

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARINGS
November 21, 2023**

The Vice Chairperson called the Meeting to order at 6:59 pm. The Vice Chairperson led the Pledge Of Allegiance. The Vice Chairperson read the Fair Housing Statement. Vice Chairperson Burda, Member Jany, and Alternate Member Reichard were present.

DOCKET # 2069 – St. Luke’s Health Network, Inc., d/b/a Saint Luke’s Hospital Of Bethlehem – 801 Ostrum Street, Fountain Hill, PA 18015. **Location: 2363 MacArthur Road, Whitehall, PA 18052, PIN 549854662118.** The subject property is located in the C-2 Regional/Community Commercial Zoning District. Applicant is requesting a one year extension of time for Variances to Sections 27-154(A)(4) and 27-155(A)(3) originally granted by the Zoning Hearing Board’s Zoning Opinion issued July 27, 2021, to construct/install a freestanding sign five feet (5’) from the MacArthur Road right-of-way and 10.5 feet (10’ 6’) from the Schadt Avenue right-of-way and within the clear sight triangle at the intersection of MacArthur Road and Schadt Avenue.

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

The Applicant was represented by Steven T. Boell, Esquire. The Applicant appeared through its Manager Of Planning And Construction, Kendis Caldwell. Three (3) Exhibits were identified (an aerial photograph of the site and the two (2) prior Zoning Hearing Board Zoning Opinions). The Applicant’s Sign Contractor, David Ott of Reed Sign Co. testified and identified a fourth Exhibit (rendering of the proposed sign). Both Witnesses testified that the proposed sign is exactly the same as previously approved.

There were no Objectors or Supporters.

All four (4) Exhibits were admitted into the Record. The Record was closed.

Motion by Lou Jany to approve/grant the extension of time; second by Roger Reichard. Motion passed 3 – 0.

The Applicant’s remaining requests for Variance relief were withdrawn as moot.

DOCKET # 2067 – Keith A. Esmail – 1148 Fairmont Street, Whitehall, PA 18052. **Location: 1148 Fairmont Street, Whitehall, PA 18052, PIN 549766421896.** The subject property is located in the R-4 Medium Density Residential Zoning District. This is an Appeal from an Enforcement Notice. Applicant is requesting Variances to Sections 27-62(A) and 27-137.1(B)(1) and (13) of the Zoning Ordinance to allow use of an accessory structure as a short term rental unit, constituting a second residential use which is not conducted in the principle residence and which is not a permitted use in the R-4 Medium Density Residential Zoning District.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners. The Zoning And Code Enforcement Officer introduced two (2) Exhibits (the Air BnB advertisement printed September 12, 2023 and the Enforcement Notice dated September 13, 2023 with USPS receipt card dated September 16, 2023).

The Applicant testified on his own behalf. His hardship was that he needed rental income to pay taxes. He confirmed there were smoke detectors and a carbon monoxide detector, ground fault outlets, no clothes dryer, that there is a fire extinguisher, and off street parking for six (6) cars.

The Township Exhibits were admitted into the Record. The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Roger Reichard to deny the Appeal and all requested Variances; second by Lou Jany. Motion passed 3 – 0.

DOCKET # 2064 – Gene Dieter – 2909 Bridge Lane, Bethlehem, PA 18020. **Location: 3434 and 3435 North Front Street, Whitehall, PA 18052, PINs 549954815943 and 549954618461.** The subject properties are located in the R-5A High Density Residential Without Apartments Zoning District. Applicant is requesting a Special Exception pursuant to Section 27-145(M), and Variances to Sections 27-62(A), 27-76(E)(2)(a)(2), (b)(2), and (c)(2), 27-93, and 27-121(B)(2) and (6) of the Zoning Ordinance to allow construction of an eight (8) unit apartment building at 3434 North Front Street, which is a 0.471 acre lot where 1 acre is required, which is not a permitted use in that Zoning District, with a front yard setback less than 50 feet, a second front yard setback less than 30 feet, a side yard setback less than 50 feet, and a rear yard setback less than 100 feet, and for required off street parking to be located on 3435 North Front Street, less than 300 feet from 3434 North Front Street.

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

The Applicant was represented by Chad DiFelice, Esquire. The Findings Of Fact from the prior Zoning Opinions regarding 3435 North Front Street were incorporated into the Record. The Applicant's Engineer, Andrew Bennett testified. Three (3) Exhibits (rendering of the proposed apartment building, site plan as submitted with the application, and revised site plan showing 15 parking spaces at 3435 North front Street and one accessible parking space on 3434 North Front Street) were identified. A crosswalk across North Front Street is proposed. The proposal received a favorable recommendation from the Whitehall Township Planning Commission. There are numerous other apartment buildings in the neighborhood.

The Applicant testified that he will comply with the Planning Commission's recommendations as to the Township Engineer's and Bureau Of Development Chief's comments. (which were included as a collective Exhibit). He introduced a copy of the Environmental Covenant as to impervious coverage on 3435 North Front Street; as well as three (3) other prior Zoning Hearing Board dockets. All eight (8) Exhibits were admitted into the Record.

Interested Party, Mike Pulzer's questions as to illuminating the parking areas and locating a dumpster were answered. Supporter, Adam Shafnisky testified in support of the general idea of residential use.

There were no other Objectors or Supporters.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Lou Jany to grant all requested Variances subject to the Planning Commission's recommendations; second by Roger Reichard. Motion passed 3 – 0.

DOCKET # 2068 – Santia Pons – 3211 S. Fourth Avenue, Whitehall, PA 18052. **Location: 3002 and 3010 South Fifth Avenue, Whitehall, PA 18052, PINs 549903206702 and 549903209102.** The subject properties are located in the R-4 Medium Density Residential Zoning District. Applicant is requesting Variances to Sections 27-74(E)(1)(a), (E)(1)(b)(1), (E)(1)(c)(1), (E)(2)(a)(2), and (E)(2)(a)(4) of the Zoning Ordinance to reconfigure the property line separating the two (2) lots resulting in a new lot consisting of 7,700 square feet where 9,600 square feet are required, with a width of 56 feet where 80 feet are required, with 56 feet of frontage on Chestnut Street where 60 feet are required, with a rear yard setback for the existing single family residence of nine feet four inches (9' 4") where 25 feet are required, and for a new single family residence on the new 7,700 square foot lot with eight foot (8') side yard setbacks where a total of 20 feet are required.

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

The Applicant was represented by Dennis Benner, Esquire. The Applicant appeared on her own behalf. Two (2) Exhibits were introduced (Lehigh County Assessment photographs of the two (2) properties). The Applicant's wishes are to build a one story home on the newly configured vacant lot, without stairs, for her old age. The Exhibits were admitted into the Record.

Interested Party Mike Pulzer expressed concern over the possible opening of adjacent alley, Beech street.

There were no other Objectors or Supporters.

The Zoning Hearing Board held an Executive Session.

Motion by Roger Reichard to grant the requested Variances; second by Lou Jany. Motion passed 3 – 0.

Motion by Lou Jany to approve the October 17, 2023 Minutes. Motion passed 3 – 0.

Meeting adjourned at 8:55 pm.