



TOWNSHIP OF WHITEHALL



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M E M O R A N D U M

DATE: August 12, 2015
TO: ZONING HEARING BOARD
JEFFREY B. MATZKING, ESQUIRE
BOARD OF COMMISSIONERS
FROM: MELISSA A. WEHR, ZONING OFFICER *MAW*
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: JULY 2015

/caj

RESULTS OF MEETING

TOWNSHIP OF WHITEHALL ZONING HEARING BOARD PUBLIC HEARING

August 12, 2015

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **July 21, 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
LOUIS A. JANY, MEMBER
DEAN WOTRING, MEMBER
ROGER REICHARD, ALTERNATE

ABSENT:

KEN 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 # 1736A – 4154 Roosevelt Street, LLC – 727 N. Meadow Street, Allentown, PA 18102.

Location: 4154, 4159 Roosevelt Street, Truman S. side of Truman, Whitehall, PA 18052, PIN 558040402252, 558040505388, 55804040606115, 548949872258, the subject property is located in a R4 Medium Density Residential and R5A High Density Residential w/o Apts. Zoning District. Applicant is requesting a variance to Sec. 27-121 (B)(6), Sec. 27-121 (B)(8), Sec. 27-146 (A)(18), Sec. 27-121 (B)(1), Sec. 27-110 (C)(3), Sec. 27-121 (B)(3), Sec. 27-121 (B)(2), Sec. 27-76 (E)(2), Sec. 27-74 (E)(2), Sec. 27-145 (P), Sec. 27-145 (R), Sec. 27-74 (E)(2)(c) and (d), Sec. 27-121 (A)(4), Sec. 27-76 (E)(1)(A)(4), Sec. 27-74 (E)(5), Sec. 27-76 (E)(5) of the Zoning Ordinance regarding parking requirements, apartment density requirements, parking and apartment screening requirements, use for a multi-tenant apartment building in the R4 and R5A Zoning Districts, driveway location requirement and rear and side yard setback requirements, density requirement and impervious coverage requirements. In addition, Applicant

is requesting recognition that the property is non-conforming with respect to distances or dimensions with respect to Sec. 27-121 (B)(8), Sec. 27-145 (P), Sec. 27-145 (R), Sec. 27-110 (C)(3), and Sec. 27-74 (E)(5). Remanded back to the Zoning Hearing Board by Lehigh County Court of Common Pleas for additional testimony regarding dimensional variance relief. Continued to this meeting for the rendering of the Board's decision.

Mark Malkames, Esquire represents Applicant.

Attorney Malkames stated that the Whitehall Area Chamber of Commerce submitted a letter to the Township Commissioners in support of this application (entered as an exhibit).

Ray Geiger, was sworn in and testimony given.

Attorney Christopher Gittinger asked questions of Ray Geiger's testimony.

OBJECTORS/SUPPORTERS:

Dennis Makovsky, objector, was sworn in. He objects to size of net square footage testified to, 727 square feet average NOT 939 square feet.

Tim Caffrey was sworn in.

The Board went into Executive session.

Motion to approve made by Lee Christman, seconded by Stephen Burda.

The Board voted 3 to 2 to approve this variance request.

DOCKET # 1819 – Gary Marx – 3665 Eberhart Road, Whitehall, PA 18052. **Location: 3665 Eberhart Road, Whitehall, PA 18052, PIN 549848818632**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-80 E (2) (c) of the Zoning Ordinance regarding side yard setback for carport constructed without first securing the necessary and required permits.

Gary Marx, property owner and applicant was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

NONE

The Board went into Executive session.

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

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

DOCKET # 1820 – Kimberly L. Ussia – 5020 Foxdale Drive, Whitehall, PA 18052. **Location: 5020 Foxdale Drive, Whitehall, PA 18052, PIN 549918465802**, the subject property is located in a R6 Mobile Home Park Zoning District. Applicant is requesting a variance to Sec. 27-146 A (6.1) (b) of the Zoning Ordinance regarding additional off-street parking spaces for proposed family daycare.

Kimberly Ussia, property owner and applicant was sworn in.

Testimony was given.

All objectors and supporters were sworn in.

OBJECTORS/SUPPORTERS:

John Stove, Esquire represents James and Elizabeth Roth, as an objector.

David Bower, supporter, Applicant watches his son, states no parking issue.

Don Bush, objector, concerned about parking on street.

Robert White, supporter, Applicant watches his son, no problems with parking.

The Board went into Executive session.

Motion to deny made by Stephen Burda, seconded by Lee Christman.

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

DOCKET # 1821 – Party City dba Halloween City – 35901 Veronica, Livonia, MI 48150. **Location: 2409 MacArthur Road, Whitehall, PA 18052, PIN 549854599296**, the subject property is located in a C2 Regional/Community Commercial Zoning District. Applicant is requesting a variance to Sec. 27-104 (A) of the Zoning Ordinance regarding limitations on use of lot for proposed fourth (4th) commercial user on lot previously consisting of three (3) commercial users.

Mario Sciarra, represents Party City in Real Estate, was sworn in.

Scott Yacker, was sworn in.

Monica Corti, was sworn in.

Testimony was given.

The store will be open from approximately Labor Day to November 3rd and will be out by November 22nd.

There will be a 90 day occupancy with a 50-65 day selling period.

They will take possession of the building from early July to get ready for Halloween season. The lease is signed for 7/15/15 thru 11/22/15.

The hours of operation are Monday to Saturday from 10:00 a.m. to 9:00 p.m. and Sunday from 10:00 a.m. to 6:00 p.m. The store will be open slightly longer the last 2 weeks before Halloween holiday.

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 condition:

1. Approved for dates July 15, 2015 until November 22, 2015. If Applicant wishes to occupy the same space in 2016. They must appear before the Zoning Hearing Board for further approval.

DOCKET # 1822 – St. John’s UCC Fullerton – 575 Grape Street, Whitehall, PA 18052. **Location:** **601 Grape Street, Whitehall, PA 18052, PIN 54989285088**, the subject property is located in a R4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-89 (A) (4), Sec. 27-145 (H) and Sec. 27-145 (I) of the Zoning Ordinance regarding buffer, lighting and screening requirements for proposed church parking lot.

Jim Preston, Esquire represents Applicant.

John Viglione, represents Church, was sworn in.

Pete Terry, from Benchmark Civil Engineers, was sworn in.

Testimony was given.

There are 52 parking spaces proposed on Plan Z2.

OBJECTORS/SUPPORTERS:

Attorney Mark Malkames, objects, represents Wilbur Hill.

This Docket was continued until the August 18, 2015 Zoning Hearing Board meeting for the taking of additional testimony.

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