



TOWNSHIP OF WHITEHALL



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M E M O R A N D U M

DATE: JUNE 18, 2019
TO: ZONING HEARING BOARD
WILLIAM J. FRIES, ESQUIRE
CATHERINE E N DURSO, ESQUIRE
BOARD OF COMMISSIONERS
FROM: MELISSA A. WEHR, ZONING ADMINISTRATOR *MAW/ej*
RE: ZONING HEARING BOARD 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: MAY 2019 - Revision 2

/caj

RESULTS OF MEETING

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

June 17, 2019

The regular meeting of the Whitehall Township Zoning Hearing Board was held at 7:00 p.m., **May 21, 2019**, in the Public Meeting Room of the Whitehall Township Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052.

ZONING HEARING BOARD:

LOUIS A. JANY, CHAIRMAN
STEPHEN BURDA, MEMBER,
DEAN WOTRING, MEMBER
ROGER REICHARD, ALTERNATE
KENNETH SNYDER, ALTERNATE

ABSENT:

LEE CHRISTMAN, MEMBER
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 # 1943

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

Louis Jany read the Fair Housing Statement.

Pledge of Allegiance to flag was done.

Dockets # 1937 and # 1944 have both requested continuances for tonight's meeting.

Louis Jany 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 # 1937 – Dollar General c/o Chris Evans – 100 Mission Ridge, Goodlettsville, TN 37072. **Location:** 1167 MacArthur Road, Whitehall, PA 18052, PIN 549787536152, 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 multiple uses on lot for proposed additional retail tenant. Continued to this meeting at the request of the Applicant.

Applicant requested a continuance until the June 18, 2019 Zoning Hearing Board meeting.

DOCKET # 1942 – 3434 N Front Street, LLC c/o Gene Dieter – 2909 Bridge Lane, Bethlehem, PA 18020-7725. **Location:** 3434 N. Front Street, Whitehall, PA 18052, PIN 549954815943, the subject property is located in a R-5A High Density Residential w/o Apartments Zoning District. Applicant is requesting a special exception to Sec. 27-76, Sec. 27-76.2 (a) and (b), Sec. 89.4, Sec. 89.6, Sec. 27-92, Sec. 27-76.2 (a), and Sec. 27-87 A (1), (2), (3), (4), (5), (6), and (8) of the Zoning Ordinance regarding proposed overall use, front and rear setbacks, buffer yard, buffer strips and screening, commercial vehicles, and automotive and other motor vehicle repair garages, continued for proposed non-conforming use within a Residential district.

Attorney Neil Ettinger represents Applicant.

Eugen Dieter, Applicant, was sworn in.

Michael Houston, one of the owners of Arthur & Swallow, LLC, was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

Adam Shafnisky, resides at 3425 N. Front Street – objects – trash and property not maintained; use will be detrimental to the neighborhood.

Fadi Yacoub, Real Estate Broker from 21 Mountain Park Road, Allentown – objects – represents the owner of 3420 N. Front Street (7 units) and 3426 N. Front Street (6 units) – concerned about the noise and traffic for proposed use.

Deborah Shull, from 3430 N. Front Street – objects – concerned about traffic and noise.

Mike Polzer, from 3420 N. Second Street – objects – concerned about noise.

Kathy Mills, from 245 S. Second Street, Coplay – objects – concerned about size of proposed use.

Kristin Mills, from 3448 Quarry Street – objects – to use and noise.

The Board went into Executive session.

Motion to deny made by Roger Reichard and was seconded by Kenneth Snyder.

The Board voted 5 to 0 to deny the requests for special exception and variance relief.

DOCKET # 1942 A – 3435 N Front Street, LLC c/o Gene Dieter – 2909 Bridge Lane, Bethlehem, PA 18020-7725. **Location: 3435 N. Front Street, Whitehall, PA 18052, PIN 549954618461**, the subject property is located in a R-5A High Density Residential w/o Apartments Zoning District. Applicant is requesting a special exception to Sec. 27-76, Sec. 27-89 (4), Sec. 27-89 (6), Sec. 27-92, and Sec. 27-87 A (1), (2), (3), (4), (5), (6), and (8) of the Zoning Ordinance regarding proposed overall use, buffer yard, buffer strips and screening, commercial vehicles, and automotive and other motor vehicle repair garages, and continued for proposed non-conforming use within a Residential district.

Attorney Neil Ettinger represents Applicant.

Eugen Dieter, Applicant, was sworn in.

Michael Houston, one of the owners of Arthur & Swallow, LLC, was sworn in.

Testimony was given.

OBJECTORS/SUPPORTERS:

Adam Shafnisky, resides at 3425 N. Front Street – objects – trash and property not maintained; use will be detrimental to the neighborhood.

Fadi Yacoub, Real Estate Broker from 21 Mountain Park Road, Allentown – objects – represents the owner of 3420 N. Front Street (7 units) and 3426 N. Front Street (6 units) – concerned about the noise and traffic for proposed use.

Deborah Shull, from 3430 N. Front Street – objects – concerned about traffic and noise.

Mike Polzer, from 3420 N. Second Street – objects – concerned about noise.

Kathy Mills, from 245 S. Second Street, Coplay – objects – concerned about size of proposed use.

Kristin Mills, from 3448 Quarry Street – objects – to use and noise.

The Board went into Executive session.

Motion to deny made by Roger Reichard and was seconded by Kenneth Snyder.

The Board voted 5 to 0 to deny the requests for special exception and variance relief.

DOCKET # 1943 – Burnt Offerings, LLC – 1740 Lynnwood Road, Suite 1, Allentown, PA 18103. **Location: 5290 W. Coplay Road, Whitehall, PA 18052, PIN 549906633549**, the subject property is located in an OS-2 Open Space/Limited Industrial Zoning District. Applicant is requesting a variance to Sec. 27-69 and Sec. 27-146 A (6.1) (if applicable) of the Zoning Ordinance regarding uses permitted in the OS-2 Zoning District and required off-street parking for daycare facilities (if applicable).

Attorney Catherine E.N. Durso will represent the Zoning Hearing Board in regard to this Docket.

Attorney Mark Malkames represents the Applicant.

Vendetta Hines, Applicant, was sworn in.

Doug Frederick, licensed broker for the property, was sworn in.

Burnt Offerings, LLC will be the property owner with The Lift Center as the operator of the facility. No longer D.P.W., now is Office of Developmental Programs that regulates adult daycare facilities.

An adult daycare is proposed, which isn't permitted in the OS-2 Zone.

Testimony was given.

There are currently nine (9) company vehicles and expanding to 12 company vehicles.

Access into the building goes across another lot.

Proposal to serve maximum of 100 consumers.

Would have maximum of 70 employees on site at a time and +/- 150 employees total.

Applicant is proposing to install a fence for the use.

One office use will be there for one (1) year in addition to the Adult Day Care.

OBJECTORS/SUPPORTERS:

Charles Suhr, Esquire represents Coplay Quarry, LLC – objects to the application – under testimony 171 parking spaces are required based on 140-150 employees, 100 consumers and 12 company vehicles but can only provide 88; use variance requested which the use variance standard is not met; testified that the office tenant will remain for one (1) year and will still be used as an office.

The Board went into Executive session.

Motion to deny was made by Stephen Burda and was seconded by Roger Reichard.

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

DOCKET # 1944 – MRP Industrial – 930 930 East Boot Road, Suite 400, West Chester, PA 19380. **Location: 3585 S. Church Street, Whitehall, PA 18052, PIN 548972994040**, the subject property is located in a I-Industrial Zoning District. Applicant is requesting a variance to Sec27-145 (A) of the Zoning Ordinance regarding size of parking spaces to permit 9'x18' parking spaces.

Applicant requested a continuance until the July 16, 2019 Zoning Hearing Board meeting.

The Zoning Hearing Board meeting minutes from **MARCH 2019** were submitted and approved by the Zoning Hearing Board.