

RESULTS OF MEETING
TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
PUBLIC HEARINGS

October 20, 2020

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 pm, October 20, 2020, via WebEx.com.

ZONING HEARING BOARD:

Lee Christman, Chairperson
Louis Jany, Member
Alberta Scarfaro, Member
Stephen Burda, Member

ABSENT:

Dean Wotring, Member
Kenneth Snyder, Alternate
Roger Reichard, Alternate

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 Zoning Officer read the Fair Housing Statement.

DOCKET# 1985 – Rana and Jeffrey Khalil – 3307 Brynwood Drive, Whitehall, PA 18052.

Location: 3307 Brynwood Drive, Whitehall, PA 18052, PIN 548896804470, the subject property is located in a R-3A Special Care Community Residential Zoning District. Applicants are requesting a Special Exception pursuant to Sections 27-73(c)(2) and 27-102(A)(4) of the Zoning Ordinance regarding conversion of an existing one-car garage to a single operator beauty shop as an in-home occupation. Continued to this meeting at the request of the Applicants.

The Applicant, Jeffrey Khalil appeared with Robert H. Piligian, PLS. A site plan and photographs of the property were admitted into the record. The Applicants propose to add a small area of macadam to provide two (2) additional off street parking spaces. The total amount of impervious surface will increase from 50.2 % to 56 %. The Planning Commission had recommended approval subject to the Township Engineer's comment letter and the Development Bureau Chief's comment memo. The comment letter and comment memo were admitted into the record. The Applicant confirmed that there would be no signage or additional lighting, and that the hours of operation would be Tuesdays through Fridays from 10:00 am to 5:00 pm, Saturdays from 9:00 am to 3:00 pm, and by appointment only.

There were no objectors or supporters.

Motion by Alberta Scarfaro to grant the Special Exception with the conditions recommended by the Planning Commission; second by Lou Jany. The Motion passed 4 – 0.

DOCKET# 1987 – TruBru Acquisitions, LLC – 230 N. DuPont Highway, New Castle, DE 19720.

Location: 955 Grape Street, Whitehall, PA 18052 PIN 549882735797, the subject property is located in a C-2 Regional/Community Commercial Zoning District. Applicant is requesting Variances to Sections 27-161(A) and 27-165 of the Zoning Ordinance regarding the number and size of wall signs and to allow an electronic display on an existing free standing sign closer than 50 feet from the Grape Street right of way. Applicant proposes five (5) wall signs where one is allowed; and the additional four (4) signs total 173.33 square feet where 150 square feet are allowed.

The Applicant appeared by Owner Representative Michael Longwill, and was represented by Attorney Carrie Nase-Poust. Barry Jacobsen of Forma Sign Co. and Traffic Consultant David Horner appeared on behalf of the Applicant.

The Traffic Consultant was recognized as an Expert Witness in traffic engineering. The Applicant's Exhibits were all admitted into the record. It was agreed that the four (4) additional wall signs would be considered as two (2) additional wall signs.

There were no objectors or supporters.

Motion by Lou Jany to grant the Variance for the electric display sign on the existing free-standing sign conditioned that there be no changes on that screen more frequently than every fifteen (15) minutes; second by Stephen Burda. Motion passed 4 – 0.

Motion by Lou Jany to deny the Variance for two (2) additional wall signs; second by Stephen Burda. Motion passed 4 – 0.

DOCKET# 1989 – Ashiq and Ilyas Mohammad – 1936 Schadt Avenue, Whitehall, PA 18052.

Location: 1936 Schadt Avenue, Whitehall, PA 18052, PIN 549833246624, the subject property is located in a R-4 Medium Density Residential Zoning District. Applicants are appealing from an Enforcement Notice and are requesting a Variance to Section 27-62(A) of the Zoning Ordinance to allow them to keep pigeons as pets.

The Applicants appeared through Ashiq Mohammad's Son, Tayyah Mohammad.

The Zoning Officer described the history of the investigation into complaints about pigeons at the subject property, and authenticated the Enforcement Notice sent to the Applicants. The Enforcement Notice was admitted into the record.

Tayyah Mohammad testified that his Father, Ashiq Mohammad had kept birds at the subject property since moving there. He raises them and does not breed them. There were 20-ish, but less than 30 pigeons. They are kept in two (2) sheds (pens), and are only let out in late spring and summer. Ashiq Mohammad's Wife, Shahbama Kauser testified that the pigeons are always inside., and that when Ashiq Mohammad lets them out, they always come back within an hour or so. Five (5) Applicant Exhibits (photographs) were admitted into the record.

Objector David Labib of 1938 Schadt Avenue testified that he has lived there since 2012; which residence is owned by his Parents. There are more than 20 to 30 pigeons, they drop lots of fecal matter when they fly overhead, and they are not household pets.

Objector Sharon Perkosky of 1833 Belleview Circle testified that she confirmed what David Labib testified to as to pigeon droppings.

Objector Rosalie Carpenter of 1835 Belleview Circle testified that the pigeon feces on her shed and in her swimming pool are very annoying. She asked if the Zoning Hearing Board would allow 22 cats at such a residential property.

Objector Don Malochick, Sr. of 1839 Belleview Circle testified that his deck is 55 yards away from the Applicants' property and that easterly winds bring the smell of feces to his property. He is concerned with the possible spread of west Nile virus. He complained that the Applicants' cats drift around the neighborhood. He moved into the neighborhood not looking to live near a barnyard.

Tayyah Mohammad testified that one of the sheds existed when his Family moved in, and that his Father constructed the other shed with electric lights after they moved in.

Motion by Stephen Burda to deny the Appeal from the Enforcement Notice; second by Lou Jany. Motion passed 4 – 0.

Motion by Stephen Burda to deny the Variance; second by Lou Jany. Motion passed 4 – 0.

DOCKET# 1990 – Whitemak Associates c/o Washington Prime Group – 180 East Broad Street, Columbus, OH 43215. **Location: 1205 and 1225 Grape Street, Whitehall, PA 18052 PIN 549872328571**, the subject property is located in a C-2 Regional/Community Commercial Zoning District. Applicant is requesting a Variance to Section 27-80€(2)(b) and (c) of the Zoning Ordinance regarding setbacks for the rear sides of the existing Buffalo Wild Wings and Wells Fargo buildings and east side of the Wells Fargo drive-thru canopy. Applicant proposes to subdivide the existing Buffalo Wild Wings restaurant and Wells Fargo from the Whitehall Mall lot, so they are independent parcels. This creates new setback requirements and relief is needed for the setbacks on the rear of both buildings and the east side of the Wells Fargo drive-thru canopy. No construction is proposed.

The Applicant appeared through its Vice-President and General Counsel, Betsy Waterman, and was represented by Attorney Zachary Cohen. Engineer Bernie Telatovich appeared on behalf of the Applicant. The Applicant's case was presented as an offer of proof by Attorney Cohen. The Applicant appeared before the Zoning Hearing Board on June 16, 2020 seeking similar relief for the same issues and purposes. It was confirmed that the Owner of the Whitehall Mall would grant any cross-over easements necessary for the Applicant to meet parking requirements. Two Exhibits were admitted into the record.

There were no Objectors or Supporters.

Motion by Lou Jany to grant the Variance; second by Alberta Scarfaro. Motion passe3d 4 – 0.

Motion by Alberta Scarfaro to approve the Minutes of the September 15, 2020 Public Meeting; second by Lou Jany. Motion passed 4 – 0.

The Public Meeting was adjourned at 9:25 pm.