, PA 18321. **Location: 2180 MacArthur Road, Whitehall, PA 18052, PIN 549852398039**, the subject property is located in a C-2 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 18, 2021 to July 4, 2021 in the parking lot.

The Applicant appeared through Debbie Ivins.

There was one Township Exhibit: the Planning Commission recommendation letter dated March 22, 2021.

There were no other Objectors or Supporters.

Motion by Lou Jany to grant the Special Exception subject to all previous conditions for this annual use, the prior Zoning Hearing Board Decision, and the Planning Commissions recommendations; second by Dean Wotring. Motion passed 4 – 0.

**DOCKET # 2000 – BETHLIN, LLC by Mr. Abraham Atiyeh** – 1177 Sixth Street, Whitehall, PA 18052. **Location: 215 Quarry Street, Whitehall, PA 18052, PIN 640812367096**, the subject property is located in a R-5A High Density Residential w/o Apartments Zoning District. Applicant is requesting Variances to Sec. 27-199.1(E) Density, proposing 15 studio apartments with 429 square feet minimum area where 550 square feet are required; Sec. 27-199.1(F)(3) and Sec. 27-146(A)(23), proposing 57 parking spaces where 78 are required; Sec. 27-147(D), proposing one on-site conforming loading dock truck space and one existing non-conforming loading dock truck space partially overlapping Quarry Street right of way; and a favorable interpretation under Sec. 27-199.1(J) and Sec. 27-76(E)(2)(a)(2) that the proposed setback to Currant Alley is in keeping with existing setbacks, or in the alternative a Variance to allow 14.5 feet and 0 foot setbacks where 50 feet are required.

The Applicant was represented by Architect, Gene Berg. Whitehall Township was represented by Sam Cohen, Esquire. There were two (2) Objectors: Debra Vilbis and Michele Opperman.

The Applicant's Architect requested to amend the application to propose sixteen (16) studio apartments rather than fifteen (15). He confirmed that in addition to the studio apartments subject of this application he intends to construct fourteen (14) conforming one bedroom apartments and nine (9) conforming two bedroom apartments. He proposes one parking space for each of the sixteen (16) studio



apartments, one and one-half (1 ½) parking spaces for each of the fourteen (14) one bedroom apartments, and two (2) parking spaces for each of the two bedroom apartments; for a total of 55 parking spaces. The remainder of the building is used for passive storage of furniture, HVAC parts, and flooring materials for an off premises commercial enterprise; which will only be accessed by one fifteen foot (15') box truck. When asked if the parking space proposals and assumptions were validated, the Applicant's Architect stated that the Applicant anticipates recent college graduates will rent the studio and one bedroom apartments. The Applicant's Architect confirmed that it is possible to reduce the number of studio apartments, changing to one bedroom apartments, and to designate two (2) parking spaces for the off premises commercial storage use.

Debra Vilbis testified as to her concerns that Applicant's tenants and visitors would use the St. John's Lutheran Evangelical Church parking lot which would be a hardship, not just during Sunday Services, because of other Church events. Michele Opperman testified that the Zoning Notice for this Hearing is misleading because it does not indicate that the Applicant is proposing 39 apartments, that the proposed studio apartments are too small, parking congestion concerns in the neighborhood, and that trucks using the loading dock block traffic on Quarry Street.

The Chairperson suggested deferring deliberations and decision to the May 18, 2021 Zoning Hearing Board Agenda. The Applicant agreed. Applicant's Exhibits one through 24 were admitted into the Record. The Record was closed. It was announced that the Zoning Hearing Board will hold an Executive Session for deliberations on May 4, 2021, at 7:00 pm via WebEx.com.

**DOCKET #2001 – Keenan Miller, Member, Valley Wide Homes, LLC - 5356** Millstone Court, Orefield, PA 18069. **Location: 3704 and 3712 Rural Road, Whitehall, PA 18052, PIN 548886943576 and 548886952410**, the subject properties are located in a R-3A Special Care Community Residential Zoning District. Applicant is requesting a Variance to Sec. 27-73(E)(1) minimum lot area, proposing to consolidate two (2) existing lots providing one lot comprising 0.9354 acre where one acre is required for a lot not serviced by public sewer.



The Applicant was represented by Robert Piligian, P.L.S.. Three (3) Exhibits were reviewed and offered into the Record. The Applicant's Representative confirmed that the Applicant will request a deferral for curbs and sidewalks from the Board Of Commissioners. All three (3) Exhibits were admitted into the Record.

There were no Objectors or Supporters.

Motion by Lou Jany7 to grant the Variance for minimum lot area; second by Ken Snyder. Motion passed 4 – 0.

**DOCKET # 2002 – JERC Partners LXII, LLC – 171 Route 173, Suite 201, Asbury, NJ 08802. Location: 2800 Eberhart Road, Whitehall, PA 18052, PIN Part of 549847458266**, the subject property is located in a C-2 Regional/Community Commercial Zoning District. Applicant is requesting a favorable interpretation of Sec. 27-80 and Sec. 27-194(A) that the proposed use is permitted as of right as a self storage facility constitutes a warehouse as that term is defined in the Zoning Ordinance. In the alternative, a Variance from Sec. 27-80(A) to permit the use is requested. Additionally, Applicant requests the following Variances: 1) from the maximum height requirement of Sec. 27-80(E)(5); 2) from the requirement of having frontage on a public road of Sec. 27-100; and 3) from the minimum lot frontage requirement of Sec. 27-80(E)(1)(c).

The Applicant was represented by Stephanie A. Koenig, Esquire, Greg Rogerson of J.G. Petrucci Co., and Michael Jeitner, PE.

The Zoning Officer explained his interpretation of the Zoning Ordinance that self-storage is not a use permitted as of right in the C-2 Zoning District.

The Applicant introduced eight (8) Exhibits which were admitted into the Record. Mr. Rogerson testified that the Variance for height relief is needed in order to make the self storage facility financially viable because it will be climate controlled. Climate controlled buildings are not designed for less than three (3) stories. The proposed facility will be sprinklered.

John Gilboy testified that a new intersection at 7<sup>th</sup> Street and Eberhart Road will be required to be built before the self storage facility will open.

There were no other Objectors or Supporters. The Record was closed.

It was announced that the Zoning Hearing Board will hold an Executive Session to deliberate at 7:00 pm on May 4, 2021; and that it will announce its decision at the May 18, 2021 Zoning Hearing Board Meeting.

The Minutes from the March 16, 2021 Meeting were approved unanimously.

The meeting was adjourned at 10:46 pm.