

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARINGS
May 21, 2024**

The Chairperson called the Meeting to order at 7:00 pm. The Chairperson and Members Jany, Christman, and Reichard were present. The Chairperson led the Pledge Of Allegiance. The Chairperson announced that there were only four (4) Members present. No Applicants requested a Continuance. The Chairperson read the Fair Housing Statement.

DOCKET # 2085 – Dulce Santana of Clean House Recycling – 2246 N. Penn Avenue, Hatfield, PA 19440. **Location: 2160-2180 MacArthur Road, Whitehall, PA 18052, PIN 549852398039.** The subject property is located in the C-2 Regional/Community Commercial Zoning District. Applicant is requesting a Special Exception pursuant to Sections 27-43 and 27-80(C)(3) of the Zoning Ordinance to allow placement of four (4) recycled clothing donation storage containers in the parking lot of the Whitehall Square shopping center.

The Applicant was represented by Attorney Zac Berger.

The Zoning and Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Landowners.

The Applicant appeared through its Owner, Samuel Santana. He testified he has owned the Company for ten (10) years, has been in the donation/recycling business since age 17, has over 800 donation bins in four (4) states, has seven (7) trucks to retrieve donated items from the bins, and that a percentage of sales of donated items goes to six (6) Charities. The Applicant proposes four (4) donation bins to be located in the middle of the three (3) proposed locations. The Planning Commission stated that the proposed location closest to MacArthur Road was the least desirable of the three (3) proposed locations. The bins will occupy two and one-half (2 ½) parking spaces. The bins will be emptied two to three (2 – 3) times per week.

The Planning Commission's April 18, 2024 letter recommending approval and the Applicant's four (4) Exhibits were admitted into the Record.

There were no objectors or supporters.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

The Record was re-opened. The Applicant confirmed its preferred location as location "C" on Exhibit A-2. The Record was closed.

Motion by Lee Christman to grant the Special Exception to place the bins at location "C" on Exhibit A-2; second by Roger Reichard. Motion passed 4 – 0.

DOCKET # 2089 – American Promotional Events dba TNT Fireworks c/o Debbie Ivins – 120 Louise Lane, Bartonsville, PA 18321. **Location: 2160-2180 MacArthur Road, Whitehall, PA 18052, PIN 549852398039.** The subject property is located in the C-2 Regional/Community Commercial Zoning District. Applicant is requesting a Special Exception pursuant to Sections 27-43 and 27-65 of the Zoning Ordinance to allow a temporary tent sale of Pennsylvania legal fireworks from June 14 to July 6, 2024 in the parking lot of the Whitehall Square shopping center.

The Applicant appeared through Debbie Ivins.

The Zoning and Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Landowners. He requested a condition that there be no signs without Permits.

Debbie Ivins testified that she has told the Person running the tent that no other signs are allowed, that the Applicant is willing to abide by all previously imposed conditions, that the tent will be in the same location as 2021, would operate for the same hours as before, might apply for a temporary storage container for the tent sale, and would have a porta-potty on site.

The Planning Commission recommended approval of the Special Exception.

There were no objectors or supporters.

The Record was closed.

Motion by Lou Jany to grant the Special Exception subject to all prior conditions and that there be no signs without Permits; second by Lee Christman. Motion passed 4 – 0.

DOCKET # 2090 – Desirable Home Solutions, LLC – 806 Taylor Drive, Allentown, PA 18103. **Locations: Lehigh Avenue, Packer Avenue, 1235 Catasauqua Road, and 1225 Catasauqua Road, Whitehall, PA 18052, PINS 640815723049, 640814890854, 640815517710, and 640815508443.** The subject properties are located in the R-5A High Density Residential Without Apartments Zoning District. Applicant is requesting Variances to Sections 27-60(D)(1) and 27-114 of the Zoning Ordinance to enlarge/expand the nonconforming five unit apartment building use to construct an additional three story 18 unit apartment building on a newly consolidated 3.05 acre lot containing steep slopes.

The Applicant was represented by Attorney Jeff Fleischaker.

The Zoning and Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Landowners.

The Applicant appeared through its Owner, Darryl Sorensen. He described the four (4) lots, the existing access to the existing five (5) unit apartment building over an unpaved Cherry Street, that his Maintenance People maintain that access, and that he changed the proposed access per the Planning Commission's recommendation.

The Applicant's Engineer, Joe Rentko, President of Black Forest Engineering, was recognized as an Expert Witness in the field of Civil Engineering. He described the proposed plan, the existing conditions, the current access and the current gravel parking area.

All Applicant Exhibits were admitted into the Record.

Objector, Dale Hoxie testified that the existing apartment building was built 45 years ago, that the rest of the neighborhood consists of single family homes built in the 1800's, and his concerns for density, parking, and trash truck access.

Objector, Luis Santiago testified as to concerns for privacy of Neighbors' back yards and emergency services access.

There were no other objectors or supporters.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

The Zoning Hearing Board announced that it would not consider an e-mail sent by Objectors Jennifer and Matthew Rader.

Motion by Roger Reichard to grant the requested Variances; second by Lou Jany. There was a tie vote, 2-2; with Chairperson Burda and Member Christman voting no. The application was denied.

DOCKET # 2091 – Robert and Dionelcy Bloom – 1247 Hampshire Drive, Whitehall, PA 18052. **Location: 1247 Hampshire Drive, Whitehall, PA 18052, PIN 549864114762.** The subject property is located in the R-4 Medium Density Residential Zoning District. Applicants are requesting an interpretation that Section 27-102(C) of the Zoning Ordinance allows an alleged no-impact home-based lawn care business to park a truck and trailer advertising said business on the residential driveway. In the alternative, Applicants are requesting a Variance to Section 27-102(A)(3) to allow their truck and trailer advertising their home occupation lawn care business to park on the residential driveway.

The Applicants were represented by Attorney Daniel G. Dougherty.

The Zoning and Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Landowners.

Applicant, Dionelcy Bloom testified that the Applicants owned their home since 2007, and their Lawn Care Business since 2009. The purpose of the advertising on their truck and trailer is to get more work. The Police said the Applicants could park their truck and trailer on the street. It is inconvenient to park on the street because the truck and trailer block their Neighbors' view.

All Applicant Exhibits were admitted into the Record.

Supporters, Aziz Hazim, Sam Ferkh, Fred Gower, and Woody Thompson testified in support of the Applicants. There were no other objectors or supporters.

The Zoning and Code Enforcement Officer testified as to his Enforcement Notice issued as a result of a complaint, and that the Applicants do not cut grass inside their house, but rather at their Customers' properties.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Lou Jany to deny the requested interpretation; second by Lee Christman. Motion passed 4 – 0. Motion by Lou Jany to grant the requested Variance subject to the condition that the truck and trailer not be parked closer to Hampshire Drive than the front of the house; second by Lee Christman. Motion passed 3 – 0; with Chairperson Burda voting no.

Motion by Roger Reichard to approve the April 16, 2024 Minutes; second by Lou Jany. Motion passed 4 – 0.

The Meeting was adjourned at 9:50 pm.