



TOWNSHIP OF WHITEHALL



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M E M O R A N D U M

DATE: NOVEMBER 13, 2015
TO: ZONING HEARING BOARD
JEFFREY B. MATZKING, ESQUIRE
WILLIAM J. FRIES, ESQUIRE
BOARD OF COMMISSIONERS
FROM: MELISSA A. WEHR, ZONING OFFICER
RE: MINUTES FOR APPROVAL

MAW/aj

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: **OCTOBER 2015**

/caj

RESULTS OF MEETING

TOWNSHIP OF WHITEHALL ZONING HEARING BOARD PUBLIC HEARING

October 30, 2015

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **October 20, 2015**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

ZONING HEARING BOARD:

ALBERTA SCARFARO, CHAIRPERSON
STEPHEN BURDA, MEMBER
LEE CHRISTMAN, MEMBER
DEAN WOTRING, MEMBER
ROGER REICHARD, ALTERNATE

ABSENT:

LOUIS A. JANY, MEMBER
KENNETH SNYDER, ALTERNATE

TOWNSHIP PERSONNEL:

MELISSA A. WEHR, ZONING OFFICER
GALLAGHER REPORTING, STENOGRAPHER

SOLICITOR:

JEFFREY B. MATZKIN, ESQUIRE
WILLIAM J. FRIES, ESQUIRE (Conflict Attorney)

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

Alberta Scarfaro 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 # 1823 – Whitehall Township – 3219 MacArthur Road, Whitehall, PA 18052. **Location:** **5101 Beekmantown Road, Whitehall, PA 18052, PIN 548997529774, 549906586088, and 549906489354**, the subject property is located in an OS2 Open Space/Limited Industrial Zoning District. Applicant is requesting the variances to Sec. 27-100 and Sec. 27-114 of the Zoning Ordinance regarding frontage on public street and steep slopes be revoked. In the alternative, that the use of only clean fill and not other types of fill or waste be imposed as a reasonable condition of the variances, or an interpretation that the variances were granted based upon the use of clean fill and not other types of fill or waste.

The Board agreed to the Applicant's request for a continuance to the November 17, 2015 meeting for the taking of additional testimony, the consideration of written Briefs, and Argument.

DOCKET # 1824 – Robert Dwinell – 3490 Ringer Road, Whitehall, PA 18052. **Location: 3490 Ringer Road, Whitehall, PA 18052, PIN 548859146623**, the subject property is located in a R2 Low Density Residential Zoning District. Applicant is seeking to overrule the Zoning Officer's decision regarding proposed use as a bottling or beverage manufacturing operation and requests a favorable interpretation that it be considered a no impact home occupation. In the alternative, Applicant requests variances to Sec. 27-71 (a), Sec. 27-102 and Sec. 27-104 for proposed use.

Gerald Cook, Esquire represents Applicant.

Robert Dwinell, Greg Smith, and Chris Kresge want to brew beer, bottle and sell from Robert Dwinell's detached garage.

Testimony was given.

Greg Smith was sworn in and gave testimony.

Chris Kresge was sworn in and gave testimony.

Robert Dwinell was sworn in and gave testimony

OBJECTORS/SUPPORTERS:

Linda Kulp, neighbor, was sworn in and is in support of it.

Jennifer Yenser was sworn in and supports it. Is not concerned about the waste water.

Sandra Kiprislis was sworn in and supports it.

The Board went into Executive session.

Motion to approve made by Stephen Burda, in favor of Zoning Officer's decision and that the variances be denied. Motion was seconded by Lee Christman.

The Motion is made in favor of the Zoning Officer's decision and that the variances be denied. The Board voted in favor of this motion 5 to 0. The Applicant's application is therefore denied.

DOCKET # 1825 – Mattress Warehouse, Inc. – 4949 New Design Road, Frederick, MD 21703. **Location: 1450 MacArthur Road, Whitehall, PA 18052, PIN 549779261436**, 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 number of signs, in order to have two (2) wall signs when one (1) wall sign is permitted.

Erich Schock, Esquire represents the Applicant.

Peter Waldron, Vice of President of Real Estate for Mattress Warehouse, was sworn in.

Jack Lunkenheimer, from Gable Signs, was sworn in.

Testimony was given.

Proposing to reduce the pylon sign by 72+ square feet by removing the one side and reduce the proposed wall sign to 78.75 square feet.

OBJECTORS/SUPPORTERS:

NONE

The Board went into Executive session.

Motion to deny made by Lee Christman, seconded by Dean Wotring.

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

DOCKET # 1826 – Ted S. Silbert – 3955 Mechanicsville Road, Whitehall, PA 18052. **Location: 3951 Mechanicsville Road, Whitehall, PA 18052, PIN 548887046135**, the subject property is located in a R2 Low Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-71 (E)(1)(c) of the Zoning Ordinance regarding frontage on a public street for proposed two (2) lot subdivision.

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

Ted Silbert the Applicant was sworn in.

Margaret Silbert was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

NONE

Motion to approve made by Stephen Burda, seconded by Dean Wotring.

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

DOCKET # 1827 – Fayez Achi – 2226 Main Street, Whitehall, PA 18052. **Location: 2226 Main Street, Whitehall, PA 18052, PIN 549886914739**, the subject property is located in a R5A High Density Residential without Apartments Zoning District. Applicant is requesting a variance to Sec. 27-74 (A) of the Zoning Ordinance regarding allowing Applicant to raise chukars and quails on property.

Fayez Achi, Applicant was sworn in.

Ghanem Achi was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

Terry Schaffer from 2214 Main Street, objects is concerned about fleas from the birds.

Betty Ferrera from 2230 Main Street, objects is concerned about the noise.

Eric Strohl from 2231 Fuller Street, concerned about the size of the property to house animals and the noise.

The Board went into Executive session.

Motion to approve made by Lee Christman, seconded by Roger Reichard.

The Board voted 4 to 1 to approve this variance request with the following conditions:

1. No more than 22 quail and 2 chukars
2. All birds must be female only, no males

DOCKET # 1828 – Mission BBQ Allentown, PA LLC – c/o H. Fintan McHugh, Esquire, 109 Chelsey Drive, Media, PA 19063. **Location: 1421 Grape Street, Whitehall, PA 18052, PIN 5498712581621**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a nonconformity determination or alternatively variance to Sec. 27-80 (E)(2)(b-c), Sec. 27-145 (D) and Sec. 27-161 (A) the Zoning Ordinance regarding the proposed redevelopment of the site for a restaurant with rear and side yard setbacks, driveway aisle width, wall signs and related improvements.

H. Fintan McHugh, Esquire represents Applicant.

Andrew Graham, from Apple Signs was sworn in.

Carmen Didando, Project Manager for civil engineer was sworn in.

Testimony was given.

The proposed signs would be 53'x44'x44'; the signs will be replaced at the existing signs current size, therefore no relief will be need for the signs.

The Board went into Executive session.

OBJECTORS/SUPPORTERS:

Dan Barrett, objector is concerned about smoke and smell.

Ron Corkery, represents Dan Barrett.

Attorney Matzkin stated that Attorney Corkery and his firm shared a building at one point but here is no affiliation.

Motion to deny made by Dean Wotring, seconded by Lee Christman.

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

DOCKET # 1829 – Aspen Contracting – 4141 NE Lakewood Way, Lees Summit, MO 64064. **Location: 521 Fifth Street, Whitehall, PA 18052, PIN 640709698652**, the subject property is located in a R5A High Density Residential without Apartments Zoning District. Applicant is requesting approval pursuant to condition #3 from Docket # 1788 requiring tenant obtain approval prior to leasing space. Applicant is currently occupying space as an office use.

Greg Quinn, from Aspen Contracting was sworn in.

John Talago, property owner was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:
NONE

The Board went into Executive session.

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

The minutes for September 2015 were submitted and approved by the Zoning Hearing Board.