

**BEFORE THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WHITEHALL**

ORDINANCE NO. _____

BILL NO. 12-2024

AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF SIDEWALKS FOR 147 FEET ALONG THE HOKENDAUQUA STREET FRONTAGE OF 3434 N. FRONT STREET AS REQUIRED IN CHAPTER 21, SECTION 21-16 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

SECTION I: WHEREAS, Article IV, Section 21-16 of Chapter 21 of the Codified Ordinances of the Township of Whitehall requires property owners to install curbs and sidewalks with all new construction or subdivision; and

WHEREAS, the Board of Commissioners may defer the required installation of curbs and/or sidewalks until such time as they deem necessary, where they determine it is appropriate based on the existing conditions of each street; and

WHEREAS, GENE DIETER has requested a deferral to this required installation; and

WHEREAS, the Board has determined that a deferral for the required installation of sidewalks for approximately 147 feet along Hokendauqua Street frontage of 3434 N. Front St. is appropriate at this time due to the reasons noted in the attached sidewalk deferral request from Gene Dieter.

NOW, IT IS HEREBY ORDAINED and enacted that a deferral is granted at this time for the required installation of sidewalks along Hokendauqua Street until such time as deemed necessary by the Board of Commissioners.

APPROVED AND ADOPTED this 8th day of April, 2024, at a regular public meeting.

**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

BY: _____
Thomas Slonaker, President

ATTEST:

Randy Atiyeh Secretary

Date

AND NOW, to wit, this _____ day of April, 2024, the above is approved.

Joseph J. Marx, Jr., Mayor

Date Recv'd _____
Plan Attached _____
Meeting Date _____

WHITEHALL TOWNSHIP CURBING/SIDEWALK DEFERRAL REQUEST

Submission Deadline within 180 days of Twp Advance Notice

PAID _____

The fee charged is to defray the Twp
Legal & Ad costs for preparing the
necessary Twp Ordinance to
consider a deferral.

In order that your request be given proper consideration
please complete this form and answer ALL QUESTIONS
to the best of your ability.
A plan of the property must be attached indicating the street/s
Along which the relief is being requested.
This plan should include linear fee of curbing and/or
sidewalks being requested to be waived.

I/We, the property owner(s) of the property located at:

3434 N. Front Street

(Site Location)

Do hereby request the deferral of the required installation of:

_____ Curbing X Sidewalks

_____ Both curbing/sidewalks

For a distance of approximately 147' feet along the

 Hokendauqua Street street frontage.

(Name of street)

The reason for this deferral request is: (attach additional sheets if necessary, and site plan)

 No sidewalk East of the property along Hokendauqua for potential sidewalk to continue towards

 Utility Pole (with guy wires into the site) directly behind the existing curb in this area.

 Steep slopes directly behind the existing curb, which would cause more environmental impact.

 Street signs (no Trucks) directly behind the existing curb in this area.

Signed

(Property Owner)

Applicant

Name: Gene Dieter

Address: 2909 Bridge Lane Bethlehem, PA 18020

Phone: 484-866-2323

**BEFORE THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WHITEHALL**

ORDINANCE NO. _____

BILL NO. 13-2024

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A
PROPOSAL FOR CONSTRUCTION OF 2024 CDBG ADA HC RAMPS CONCRETE
CURB AND SIDEWALK IMPROVEMENTS DESIGN BUILD IN WHITEHALL
TOWNSHIP, CONTRACT NO. 2024-01 IN ACCORDANCE WITH SECTION 3.20 IN
THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF
ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (DEVELOP)**

WHEREAS, the Township of Whitehall, Lehigh County, Pennsylvania, is desirous of making CDBG ADA HC Ramps concrete curb and sidewalk improvements in the Township as part of its 2024 Budget; and

WHEREAS, after substantial investigation and research, the Township has accepted bids of said proposal for said expenditures; and

WHEREAS, review of said proposals and recommendations for acceptance has been performed by the Bureau of Development and the Bureau of Administration; and

WHEREAS, the bid of _____ has been judged to meet the specifications and provide the most economical response to the Township's needs.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of Whitehall Township, Lehigh County, Pennsylvania, in accordance with the requirements of Section 3.20 of the Home Rule Charter, that the Township shall accept the bid of _____ in the estimated amount of \$ _____. Attached and appended hereto is a copy of said bid.

ORDAINED AND ENACTED this 8th day of April, 2024; at a regular public meeting.
**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

ATTEST: BY: _____
Thomas Slonaker, President

Randy Atiyeh, Secretary _____
Date

AND NOW, TO WIT, this ____ day of April, 2024; the above is approved.

Joseph J. Marx, Jr., Mayor

**BEFORE THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WHITEHALL**

ORDINANCE NO. _____

(BILL NO. 14-2024)

**AN ORDINANCE AMENDING CHAPTER 21 (STREETS AND
SIDEWALKS), ARTICLE IV (SIDEWALKS TO CURBS).**

WHEREAS, the Township of Whitehall is a Township organized and operating under the laws of the Commonwealth of Pennsylvania and the Home Rule Charter of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall may, under the general authority of the Home Rule Charter, enact regulations to ensure the health, safety, and general welfare of the citizens of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall has determined that the health, safety, and general welfare of the citizens of the Township of Whitehall will be promoted and served by enacting this Ordinance; and

NOW, THEREFORE be it **ORDAINED** and **ENACTED** by the Board of Commissioners that Chapter 21 (Streets and Sidewalks), Article IV (Sidewalks to Curbs), Section 21-16 (Duty to construct sidewalks, curbs and gutters) be amended to include the following § 21-16(D):

§ 21-16 Duty to construct sidewalks, curbs and gutters.

- D.** The Board may consider the recommendation of the Planning Commission when considering a request for a deferral and may grant deferrals either modifying or postponing the obligation imposed by this section until such time as deemed necessary by the then present Board.

DULY ORDAINED AND ENACTED this 8th day of April, 2024, at a regular public meeting in lawful session duly assembled.

**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

By: _____
Thomas Slonaker, President

ATTEST:

Randy Atiyeh, Secretary

AND NOW, to wit, this _____ day of April, 2024, the above is approved.

Jospeh J. Marx, Jr., Mayor

**BEFORE THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WHITEHALL**

ORDINANCE NO. _____

(BILL NO. 15-2024)

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE DISMANTLING AND SALVAGE OF THE VILLAGE GREEN BARN IN WHITEHALL TOWNSHIP, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (RECREATION)

WHEREAS, the Township of Whitehall, Lehigh County, Pennsylvania, must address on an emergency basis, the partial collapse of the barn structure adjacent to the Village Green Section of Whitehall Township; and

WHEREAS, said proposal to dismantle and salvage the barn has been reviewed on site with the contractor, provides the most cost-effective response to the matter, and the proposal has been thoroughly reviewed by the Whitehall Township Administration; and

WHEREAS, the continued existence of the partially collapsed structure poses a safety threat to abutting properties and creates an attractive nuisance to the public; and

WHEREAS, the funding source from the Capital Reserve Fund shall be drawn from the budgeted allowance for the Chestnut Street Barn work, to address the immediate concern and stay within budgeted allowances; and

WHEREAS, the proposal of Reed Structures of Bernville, PA has been judged by the staff to meet the bid specifications and provide the most economical response to the Township's needs.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Whitehall, Lehigh County, Pennsylvania, in accordance with the requirements of Section 3.20 of the Home Rule Charter, that the Township hereby accepts the bid of Reed Structures at a total annual cost of Thirty-seven thousand five hundred dollars and zero cents (\$37,500.00) for the 2024 year, in accordance with the terms of the proposal specifications issued by the Township.

ORDAINED AND ENACTED this 8th day of April, 2024, by the Board of Commissioners of Whitehall Township in lawful session duly assembled.

**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

BY: _____
Thomas Slonaker, President

ATTEST:

Date

Randy Atiyeh, Secretary

AND NOW, TO WIT, this _____ day of April, 2024, the above is approved.

Joseph J. Marx, Jr., Mayor

**BEFORE THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WHITEHALL**

ORDINANCE NO. _____

(BILL NO. 17-2024)

**AN ORDINANCE AMENDING CHAPTER 22 (SUBDIVISION AND LAND
DEVELOPMENT), ARTICLE IV (SUBMISSION REQUIREMENTS)**

WHEREAS, the Township of Whitehall is a Township organized and operating under the laws of the Commonwealth of Pennsylvania and the Home Rule Charter of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall may, under the general authority of the Home Rule Charter, enact regulations to ensure the health, safety, and general welfare of the citizens of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall has determined that it would benefit the health, safety and general welfare of the Citizens of the Township of Whitehall to allow the Bureau Chief Planning Zoning & Development to determine the number of and format of plans submitted under Chapter 22.

NOW, THEREFORE be it **ORDAINED** and **ENACTED** by the Board of Commissioners that Chapter 22 (Subdivision and Land Development), Article IV (Submission Requirements), § 22-13(B)(4), 22-14(B)(5) and 22-5(C)(5) be amended in its entirety to read as follows:

§ 22-13 Sketch plan; fees.

B. Submission requirements. A sketch plan submission shall consist of the following:

4. Plans. The Bureau Chief Planning Zoning & Development shall determine the number of sketch plans and supporting documents to be submitted from time to time. Copies of all plans and documents shall also be submitted in a digital or electronic format suitable to the Township.

§ 22-14 Preliminary plan; fees.

B. Submission requirements. A preliminary plan submission shall consist of the following:

5. Plans. The Bureau Chief Planning Zoning & Development shall determine the number of preliminary plans and supporting documents to be submitted from time to time. Additional copies of supporting documents shall be furnished by the developer upon request by the Township. Copies of all plans and documents shall also be submitted in a digital or electronic format suitable to the Township.

§ 22-15 Final plan.

C. Submission requirements. Final plan submission of a subdivision or land development shall comprise the following:

5. Plans. Bureau Chief Planning Zoning & Development shall determine the number of final plans and supporting documents to be submitted to the Bureau of Development from time to time. Copies of all plans and documents shall also be submitted in a digital or electronic format suitable to the Township.

DULY ORDAINED AND ENACTED this 8th day of April, 2024, at a regular public meeting in lawful session duly assembled.

**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

By: _____
Thomas Slonaker, President

ATTEST:

Randy Atiyeh, Secretary

AND NOW, to wit, this _____ day of April, 2024, the above is approved.

Joseph J. Marx, Jr., Mayor

**BEFORE THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WHITEHALL**

ORDINANCE NO. _____

(BILL NO. 16-2024)

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE I, § 7-4,
SUBSECTION D OF THE TOWNSHIP CODE**

WHEREAS, the Township of Whitehall is a Township organized and operating under the laws of the Commonwealth of Pennsylvania and the Home Rule Charter of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall may, under the general authority of the Home Rule Charter, enact regulations to ensure the health, safety, and general welfare of the citizens of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall has determined that the health, safety, and general welfare of the citizens of the Township of Whitehall will be promoted and served by enacting this Ordinance.

NOW, THEREFORE be it ORDAINED and ENACTED by the Board of Commissioners that Article I, § 7-4, Subsection D of the Township Code is hereby deleted and the new version is enacted as follows:

§ 7-4. Appointments; prerequisite qualifications; compensation; death; resignation or removal of Fire Chief during term; and replacement procedure.

D. Removal/Death of Fire Chief.

- (1) The Fire Chief may be removed from his or her position by the Mayor at any time, with or without cause.
- (2) In the event of death or removal of the Fire Chief, the Mayor shall promptly appoint a Deputy Fire Chief or the Fire Marshall to take control and act as the interim fire chief until a new chief is appointed and approved by the Board of Commissioners.

DULY ORDAINED AND ENACTED this 8th day of April, 2024, at a regular public meeting in lawful session duly assembled.

**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

By: _____
Thomas Slonaker, President

ATTEST:

Randy Atiyeh, Secretary

AND NOW, to wit, this _____ day of April, 2024, the above is approved.

Joseph J. Marx, Jr., Mayor

**BEFORE THE BOARD OF COMMISSIONERS
OF THE
TOWNSHIP OF WHITEHALL**

RESOLUTION NO. 3314

**A RESOLUTION CONDITIONALLY APPROVING THE LAND DEVELOPMENT
PLAN OF 3434/3435 N. FRONT STREET APARTMENTS, LOCATED AT 3434-3435 N.
FRONT STREET, INDEX NO. 2034-24a.**

WHEREAS, Gene Dieter has submitted a major subdivision plan, Index 2035-24A for preliminary/final approval to the Board of Commissioners of the Township of Whitehall, and

WHEREAS, on February 21, 2024, the Planning Commission recommended preliminary/final plan approval subject to the following conditions:

1. The Developer shall address to the satisfaction of the Township Engineer the comments and recommendations as set forth in his review letter dated February 21, 2024. (Attachment #1, incorporated herein by reference).
2. Developer shall address to the satisfaction of the Bureau Chief of Planning, Zoning and Development the comments and recommendations as set forth in her memorandum of review dated February 20, 2024 with the exception of comment #7 which is not applicable. (Attachment #2, incorporated herein by reference).
3. Developer shall make separate arrangements with the Coplay-Whitehall Sewer Authority and the Northampton Borough Municipal Authority for the sanitary sewer and water distribution services. A DEP planning module may be required for sanitary sewer service.
4. Developer will be required to enter into the necessary subdivision improvements and maintenance agreements for any public improvements or those to be inspected by the Township Engineer. Part of these agreements will be posting of construction and inspection security to assure proper completion of said improvements, as well as providing proper insurance certificates. Any curbing and sidewalk required shall be included in construction security.
5. The Shade Tree Committee's comment memo dated February 21, 2024 is attached for information.
6. Developer shall not seek final approval from the Board of Commissioners until the plan has been reviewed by the Lehigh Valley Planning Commission.
7. Signage shall be erected in the parking lot indicating that the lot is to be used solely for the purpose of tenant parking for 3434 N. Front Street Apartments.
8. A notation/easement shall be placed on the plan which ties the parking lot to the apartment lot in perpetuity, such that the apartments have a perpetual right to park in the lot at 3435 N. Front Street.

9. If sidewalk deferral for Hokendauqua Street is approved by the Board of Commissioners, Developer agrees to also install a crosswalk across Hokendauqua Street.
10. If warrants can be met for a multi-way stop sign at N. Front and Hokendauqua Streets, Developer agrees to fund the installation of same.

NOW, THEREFORE, BE IT RESOLVED that the Land Development plan of 3434-3435 N. Front Street Apartments, Index No. 2035-24A is hereby approved subject to the hereinabove noted conditions; and

The conditions of approval have been made known to the Developer and final approval is to be deemed expressly contingent upon developer's affirmative written acceptance of the conditions of approval on a form prescribed by Whitehall Township within twenty (20) days of the date hereof.

In the event that the statutory review period for this Subdivision and/or Land Development, as set forth in the Municipalities Planning Code, should expire prior to the end of the twenty (20) day response period, the developer's written acceptance of the conditions of approval should be tendered PRIOR to the expiration of the statutory review period, even if such period expires less than the twenty (20) days from the date of this Resolution. The response period shall be deemed to expire on April 28, 2024. The statutory review period expires on May 21, 2024.

APPROVED AND ADOPTED this 11th day of March, 2024, at a regular public meeting.

BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL

BY:

Thomas Slonaker, President

Date

ATTEST:

Randy Atiyeh, Secretary

And now, to wit, this ____ day of March, 2024, the above is approved.

Joseph J. Marx, Jr., Mayor



CIVIL ENGINEERS & SURVEYORS

5012 Medical Center Circle, Allentown, PA 18106 | 610-395-0971 | www.KCEinc.com
Bethlehem | Allentown | Kresgeville

WT24-009

February 21, 2024

Whitehall Township Planning Commission
3219 MacArthur Road
Whitehall, PA 18052

REFERENCE: Index #2035-24A 3434 N. Front Street Apartments
Preliminary/Final Land Development/Subdivision

LOCATION: 3434 & 3435 N. Front Street
Tax Parcel: 549954815943/549954618461

ZONING: Ordinance 1989 Zoning District R-5A

SALDO: Ordinance 1999

PROPOSED: Development of two parcels into an 8-unit apartment building and unattached parking lot.

OWNER: Gene Deiter
2909 Bridge Lane
Bethlehem PA 18020
(484-866-2323)

PREPARED BY: Pennoni Associates, Inc.

SUBMISSION:

EXHIBIT A: Preliminary/Final Land Development Plans for 3434 N. Front Street Apartments, dated 1-22-2024, prepared by Pennoni Associates, Inc, consisting of the following:

Sheet CS0001 – Preliminary/Final Cover Sheet;
Sheet CS0002 – Preliminary/Final General Notes Plan;
Sheet CS0200 – Preliminary/Final Existing Conditions & Demolition Plan
Sheet CS1000 – Preliminary/Final Site Plan;
Sheet CS1500 – Preliminary/Final Grading & Drainage Plan;

Engineering firm of choice since 1972

Attachment #1

Planning Commission

Whitehall Township

DATE February 21, 2024

to any litigation or lien, that the final plan has been processed with his free consent, and that it is his desire to record the same.

DESIGN & CONSTRUCTION STANDARDS:

§ 22-24. Lighting Standards

- (1) Lighting shall be provided along public streets, within parking facilities and recreational facilities as required by Whitehall Township Board of Commissioners.

§ 22-24.E.1

- (2) All parking areas, walkways, and passageways serving commercial or residential land developments shall be illuminated to the satisfaction of the Whitehall Township Board of Commissioners and the Township Lighting Consultant. **§ 22-24.E.2**

- (3) Are there any existing street lights in the project area? None appear on the existing features plan.
- (4) Will there be any lighting in the parking lot?

STORMWATER DRAINAGE

§ 22-27 General Requirements.

5. No stormwater runoff or natural drainage shall be so diverted so as to overload existing drainage systems, create flooding or create the need for additional drainage structures on other private properties or public lands, without safe and adequate provisions being made by the developer for properly handling such conditions and the developer obtaining the written consent of downstream landowners. **§ 22-29.B Roof leader locations shall be provided to show where water will be discharged.**

Planning Commission

Whitehall Township

DATE February 21, 2024

Sheet CS1700 – Preliminary/Final Utility Plan;
Sheet CS2000 – Preliminary/Final Landscaping & Lighting Plan;
Sheet CS2000 – Preliminary/Final Landscaping & Lighting Plan;
Sheet CS4001 – Preliminary/Final Utility Profiles Plan;
Sheet CS6001 – Preliminary/Final Site Details Plan;
Sheet CS6002 – Preliminary/Final Stormwater & Utility Detail Plan;
Sheet CS6003 – Preliminary/Final Landscape Note & Details Plan;
Sheet CS8000 – Preliminary/Final Erosion & Sedimentation Control Plan;
Sheet CS8500 – Preliminary/Final Erosion & Sedimentation Control Details Plan;

COMMENTS: This is the first review of this project before the Planning Commission.

PRELIMINARY PLAN REQUIREMENTS:

§ 22-17. Preliminary Plan Requirements.

1. Completed standard signature blocks for the Planning Commission, the Board of Commissioners and the Lehigh Valley Planning Commission. **§ 22-17.A(2)**
2. A signed statement that the developer is the owner, equitable owner or authorized by the owner to make application for the land proposed to be subdivided. **§ 22-17.A(9)**
3. All existing curb openings and aprons that will not be used must be converted to full height curb and sidewalk.

FINAL PLAN REQUIREMENTS:

§ 22-18. Final Plan Drafting Requirements.

4. Drafting requirements. The submitted final plan shall conform to the drafting requirements as specified in §§ 22-16 and 22-17. In addition, the final plan shall be in accordance with and show the following information on a plan which shall be black line on white paper, or blueprints, at a size no greater than 30 inches by 42 inches. **§ 22-18.A**

(a) A signed, notarized statement by the legal owner of the land to be subdivided or developed to the effect that he is the legal owner, whether the land is subject

Planning Commission

Whitehall Township

DATE February 21, 2024

EROSION & SEDIMENT CONTROL

§ 22-33 Erosion and Sediment Pollution Control.

6. A copy of the erosion and sedimentation control plan must be available at the earthmoving site at all times. **§ 22-33.B**
7. The erosion control plan should address the stabilization of the slope to be disturbed for the construction of the sanitary, gas and water line from the building tie in to Hokendauqua Street. A type of erosion control matting should be considered.
8. A topsoil and fill stockpile location should be added to the erosion control plans.
9. The limits of construction shall be added to the erosion control plans.
10. Applications for approval of an erosion and sedimentation control plan under the requirements of this chapter, shall be made through LCCD. No building permit will be approved by the Township unless and until an erosion and sedimentation control plan is approved by LCCD. **§ 22-33.F**

§ 22-38 Traffic.

11. These parcels are not in the Traffic Improvement Area and are not required to pay the impact fee.

Sincerely,

Keystone Consulting Engineers



Frank J. Clark

Township Representative


Xc: Joseph Marx, Mayor
Lee A. Rackus
Jack Gross, Esq.
Gene Dieter
Pennoni Associates, Inc.

TOWNSHIP OF WHITEHALL

BUREAU OF DEVELOPMENT

MEMORANDUM

TO: WHITEHALL TOWNSHIP PLANNING COMMISSION

FROM: LEE A. RACKUS 
BUREAU CHIEF, PLANNING ZONING & DEVELOPMENT

DATE: February 20, 2024

RE: Index # #2035-24A – 3434 N. Front St. Apartments

LOCATION AND INTENT: Land development review of proposed apartments in an R-5A, High Density Residential Without Apartments Zone. Plans dated 1-22-24.

90 Day Expiration/Waiver Expiration: May 21, 2024

PREVIOUS TOWNSHIP CONSIDERATION: Special Exception use review in 2018 (Index 1929-18); Sketch plan review of proposed Land Development (Index 1941-19); Zoning Dockets 1942 and 1942A for previous proposed use; Docket #1968 for proposed townhouse use. Appeared before the Planning Commission in November 2023 for special exception use recommendation (Index 2028-23A), and before the Zoning Hearing Board on November 21, 2023 for special exception and other approvals.

REVIEW COMMENTS:

1. Zoning approvals for use, density, off site parking and setbacks granted by the Zoning Hearing Board 11-21-23. Approvals noted on plan but Docket number, 2064 is not. This shall also be noted on plan. A copy of the written opinion of the Board is attached for information.
2. A crosswalk is proposed at the intersection of Front and Hoken dauqua Sts. This proposed crosswalk must be studied and justified by the developer and approved by the township. Accessible parking is now shown on apartment lot.
3. Proposed apartments will be subject to the Township recreation fees, in the amount of \$2,000.00 per unit if this is the recommendation of the Recreation Commission. Said fees will be required to be paid prior to recording of the final plan.
4. If no new sidewalks are proposed to be constructed along the Hoken dauqua St. frontage then a deferral request to same must be submitted to the township. This issue will be acted upon separately by the Board of Commissioners.
5. A determination regarding lot slope must be made by the Township Engineer as it pertains to §27-114 of the Whitehall Township Zoning Ordinance to verify that no additional zoning relief is required for this proposal.
6. Plan is not signed by owner or preparer. Final plan submission must contain all required signatures.

Attachment #2

7. Site lies within the Traffic Impact Zone. A determination shall be made by the Township Engineer and Traffic Consultant regarding any required fees/improvements. Any fees required shall be paid prior to the issuance of building permit. Current fee is \$1104.75 per unit, and must be paid prior to building permit issuance.
8. At time of land development, developer shall make separate arrangements with the Northampton Borough Municipal Authority and the Coplay Whitehall Sewer Authority for the water and sanitary sewer distribution services. A DEP Planning module may be required for the sanitary sewer service. It is noted that sewage capacities are only guaranteed after proposed project has been designed, the number of EDU's and associated sewage discharge has been determined, a PADEP Planning Module has been submitted to and approved by PADEP, CWSA Board approval has been given, a satisfactory Sanitary Sewer Improvement Agreement (SSIA) has been signed and the Sewage Collection, Conveyance and Treatment Capacity has been paid for as defined in the SSIA. It is noted that although a planning module was previously approved for this site, as the unit count has now increased, a new module will be required per the CWSA.
9. Any and all stormwater management facilities required will be subject to the Township's tri-annual inspection of same.
10. Any areas required to be dedicated shall be done in a form acceptable to the township solicitor.
11. A copy of LANTA's 2-12-24 review comments (email) is attached for information.
12. Proposed landscaping plan will be subject to review by the Shade Tree Committee.
13. An address plan shall be submitted to the Zoning Officer for review prior to recording of final plan. All unit addresses shall be shown on record plan.
14. Developer will be required to enter into the necessary subdivision and land development improvement agreements for any public improvements or those to be inspected by the Township Engineer. Part of these agreements will be the required posting of adequate construction and inspection security for all such improvements as well as the provision of the proper insurance certificates. Any curbing and or sidewalk required by the Board of Commissioners for this development must also be secured as part of these agreements.
15. A condition of final plan approval will be the payment of all review fees.

/lar

Copy: Applicant
Pennoni Engineering
Mayor Michael P. Harakal Jr.
Frank Clark
Chris Gittinger, Esq., Zoning Officer
Jack Gross Esq.
File



BOARD OF COMMISSIONERS

JOSEPH J. MARIC, JR. - President
 PHILIP J. TONELLO - Vice President
 THOMAS S. DRABOGLA - Secretary
 JEFFREY J. BRADSHAW
 CHARLES E. FISHER
 BRADLEY A. TAYLOR
 KENNETH J. SCARFARO

TOWNSHIP OF WHITEHALL

December 21, 2023



ADMINISTRATION

MICHAEL P. HARGRAVE, Sr. - Mayor
 JOHN D. HANCOCK, Deputy Mayor
 KEYSTONE CONSULTING ENGINEERS, INC.
 Consulting Engineers
 JOHN F. GROSS, EDUARD T. TORRES
 TRIA KOPPEL - Treasurer

7022 0410 0000 1018 9829
SENT CERTIFIED MAIL

Gene Dieter
 2909 Bridge Lane
 Bethlehem, PA 18020

RE: DOCKET # 2064
3434 and 3435 N. Front Street
Whitehall, PA 18052

Dear Sir,

Enclosed please find the written opinion as prepared by the Zoning Hearing Board Solicitor of the Whitehall Township Zoning Hearing Board regarding the above referenced docket.

FOR THE ZONING HEARING BOARD


CHRISTOPHER W. GITTINGER
 Zoning and Code Enforcement Officer

CWG/caj
 Enclosure

Copy to:
 William J. Fries, Esquire
 Zoning Hearing Board
 Chad M. DiFelice, Esquire
 File



Michael Marks
Chief of Police

TOWNSHIP OF WHITEHALL
BUREAU OF POLICE

DATE: February 5, 2024

TO: Lee A. Rackus, Bureau Chief
Planning, Zoning & Development

FROM: Michael Marks *mm*
Chief of Police

SUBJECT: INDEX #2035-24A - 3434/3435 N. FRONT STREET APARTMENTS
INDEX #2032-23A - WHITEHALL TOWNHOMES
INDEX #2034-23A - FULLERTON TERMINALS, LLC

I have no comment at this time.

From: Molly Wood
Sent: Friday, February 2, 2024 12:36 PM
To: Kristin Koehler <krkoeh@lehighvalley.net>
Cc: Lee Rackus <lrackus@lehighvalley.net> <lrackus@lehighvalley.net>
Subject: RE: February 2024 Planning Commission Agenda

Thank you Kristin, When available, please share the proposed Front Street Apartments plan at 3434 N Front Street, we have a bus stop right there



Thanks!
Molly



Molly S. Wood, AICP
Planner/Land Use Specialist
Lehigh and Northampton Transportation Authority
1060 Lehigh Street, Allentown, PA 18103
PH: 610/439-1576

From: Molly Wood
To: Lee Rackus
Subject: RE: February 2024 Planning Commission Agenda
Date: Monday, February 12, 2024 4:46:18 PM
Attachments: page001.png
page002.png
page003.png
page004.png
page005.png
page006.png
page007.png

Thanks Lee. The plan looks good, we can continue serving the site and we appreciate the efforts to include pedestrian paths from the existing sidewalk to the main entrance of the residential building.

Molly

From: Lee Rackus <lrackus@whitehalltownship.com>
Sent: Monday, February 12, 2024 1:34 PM
To: Molly Wood <mwood@lantabus.pa.gov>
Subject: RE: February 2024 Planning Commission Agenda

Warning! This email has been received from an external domain. Do not click any links or open any attachments unless you are expecting such a message with an attachment from this sender. Original Message:

Hi Molly, attached are the plans presented for the meeting display for 3434.
Lee

Lee A. Rackus
Bureau Chief Planning Zoning & Development
Building Code Official
610-437-5524 x 1134
Direct 610-370-4797
lrackus@whitehalltownship.com
www.whitehalltownship.org



From: Molly Wood <mwood@lantabus.pa.gov>
Sent: Monday, February 12, 2024 9:11 AM
To: Lee Rackus <lrackus@whitehalltownship.com>
Subject: RE: February 2024 Planning Commission Agenda

Hi Lee,

Is the pdf plan for 3434 N Front Street available to share? Please advise.

Thanks!
Molly

BEFORE THE WHITEHALL TOWNSHIP ZONING HEARING BOARD

IN RE:

Docket No. 2064

GENE DIETER

ZONING OPINION

On November 21, 2023, Gene Dieter (hereinafter referred to as "Appellant"), appeared before the Whitehall Township Zoning Hearing Board (hereinafter referred to as "Board"), requesting special exceptions and variances with respect to the property located 3434 North Front Street and 3435 North Front Street, Whitehall Township. Appellant proposes to construct an eight unit apartment building at 3434 North Front Street, and to provide off-street parking for the apartment building across the street at 3435 North Front Street. Both properties are located in the R-5A High Density Residential Without Apartments Zoning District, and have been the subject of previous hearings.¹

Appellant requested the following zoning relief at hearing:

- A. A special exception pursuant to §27-145(M), to permit off-street parking to be located at 3435 North Front Street, less than 300 feet from 3434 North Front Street, the location of the principal use;
- B. A special exception under §27-99, to decrease the front yard depth of the proposed apartment building at 3434 North Front Street to the average alignment of existing buildings on the same block located within 100 feet of the proposed building; that is, a front yard depth of 25 feet;

¹ Docket No. 1942, Board Decision issued June 24, 2019; Docket No. 1942A, Board Decision issued June 24, 2019; Docket No. 1948, Board Decision issued February 19, 2020 (Appellant Exhibit 6); Docket No. 2043, Board Decision issued March 29, 2023 (Appellant Exhibit 7); Docket No. 2047, Board Decision issued March 29, 2023; Docket No. 2048, Board Decision issued March 29, 2023 (Appellant Exhibit 8). The Board's Decision at Docket No. 2043 was appealed to the Lehigh County Court of Common Pleas at Docket No. 2023-C-2017. The Board's Decision at Docket No. 2048 was appealed to the Lehigh County Court of Common Pleas at Docket No. 2023-C-2015. Both appeals are currently pending.



TOWNSHIP OF WHITEHALL



December 21, 2023

BOARD OF COMMISSIONERS

JOSEPH J. WALKER, JR., President
PHILIP J. ZINGER, Vice President
THOMAS SLOANER, Secretary
JEREMY J. WARDEN
CHARLES J. FURBER
RANDY STYVE
ALBERT J. CARRARO

ADMINISTRATION

MICHAEL P. KARAKUL, JR., Mayor
JOHN D. MEYERS, Deputy Mayor
KEYSTONE CONSULTING ENGINEERS, INC.
Consulting Engineers
JOHN P. HODGES, Township Engineer
TARA KOREN, Treasurer

7022 0410 0000 1018 9829
SENT CERTIFIED MAIL

Gene Dieter
2909 Bridge Lane
Bethlehem, PA 18020

RE: **DOCKET # 2064**
3434 and 3435 N. Front Street
Whitehall, PA 18052

Dear Sir,

Enclosed please find the written opinion as prepared by the Zoning Hearing Board
Solicitor of the Whitehall Township Zoning Hearing Board regarding the above referenced
docket.

FOR THE ZONING HEARING BOARD


CHRISTOPHER W. GITTINGER
Zoning and Code Enforcement Officer

CWG/caj
Enclosure

Copy to:
William J. Fries, Esquire
Zoning Hearing Board
Chad M. DiFelice, Esquire
File

28. The variances requested by Appellant will not substantially or permanently impair the appropriate use or development of adjacent property.
29. The variances requested by Appellant will not be detrimental to the public welfare.
30. Objector Michael Polzer, resides at 3420 North Second Street, Whitehall Township.
31. Mr. Polzer expressed concerns with whether the proposed parking lot will be illuminated, and with the proposed location of dumpsters for the apartment units.
32. Appellant's engineer, Andrew Bennett testified that garbage disposal issues will be addressed during the land development process.
33. Illumination for the parking lot at the 3435 Property will be subject to the requirements of §27-103 of the Zoning Ordinances.
34. Adam Shafnisky, who resides at 3425 North Front Street, Whitehall Township, testified in support of Appellant's zoning application.⁴
35. A full hearing was held on November 21, 2023.
36. The public meeting and hearing regarding this application was duly advertised according to law.
37. At the full hearing held on November 21, 2023, Appellant Exhibits 1-8 were admitted into evidence, and are part of the record.
38. The stenographic transcript of the hearing held on November 21, 2023 is incorporated by reference, as if the same were set forth at length herein.

⁴ Adam J. Shafnisky and Shannon M. Shafnisky are the Appellants in the pending Lehigh County Court of Common Pleas appeals at Docket Nos. 2023-C-1215 and 2023-C-1217, which appeals were taken from the Decisions of the Board at Docket Nos. 2048 and 2043, respectively. Testimony presented at hearing establishes that the Shafnisky will withdraw their appeals if Appellant is successful in the within zoning appeal.

21. This Board previously found in prior decisions that the 3434 Property has unique physical circumstances or conditions in the nature of an irregularly shaped lot and topography (Appellant Exhibit 6, Findings of Fact 27 and 28).

22. This Board also previously found that there are unique physical circumstances or conditions with respect to the 3435 Property in the nature of an irregularly shaped lot and an environmental covenant which requires impervious coverage on a significant portion of the lot (Docket No. 2047, Findings of Fact 29 and 30).³

23. The character of the neighborhood in which the subject properties are located is primarily residential.

24. The Township of Whitehall Planning Commission reviewed Appellant's requests for special exception relief at their November 15, 2023 public meeting, in accordance with the provisions of Section 27-43 of the Zoning Ordinances.

25. By letter dated November 20, 2023, the Township of Whitehall Planning Commission recommended approval of Appellant's special exception requests, conditioned upon Appellant's concurrence with the comments of the Township Engineer, and the performance of a traffic study to determine if the intersection of Front and Hokendauqua Streets meets warrants for a multi-way stop control (Appellant Exhibit 4).

26. Appellant testified at hearing that he is willing to commission a traffic study in accordance with the recommendations of the Township of Whitehall Planning Commission.

27. The variances requested by Appellant will not alter the essential character of the neighborhood in which the subject properties are located.

³ As previously stated, the Board takes quasi-judicial notice of its prior Decision at Docket No. 2047, that was issued on March 29, 2023.

11. Appellant plans to provide fifteen off-street parking spaces for the proposed eight unit apartment building at the 3435 Property, and one handicapped parking space at the 3434 Property (Appellant Exhibit 3).

12. The 3435 Property is located within 300 feet of the 3434 Property.

13. Appellant will place a crosswalk on Front Street between the subject properties.

14. The 3435 Property previously contained a one story commercial building at which Appellant conducted automobile sales and service (Appellant Exhibit 7, Finding of Fact 24).

15. Appellant razed the commercial building at the 3435 Property in the summer of 2021, and completed the building demolition by September 28, 2021 (Appellant Exhibit 7, Finding of Fact 30).

16. An impound yard was previously in operation on a portion of the 3435 Property (Docket No. 2047, Finding of Fact 18, 19, and 24).²

17. Appellant testified that he will abandon all prior uses of the 3435 Property if his variance zoning requests are granted, to permit the construction of an eight unit apartment building on the 3434 Property, and off-street parking at the 3435 Property.

18. The 3435 Property is subject to an environmental covenant as a result of soil and groundwater contamination from the release of unleaded gasoline (Appellant Exhibit 5).

19. The environmental contamination was previously contained and remedied, but Appellant must maintain impervious, asphalt coverage over the contaminated area of the 3435 Property (Appellant Exhibit 5).

20. The proposed off-street parking area to be located at the 3435 Property will be paved and reserved for the use of the apartment tenants at the 3434 Property.

² The Board takes quasi-judicial notice of its prior Decision at Docket No. 2047, that was issued on March 29, 2023.

FINDINGS OF FACT

1. Appellant Gene Dieter has a mailing address of 2909 Bridge Lane, Bethlehem, PA 18020.
2. The location of the properties which are the subject of this appeal (jointly "subject properties") are 3434 North Front Street ("3434 Property"), and 3435 North Front Street ("3435 Property"), both of which are in Whitehall, Lehigh County, Pennsylvania; PINS 549954815943 and 549954618461.
3. 3434 North Front Street, LLC is the owner of the 3434 Property (Appellant Exhibit 6, Finding of Fact 6).
4. Appellant has a 95% membership interest in 3434 North Front Street, LLC (Appellant Exhibit 6, Finding of Fact 3).
5. 3435 North Front Street, LLC is the owner of the 3435 Property (Appellant Exhibit 7, Finding of Fact 4).
6. Appellant has a majority membership interest in the 3435 Property.
7. The joint properties are located in the R-5A High Density Residential Without Apartments Zoning District.
8. The lot size of the 3434 Property is 0.471 acres, or 20,529 square feet (Appellant Exhibits 2 and 3).
9. The lot size of the 3435 Property is 11,985 square feet (Appellant Exhibits 2 and 3).
10. Appellant proposes to construct an eight unit apartment building at the 3434 Property (Appellant Exhibit 1).

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1. Appellant Gene Dieter has a mailing address of 2909 Bridge Lane, Bethlehem, PA 18020.
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10. Appellant proposes to construct an eight unit apartment building at the 3434 Property (Appellant Exhibit 1).

C. A variance to §27-62(A) to permit parking as the principal use at 3435 North Front Street, Whitehall Township;

D. A variance to §27-62(A) to allow construction of an eight unit apartment building at 3434 North Front Street;

E. A variance to §27-76(E)(2)(a)(2) to permit a minimum front yard setback of 25 feet rather than 50 feet, for the property located at 3434 North Front Street;

F. A variance to §27-76(E)(2)(b)(2) to permit a rear yard setback of 25 feet, rather than 50 feet, for the property located at 3434 North Front Street;

G. A variance to §27-76(E)(2)(c) to permit a 25 feet side yard setback for the property located at 3434 North Front Street;

H. A variance from the density requirements of §27-93 and §27-121(6) to permit the construction of eight apartment units at 3434 North Front Street, which has a lot size of 0.471 acres where one acre is required; and

I. A variance from §27-121(B)(2), which requires double side and rear yard setbacks as those set forth in Sections 27-76(E)(2)(b)(2) and (c)(2).

Appellant Gene Dieter appeared and testified at the hearing. Appellant also presented testimony from Andrew Bennett, Professional Engineer, of Pennoni Associates, Inc. Appellant was represented by Attorney Chad M. DiFelice of SNG Law. Testimony in opposition to the zoning appeal was given by Michael Polzer. Adam J. Shafnisky appeared in support of the application as an interested party. Whitehall Township also appeared as an interested party, by and through its Assistant Solicitor, Samuel Cohen, Esquire.

C. A variance to §27-62(A) to permit parking as the principal use at 3435 North Front Street, Whitehall Township;

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E. A variance to §27-76(E)(2)(a)(2) to permit a minimum front yard setback of 25 feet rather than 50 feet, for the property located at 3434 North Front Street;

F. A variance to §27-76(E)(2)(b)(2) to permit a rear yard setback of 25 feet, rather than 50 feet, for the property located at 3434 North Front Street;

G. A variance to §27-76(E)(2)(c) to permit a 25 foot side yard setback for the property located at 3434 North Front Street;

H. A variance from the density requirements of §27-93 and §27-121(6) to permit the construction of eight apartment units at 3434 North Front Street, which has a lot size of 0.471 acres where one acre is required; and

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BEFORE THE WHITEHALL TOWNSHIP ZONING HEARING BOARD

IN RE:

GENE DIETER

Docket No. 2064

ZONING OPINION

On November 21, 2023, Gene Dieter (hereinafter referred to as "Appellant"), appeared before the Whitehall Township Zoning Hearing Board (hereinafter referred to as "Board"), requesting special exceptions and variances with respect to the property located 3434 North Front Street and 3435 North Front Street, Whitehall Township. Appellant proposes to construct an eight unit apartment building at 3434 North Front Street, and to provide off-street parking for the apartment building across the street at 3435 North Front Street. Both properties are located in the R-5A High Density Residential Without Apartments Zoning District, and have been the subject of previous hearings.¹

Appellant requested the following zoning relief at hearing:

- A. A special exception pursuant to §27-145(M), to permit off-street parking to be located at 3435 North Front Street, less than 300 feet from 3434 North Front Street, the location of the principal use;
- B. A special exception under §27-99, to decrease the front yard depth of the proposed apartment building at 3434 North Front Street to the average alignment of existing buildings on the same block located within 100 feet of the proposed building; that is, a front yard depth of 25 feet;

¹ Docket No. 1942, Board Decision issued June 24, 2019; Docket No. 1942A, Board Decision issued June 24, 2019; Docket No. 1968, Board Decision issued February 19, 2020 (Appellant Exhibit 6); Docket No. 2043, Board Decision issued March 29, 2023 (Appellant Exhibit 7); Docket No. 2047, Board Decision issued March 29, 2023; Docket No. 2048, Board Decision issued March 29, 2023 (Appellant Exhibit 8). The Board's Decision at Docket No. 2043 was appealed to the Lehigh County Court of Common Pleas at Docket No. 2023-C-2017. The Board's Decision at Docket No. 2048 was appealed to the Lehigh County Court of Common Pleas at Docket No. 2023-C-2015. Both appeals are currently pending.

8. Appellant cannot develop either the 3434 North Front Street or 3435 North Front Street properties in strict conformity with the provisions of the Zoning Ordinance because of these unique physical circumstances or conditions.

9. Appellant has not created the unnecessary hardship that exists with respect to both properties.

10. Appellant is entitled to a use variance to §27-62(A) to allow the construction of an eight unit apartment building at 3434 North Front Street, and a parking lot at 3435 North Front Street.

11. Appellant is entitled to use variances to Sections 27-93 and 27-1212(B)(6) to allow construction of an eight unit apartment building on a 0.471 acre lot at 3434 North Front Street.

12. Appellant is also entitled to dimensional variances to Sections 27-76(E)(2)(a)(2), (b)(2), (c)(2); and §27-121(B)(2).

13. The requested variances will not alter the essential character of the neighborhood in which the subject property is located.

14. The granting of the requested variances will not substantially or permanently impair the appropriate use or development of adjacent property.

15. The granting of the requested variances will not be detrimental to the public welfare.

16. The granting of the requested variances represent the minimum variances that will afford relief, and represent the least modification possible of the zoning provisions in issue.

17. Reasonable conditions are necessary in granting variance relief in the nature of the conditions set forth in the Planning Commission recommendations adapted on November 15, 2023, and set forth in the November 20, 2023 correspondence from the Township Bureau Chief, Planning, Zoning & Development (Township Exhibit 4).

DECISION

CONCLUSIONS OF LAW

1. The property located at 3434 North Front Street, Whitehall Township is located in an R-5A High Density Residential Without Apartments Zoning District.
2. The property located 3435 North Front Street, Whitehall Township is located in an R-5A Residential Without Apartments Zoning District.
3. Appellant is entitled to a special exception under §27-145(M) of the Whitehall Township Zoning Ordinances to permit off-street parking on a different lot than the lot where the principal use will be located at 3434 North Front Street, to permit off-street parking within 300 feet at 3435 North Front Street, Whitehall Township.
4. Appellant is entitled to a special exception under §27-99 of the Zoning Ordinances to allow a front yard depth of 25 feet for the proposed apartment building.
5. Reasonable conditions are necessary in granting special exception relief under §27-43, in the nature of the conditions set forth in the Planning Commission recommendations adapted on November 15, 2023, and set forth in the November 20, 2023 correspondence from the Township Bureau Chief, Planning, Zoning & Development (Appellant Exhibit 4).
6. There are unique physical circumstances or conditions peculiar to the property located at 3434 North Front Street, Whitehall Township, in the nature of an irregularly shaped lot and sloping topographical conditions.
7. There are unique physical circumstances or conditions peculiar to the property located at 3435 North Front Street, Whitehall Township in the nature of an irregularly shaped lot and an environmental covenant that restricts development on the property.

permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The eight unit apartment building proposed by Appellant (Appellant Exhibit 1) is consistent with the residential character of the neighborhood. Use variances are appropriate to §27-62(A) to allow an eight unit apartment building at the 3434 Property, and to allow off-street parking for the apartment building tenants across the street at the 3435 Property. A use variance to the density provisions of §27-93 and §27-121(6) to allow an eight unit apartment building on a 0.471 acre lot is also appropriate. These use variances will allow the reasonable use of the subject properties.

Similarly, the Board believes that Appellant is entitled to dimensional variance relief from §27-76(E)(2)(a)(2) to permit a front yard setback of 25 feet; to §27-76(E)(2)(b)(2) to permit a rear yard setback of 25 feet; to §27-76(E)(2)(a)(2) to permit a side yard setback of 25 feet; and to §27-121(B)(2) pertaining to the doubling of side and rear yard setbacks for apartments.⁶

As previously noted, the Board has granted special exception relief, subject to the conditions described. The Board is authorized to impose conditions on the granting of special exceptions under §27-43 of the Zoning Ordinances. Similarly, under §27-42(B), the Board is authorized to attach reasonable conditions and safeguards in granting variance relief. Accordingly, as a condition of variance relief Appellant will be required to comply with the same conditions as the Board has imposed in granting special exception relief.

March 29, 2023.

⁶ Appellant contended at hearing that variance relief to §27-121 was unnecessary because apartments are not a conditional use in the zoning district, and that Article XI, of which §27-121 is a part, applies only to conditional uses. However, §27-119 refers to Sections 27-44 and 27-45 of the Zoning Ordinance, the latter of which applies to special exception and conditional use submissions. In deciding to grant variance relief to §27-121, it is unnecessary for the Board to address Appellant's contention that §27-121 is inapplicable.

hardship required to establish an entitlement to a variance, Wilson v. Plumstead Twp. Zoning Hearing Board, 936 A.2d 1061 (Pa. 2007); Bruce L. Rothrock Charitable Foundation v. Zoning Hearing Board of Whitehall Township, 651 A.2d 587 (Pa. Cmwlth. 1994).

In addition, where an application seeks dimensional variances within a permitted use, an owner is asking only for the reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with applicable regulations. Therefore, the grant of a dimensional variance is of lesser moment than the grant of a use variance, since the latter involves a proposal to use the property in a manner that is wholly outside the zoning regulation. That is, in considering a dimensional variance as opposed to a use variance, a less rigorous standard is applied. Hertzberg v. The Zoning Board of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d 43 (1998).

This Board has previously determined that there are unique physical circumstances or conditions peculiar to the 3434 Property in the nature of an irregularly shaped lot and slopes (Appellant Exhibit 6, Finding of Fact Nos. 27 and 28). This Board has also previously determined that as a result of these unique circumstances or conditions, the 3434 Property cannot be developed in strict conformity with the provisions of the Zoning Ordinance, and the authorization of variance relief is necessary to enable the reasonable use of the property (Appellant Exhibit 6, page 10). This Board also previously found that the 3434 Property cannot be developed for any use without variance relief, based upon testimony presented (Appellant Exhibit 6, page 10).

In addition, this Board previously found that there are unique physical circumstances or conditions peculiar to the 3435 Property in the nature of an irregularly shaped lot, and environmental covenants that effectively preclude residential use (Docket No. 2047, Findings of Fact 29 and 30).⁵

The Board is also satisfied that the requested variances will not alter the essential character of the neighborhood or district in which the subject properties are located, nor substantially or

⁵ As previously stated, the Board takes quasi-judicial notice of its prior Decision at Docket No. 2047, that was issued on

In construing the foregoing statutory law, the Courts have consistently held that in order to obtain a variance, the Appellant must demonstrate that the effect of the particular Zoning Ordinance in issue imposes an unnecessary hardship on the Appellant's property; that the hardship is unique or peculiar to the Appellant's property as distinguished from the impact of zoning on the entire district; that the variance, if granted, would not adversely impact on the health, safety or welfare of the general public; and that the hardship was not self-inflicted. Steven v. Zoning Hearing Board of Franklin Township, 634 C.D. 2009 (Pa. Cmwlth. 2010); Solebury Twp. v. Solebury Township Zoning Hearing Bd., 914 A.2d 972 (Pa. Cmwlth. 2007); Ken-Med Associates v. Bd. of Twp. Supervisors, 900 A.2d 460 (Pa. Cmwlth. 2006); Taliaferro v. Darby Tp. Zoning Hearing Board, 2005 W.L. 839932, Pa. Cmwlth. App., 2005; Shaner v. Schuylkill County Zoning Hearing Board, 2004 W.L. 2238534, Pa. Cmwlth. App., 2004; Manayunk Neighborhood Council v. Zoning Bd. Of Adjustment of City of Philadelphia, 2002 W.L. 31855223, Pa. Cmwlth. App. 2002.

The Appellant must also show that the variance requested is the minimum departure from the Zoning Ordinance that will afford relief, Cope v. Zoning Hearing Board of South Whitchall Township, 134 Pa. Cmwlth. 236, 578 A.2d 1002 (1990); Gamestown, Inc. v. Zoning Board of Adjustment of City of Pittsburgh, 70 Pa. Cmwlth. 59, 452 A.2d 584 (1982); The Estate of Carla Barbagallo v. The Zoning Hearing Board of Ingram Borough, 133 Pa. Cmwlth. 38, 574 A.2d 1171 (1990), as the Zoning Hearing Board may only grant a variance when the reasons therefore are substantial, serious and compelling. Valley View Civic Association v. Zoning Board of Adjustment, 501 Pa. 550, 462 A.2d 637; Filberto J. Vito and Virginia J. Vito, his wife v. Zoning Hearing Board of the Borough of Whitchall, et al., 73 Pa. Cmwlth. 270 (1983); Evans v. Zoning Hearing Board of Borough of Spring City, 732 A.2d 686, Pa. Cmwlth. App., 1999; POA Co. v. Findlay Township Zoning Hearing Board, 713 A.2d 70, Pa. 1998.

Economic or financial hardship is not sufficient to satisfy the standard of unnecessary

forth in the Township of Whichall Planning Commission recommendation (Appellant Exhibit 4). In particular, the Board is of the opinion that a traffic study is necessary and appropriate to determine the traffic impact of the proposed use, and whether these studies will meet warrants for a multi-way stop control.

Appellant also requests multiple variances, as previously specified. Requests for variances are governed by both statute and case law. The Municipalities Planning Code, Section 912, enacted July 31, 1968, P.L. 805, as amended, and found at 53 P.S. Section 10912, states that a Board may only grant a variance if it determines:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) That such unnecessary hardship has not been created by the Appellant;

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Somers v. Stroud Township Zoning Hearing Board, 913 A.2d 306, 309 (Pa. Cmwith. 2006)

[quoting Section 910.2 (a) (2) of the M.P.C.]

- (4) The proposed use is not:
 - (a) Inconsistent with the surrounding zoning and uses.
 - (b) Detrimental to the appropriate use of adjacent property.

In the present case, Appellant seeks two special exceptions, which, in addition to §27-45 of the Whitehall Township Zoning Ordinances, are governed by case law. The right to seek or grant a special exception exists where provided for under the terms of the Zoning Ordinance. Piscioneri v. Zoning Hearing Board of the Borough of Munhall, 523 Pa. 597, 568 A.2d 610 (1990). In contrast to a variance, where an applicant seeks permission to do something that is prohibited by the Zoning Ordinance, an applicant for a special exception requests permission for that which is envisioned by the terms of the Ordinance. The applicant for a special exception has the burden of proving that the proposed special exception use satisfies the standards in the Zoning Ordinance. Greth Development Group, Inc. v. Zoning Hearing Board of Lower Heidelberg Township, 918 A.2d 181 (Pa. Cmwh. 2007).

Appellant has proven to the satisfaction of the Board that he is entitled to a special exception under §27-145(M) of the Zoning Ordinances, to permit the use of off-site parking on a different lot located at the 3435 Property and within 300 feet from the primary use at the 3434 Property. Appellant has also proven that he is entitled to a special exception under §27-99 to allow a front yard depth of 25 feet based on the testimony of Appellant's engineer, Andrew Bennett, who testified that other properties within 100 feet of the proposed building have front depths between 24-26 feet. Mr. Bennett testified that he chose the average of these depths, which is reasonable. However, as a condition of special exception relief, Appellant will be required to comply with the conditions set

E. The Zoning Hearing Board and Commissioners shall approve any special exception or conditional use which meets all of the provision of this chapter, and:

- (1) The proposed use:
 - (a) Is in accord with the existing Comprehensive Plan and the spirit, intent and purpose of this chapter.
 - (b) Is in the best interest of the Township.
 - (c) Is suitable for the site chosen.
 - (d) Is designed, maintained and used so as to be in harmony with adjacent properties in the immediate vicinity.
- (2) The proposed use permits the logical, efficient, safe and economic extension of public services and facilities, including but not limited to water, sewer, stormwater controls, schools, police and fire protection.
- (3) The proposed use does not:
 - (a) Substantially increase traffic congestion in the streets.
 - (b) Increase the danger of fire or panic or otherwise endanger the public safety.
 - (c) Overcrowd the land or create an undue concentration of population.
 - (d) Impair an adequate supply of light and air to adjacent property.
 - (e) Adversely affect the comprehensive plan of the Township.
 - (f) Unduly burden water, sewer, school, park or other public facilities.
 - (g) Endanger the safety of persons or property by improper location or design of facilities for ingress or egress.
 - (h) Otherwise adversely affect the public health, safety or general welfare.
 - (i) Violate any Federal or State law, statute, rule, directive or regulation. [Amended 4-8-1991 by Ord. No. 1729]
 - (j) Interfere or encroach upon any wetlands or floodplains. [Amended 4-8-1991 by Ord. No. 1729]

DISCUSSION

In the present case, Appellant requests two special exceptions and numerous variances, as detailed in the introductory section of this Opinion, to permit Appellant to construct an eight unit apartment building at 3434 North Front Street on a 0.471 acre lot, where one acre is required, and which is not a permitted use in the zoning district. Similarly, parking as the principal use is not a permitted use for the 3435 Property. Both properties are located in the R-5A High Density Residential Without Apartment Zoning District. Appellant also seeks a special exception under §27-145(M), which permits off-street parking by special exception on a different lot from the principal use, provided that the lot is within 300 feet of the principal use. In the present case, the eight unit apartment building will be constructed at the 3434 Property. However, Appellant proposes to provide off-street parking for 15 of the 16 proposed parking spaces at the 3435 Property, which is located within 300 feet of the principal use.

Applications for special exception are governed by Section 27-45 of the Whitehall Township Zoning Ordinances, which in relevant part provides as follows:

§ 27-45. Special exception and conditional use submission, review and decision procedures and requirements.

- D. When considering a special exception or conditional use, the Zoning Hearing Board or Commissioners, as the case may be, shall forward a copy of the application and corresponding documents to the Planning Commission. The Planning Commission shall review the special exception or conditional use and offer its recommendations regarding the effect of the proposed use on the surrounding property, conformity to the comprehensive plan and all of the provisions of this chapter. The Zoning Hearing Board and Commissioners shall not take any action on the special exception or conditional use request until written comments from the Planning Commission have been received or the expiration of 45 days from the date the application was submitted, whichever occurs first.

6. The variance relief granted herein is subject to the conditions set forth in the
Whitchall Township Planning Commission recommendations (Appellant Exhibit 4);

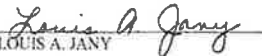
This decision applies only to the foregoing request for special exception and variance relief
as specified in this Decision, and does not create any right or authority to the Appellant to use the
subject properties or to construct or expand any structure in any manner inconsistent with the
provisions of the Zoning Ordinances; and

Appellant is further bound by all testimony in evidence presented on his behalf, including the
exhibits of record, with respect to his application for relief.

BY THE BOARD:

ASSENTING:


STEPHEN M. BURDA, Vice Chairperson


LOUIS A. JANY


ROGER REICHARD

Date of Mailing: December 21, 2023

Your appeal period begins to run on the date of mailing, which is the date that this
Decision was mailed to you. If you wish to appeal this Decision, you must file an Appeal to the
Lehigh County Court of Common Pleas within thirty (30) days of the date of mailing.

NOW, THEREFORE, it is the considered decision of the Zoning Hearing Board of the Township of Whitehall that Appellant's request for a special exception under Sections 27-145(M) and 27-99 of the Whitehall Township Zoning Ordinances shall be and is hereby granted, to permit off-street parking for the principal use to be established at 3434 North Front Street, Whitehall Township on a different lot located across the street and within 300 feet at 3435 North Front Street, Whitehall Township.

FURTHER, a special exception is also granted under §27-99 of the Zoning Ordinances to permit the front yard of the proposed apartment building to be located at 3434 North Front Street to have a front yard depth of 25 feet; provided; however, that both special exceptions are subject to the conditions set forth in the November 20, 2023 correspondence from the Township Bureau Chief, Planning, Zoning & Development (Appellant Exhibit 4).

AND FURTHER, it is the considered decision of the Zoning Hearing Board of the Township of Whitehall that Appellant's requests for variance relief shall be and are hereby granted as follows:

1. Appellant is granted a variance to §27-62(A) to permit the construction of an eight unit apartment building at 3434 North Front Street, Whitehall Township, and a parking lot to be located at 3435 North Front Street, Whitehall Township;
2. Appellant is granted a variance to §27-93 and §27-121(B)(6) to permit the construction of an eight unit apartment building on a 0.471 acre lot;
3. Appellant is granted a variance to §27-76(E)(2)(a)(2) to allow a front yard setback of 25 feet;
4. Appellant is granted a variance to §27-76(E)(2)(b)(2) and to §27-121(B)(2) to allow a rear yard setback of 25 feet;
5. Appellant is granted a variance to §27-76(E)(2)(c) and §27-121(B)(2) to allow a side yard setback of 25 feet;

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

The regular monthly meeting of the Whitehall Township Zoning Hearing Board will be held on **March 19, 2024, at 7:00 p.m.**, in the Public Meeting Room of the Municipal Building, at 3219 MacArthur Road, Whitehall, PA 18052, to hear the following applications and Appeals:

DOCKET # 2070 – Paxos Group Builders & Developers, LP – 2155 Spyglass Hill, Center Valley, PA 18034. **Location: Phase 3 – Haven Ridge Condominiums, Whitehall, PA 18052, PIN 549877799513.** The subject property is located in the R-5A High Density Residential Without Apartments Zoning District. This is an Appeal from an Enforcement Notice alleging that the Appellant is renting apartments in Phase 3 of the Haven Ridge Condominiums Subdivision, which is not a permitted use in the R-5A High Density Residential Without Apartments Zoning District, instead of establishing those units as condominiums as approved by the Board of Commissioners. Appellant denies ownership of and renting those units as apartments, and asserts that the Enforcement Notice is deficient. Continued to this meeting at the request of the Applicant.

DOCKET # 2070 A – Paxos Realty, LP – 2155 Spyglass Hill, Center Valley, PA 18034. **Location: 2011 through 2089 Arey Lane, Whitehall, PA 18052, PIN 549877799513.** The subject property is located in the R-5A High Density Residential Without Apartments Zoning District. This is an Appeal from an Enforcement Notice alleging that the Appellant is renting apartments in Phase 3 of the Haven Ridge Condominiums Subdivision, which is not a permitted use in the R-5A High Density Residential Without Apartments Zoning District, instead of establishing those units as condominiums as approved by the Board of Commissioners. Appellant denies renting or leasing the units as apartments and claims the units meet the definition of condominium. Continued to this meeting at the request of the Applicant.

DOCKET # 2078 – W H W Company – 3145 E. Church Street, Whitehall, PA 18052, and **Monahan Property Management**, 107 East 4th Street, Northampton, PA 18067. **Location: 3161 East Church Street, Whitehall, PA 18052, PIN 549963670791.** The subject property is located in the OS-1 Open Space Residential/Agricultural Zoning District. Applicants are requesting Variances to sections 27-23, 27-29, 27-30, and 27-68 of the Zoning Ordinance to allow Monahan Property Management to conduct outdoor storage business at the subject property without a Use Permit and which is not a permitted use in the OS-1 Open Space Residential/Agricultural Zoning District, and to allow Third Party Linde Corporation to continue to conduct outdoor storage business at the subject property in excess of those operations allowed by, and after the expiration of, the Variance previously granted at Docket #1969. Continued to this meeting with the consent of one of the Applicants.

DOCKET # 2079 – Kasey and Alicia Schreffler – 123 Oakwood Drive, Whitehall, PA 18052. **Location: 123 Oakwood Drive, Whitehall, PA 18052, PIN 640727430364,** the subject property is located in the R-4 Medium Density Residential Zoning District. Applicants are requesting a variance to Sec. 27-102(A)(1) of the Zoning Ordinance to allow a home occupation online Etsy shop in addition to an existing home occupation electrical contractor business office; where only one home occupation is allowed.

DOCKET # 2080 – Edmund Hadeed and Fahd Tabban and Safe Wrap, LLC – 2123 N. First Avenue, Suite B1-B2, Whitehall, PA 18052. **Location: 2123 N. First Avenue, Whitehall, PA 18052, PIN 549897223881,** the subject property is located in the C-1 Neighborhood Commercial Zoning District. Applicants are requesting variances to Sec. 27-62(A) and 27-116 (C) of the Zoning Ordinance to allow the permanent placement of 2 temporary storage containers placed without Permits and an enclosed trailer on the property; which are prohibited uses in the C-1 Zoning District.

DOCKET # 2081 – Kalpesh Patel t/a Friendly Food Mart III – 906 Third Street, Whitehall, PA 18052. **Location: 906 Third Street, Whitehall, PA 18052, PIN 640802886467,** the subject property is located in the C-1 Neighborhood Commercial Zoning District. Applicant is requesting variances to Sec. 27-18, 27-148 and 27-165 (B), (C) and (D) of the Zoning Ordinance to allow an electronic display sign closer than 30 feet to a street right-of-way, closer than 250 feet to a residence and closer than 400 feet to a Residential Zoning District; without Building and Electrical Permits.

DOCKET # 2082 – WB Homes Land Acquisitions, LP – 404 Sumneytown Pike, North Wales, PA 19454. **Location:** **3626 Rural Road, Whitehall, PA 18052, PIN 548895351592**, the subject property is located in the R-3A Special Care Community Residential Zoning District. Applicant is requesting variances to Sec. 27-141 (H)(5) and (K)(3) of the Zoning Ordinance to allow structures to be located within 20 feet of a private street where 25 feet are required and to allow end units of attached dwellings to be located 40 feet from each other where 50 feet are required.

DOCKET # 2083 – A&R Auto & Body, LLC – 98 Fifth Street, Whitehall, PA 18052. **Location:** **98 Fifth Street, Whitehall, PA 18052, PIN 640707328709**, the subject property is located in the R-5A High Density Residential Without Apartments Zoning District. Applicant is requesting variances to Sec. 27-62(A) and 27-76 of the Zoning Ordinance to add an used vehicle sales use for up to ten (10) vehicles, which is a prohibited use in the R-4 Zoning District, to a nonconforming automotive vehicle repair garage.

DOCKET # 2084 – Aziz Khalil – 1268 Midway Circle, Whitehall, PA 18052. **Location:** **1268 Midway Circle, Whitehall, PA 18052, PIN 549874859435**, the subject property is located in the R-4 Medium Density Residential Zoning District. Applicant is requesting a variance to Sec. 27-106 (C) of the Zoning Ordinance to increase nonconforming front and side yard setbacks to replace a nonconforming 20 foot by ten foot concrete patio or porch with a 45 foot by 10 foot stamped concrete patio or porch.

Copies of plans, applications and supporting documents are available for public inspection at the Township Municipal Building. Comments and questions may be submitted to CGittinger@whitehalltownship.com.

The decisions of the Township of Whitehall Zoning Hearing Board are made without regard to race, color, national origin, familial status, and disability status of the Applicant.

The Whitehall Township Municipal Building is accessible to the physically handicapped. Any person that requires special assistance to understand the nature of the business conducted at the above meeting because of visual, hearing, or other impairment, is requested to contact the Zoning Officer at least five (5) days prior to the scheduled meeting to arrange for the necessary assistance.

Applicants, and all interested parties MUST appear at this hearing to be considered.

The Whitehall Township Zoning Hearing Board has an obligation to affirmatively further fair housing and to review all land use and zoning applications in accordance with federal civil right statutes. This includes taking meaningful actions that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.

The Zoning Hearing Board, in its land use and zoning decisions, does not discriminate against persons based on race, color, national origin, religion, sex, disability, or familial status and reviews all land use and zoning applications in accordance with federal civil rights statutes. Public comments made on the basis of bias and stereotype concerning people within these protected classes will not be taken into consideration by the Zoning Hearing Board in its deliberations.

Advertise:

February 28, 2024 and
March 6, 2024

Christopher W. Gittinger
Zoning and Code Enforcement Officer

Copy to: Board of Commissioners, Mayor, Bureau Chiefs, William J. Fries, Esquire, Victor E. Scmillio, Esquire, Zoning Hearing Board, John F. Gross, Esquire

**BEFORE THE BOARD OF COMMISSIONERS
OF THE
TOWNSHIP OF WHITEHALL**

RESOLUTION NO. 3315

**A RESOLUTION AUTHORIZING THE WAIVER OF THE TEMPORARY
MASTER PLUMBER/MASTER PLUMBER LICENSE FEE FOR THE
MEMBERS OF THE WHITEHALL TOWNSHIP PLUMBERS
EXAMINING BOARD AS ESTABLISHED BY THE WHITEHALL
TOWNSHIP CODIFIED ORDINANCES, CHAPTER 29, FEES § 7.10 (c).**

WHEREAS, the members of the Whitehall Township Plumber's Examination Board serve the Township by conducting annual test for the licensing of Master and Journeyman plumbers, and

WHEREAS, these volunteers are required to maintain either a Whitehall Township Temporary Master Plumber License or a Whitehall Township Master Plumber License in order to serve on this Board, and

WHEREAS, the Plumbers Examination Board provides a valuable service to the Township and

WHEREAS, the Board of Commissioners wishes to waive the required license fee for the members of the Plumber's Examination Board during their terms on the Board.

NOW, THEREFORE, BE IT RESOLVED that the temporary and Master plumber license fee be waived for all members of the Whitehall Township Plumbers Examination Board for the duration of their term of service on the Board.

APPROVED AND ADOPTED this 8th day of April, 2024, at a regular public meeting.

**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

BY: _____
Thomas Slonaker, President

Date

ATTEST:

Secretary

And now, to wit, this ____ day of April, 2024, the above is approved.

Joseph J. Marx, Jr. Mayor

**BEFORE THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF WHITEHALL**

RESOLUTION NO. 3316

**A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW
LAND DEVELOPMENT ARD MAC COMMONS LLC/ARD WMPAD, LLC,
WHITEHALL PA. (DEVELOP)**

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the “Pennsylvania Sewage Facilities Act”, as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, ARD Mac Commons LLC/ARD WM PAD, LLC has proposed the development of a parcel of land identified as MacArthur Commons Redevelopment 2 and described in the attached Sewage Facilities Planning Module, and proposes that such subdivision be served by sewer tap-ins: and

WHEREAS, Whitehall Township finds that the subdivision described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Township of Whitehall hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the “Official Sewage Facilities Plan” of the municipality the above referenced Sewage Facilities Planning module which is attached hereto.

APPROVED AND ADOPTED this 8th day of April, 2024, at a regular public meeting.

**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

BY: _____
Thomas Slonaker, President

ATTEST:

Randy Atiyeh, Secretary

Date

RESOLUTION NO. _____

AND NOW, TO WIT, this _____ day of _____ the above is approved.

Joe Marx, Jr., Mayor

I, Randy Atiyeh, Secretary of the Board of Commissioners of the Township of Whitehall, do hereby certify that the foregoing is a full, true and correct copy of Resolution No.3306, adopted, April 8, 2024.

Whitehall Township
3219 MacArthur Road
Whitehall, PA 18052
610-437-5524

3800-FM-BPNPSM0353 Rev. 2/2015

Form



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

Code No.
2-39925155-3

SEWAGE FACILITIES PLANNING MODULE

Component 3. Sewage Collection and Treatment Facilities

(Return completed module package to appropriate municipality)

DEP USE ONLY				
DEP CODE #	CLIENT ID #	SITE ID #	APS ID #	AUTH ID #
2-39925155-3				

This planning module component is used to fulfill the planning requirements of Act 537 for the following types of projects: (1) a subdivision to be served by sewage collection, conveyance or treatment facilities, (2) a tap-in to an existing collection system with flows on a lot of 2 EDU's or more, or (3) the construction of, or modification to, wastewater collection, conveyance or treatment facilities that will require DEP to issue or modify a Clean Streams Law permit. Planning for any project that will require DEP to issue or modify a permit cannot be processed by a delegated agency. Delegated agencies must send their projects to DEP for final planning approval.

This component, along with any other documents specified in the cover letter, must be completed and submitted to the municipality with jurisdiction over the project site for review and approval. All required documentation must be attached for the Sewage Facilities Planning Module to be complete. Refer to the instructions for help in completing this component.

REVIEW FEES: Amendments to the Sewage Facilities Act established fees to be paid by the developer for review of planning modules for land development. These fees may vary depending on the approving agency for the project (DEP or delegated local agency). Please see section R and the instructions for more information on these fees.

NOTE: All projects must complete Sections A through I, and Sections O through R. Complete Sections J, K, L, M and/or N if applicable or marked ☒.

A. PROJECT INFORMATION (See Section A of instructions)

1. Project Name MACARTHUR COMMONS REDEVELOPMENT 2

2. Brief Project Description ARD Mac Commons LLC and ARD WM Pad, LLC are proposing the redevelopment of the properties located at 2601 and 2631 MacArthur Road, (SITE) in Whitehall Township, Lehigh County, Pennsylvania. The project area in the Whitehall Shopping Center and MacArthur Commons Parcel are located at the northeast corner of Hammond Loop. It is an existing parking lot with associated storm sewer, lighting, and landscaping. The properties in questions are further identified as parcel number UPI# 549865190012 and 549856162307. The project proposes the demolition of a portion of the existing parking lot and construction of the following: the Retail E building (12,800 sf), and the Restaurant/Café with drive thru (2,500 sf) in Parcel A, the Car Wash (3,858 sf), in Parcel B and, the Indoor Entertainment Facility (15,000 sf), in Parcel C within Whitehall Shopping Center parcel. These Parcels A, B and C will be owned by ARD WM Pad, LLC. The project proposes the Retail D building (5,000 sf) in MacArthur Commons Parcel, owned by ARD Mac Commons LLC. Associated reconfigurations of the parking, utilities and stormwater management systems are also proposed. The Retail E building and the Restaurant/Café will connect to the public sanitary sewer system of Coplay-Whitehall Sewer Authority (CWSA) through an 8-inch private main, which will be owned and operated by ARD WM Pad, LLC. The Indoor Entertainment Facility and the Carwash will connect to the public sanitary sewer system of CWSA through an 8-inch private main, which will be owned and operated by ARD WM Pad, LLC. An operation and maintenance agreement will be in place to maintain the sanitary sewer easements in Parcel A, B, and C. The Retail D building will connect to the private sanitary lateral in MacArthur Commons Parcel through a 4-inch private lateral, which will be owned and operated by ARD Mac Commons LLC. The construction activities as listed above are part of the second stage of redevelopment of the combined Shopping Centers. The previously approved land development included the construction of two pad site structures (3,450 sf and 5,000 sf) within the existing parking field of MacArthur Commons Parcel. As part of the work in that area, the project converted existing paved areas to parking islands to improve traffic circulation as well as provided additional greenspace. Additionally, the project expanded the shopping center onto a formerly undeveloped parcel with a pad

RESOLUTION NO. _____

3800-FM-BPNPSM0353 Rev. 2/2015
Form

structure of approximately 7,672 sf. The project installed new parking areas as well as modified the portions of the existing parking areas to reconfigure the traffic flow within the center to accommodate the additional structures as well as improve existing circulation at the rear of the center.

B. CLIENT (MUNICIPALITY) INFORMATION (See Section B of instructions)

Municipality Name	County	City	Boro	Twp
Whitehall Township	Lehigh	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Municipality Contact Individual - Last Name	First Name	MI	Suffix	Title
Rackus	Lee			Bureau Chief
Additional Individual Last Name	First Name	MI	Suffix	Title
Municipality Mailing Address Line 1	Mailing Address Line 2			
3219 MacArthur Road				
Address Last Line – City	State	ZIP+4		
Whitehall	PA	18052-2900		
Area Code + Phone + Ext.	FAX (optional)	Email (optional)		
610-437-5524		lrackus@whitehalltownship.com		

C. SITE INFORMATION (See Section C of instructions)

Site (Land Development or Project) Name				
MacArthur Commons Redevelopment 2				
Site Location Line 1	Site Location Line 2			
2601 & 2631 MacArthur Road				
Site Location Last Line – City	State	ZIP+4	Latitude	Longitude
Whitehall	PA	18052	40.64448	-75.48962
Detailed Written Directions to Site Approximately 1.4 miles north from the intersection of Lehigh Valley Thruway(Route 22) and MacArthur Road (SR145). The Site is on right side of MacArthur Road, the site is within the existing Whitehall Shopping Center and MacArthur Commons shopping center.				
Description of Site The existing site is in the Whitehall Shopping Center is located at the northeast corner of Hammond Loop and Spark Drive. It is an existing parking lot with associated storm sewer, lighting, and landscaping. The redevelopment site in the MacArthur Commons Parcel is an existing parking lot with associated storm sewer, lighting and landscaping.				
Site Contact (Developer/Owner)				
Last Name	First Name	MI	Suffix	Phone Ext.
Abrams	Peter			215-881-9610
Site Contact Title	Site Contact Firm (if none, leave blank)			
Manager	ARD Mac Commons LLC and ARD WM Pad, LLC			
FAX	Email			
	peter@abramsrealty-dev.com			
Mailing Address Line 1	Mailing Address Line 2			
310 Yorktown Plaza				
Mailing Address Last Line -- City	State	ZIP+4		
Elkins Park	PA	19027-1427		

D. PROJECT CONSULTANT INFORMATION (See Section D of instructions)

Last Name	First Name	MI	Suffix
Meyers	Brian		S
Title	Consulting Firm Name		
Vice President	LANDCORE Engineering Consultants, PC		

RESOLUTION NO. _____

3800-FM-BPNPSM0353 Rev. 2/2015
Form

Mailing Address Line 1

Mailing Address Line 2

P.O. Box 37635 #56287

Address Last Line – City

State

ZIP+4

Country

Philadelphia

PA

19101-0635

USA

Email

Area Code + Phone

Ext.

Area Code + FAX

bmeyers@landcoreconsulting.com 215-836-2510

E. AVAILABILITY OF DRINKING WATER SUPPLY

The project will be provided with drinking water from the following source: (Check appropriate box)

☐ Individual wells or cisterns.

☐ A proposed public water supply.

☒ An existing public water supply.

If existing public water supply is to be used, provide the name of the water company and attach documentation from the water company stating that it will serve the project.

Name of water company: Northampton Borough Municipal Authority

F. PROJECT NARRATIVE (See Section F of instructions)

☒ A narrative has been prepared as described in Section F of the instructions and is attached.

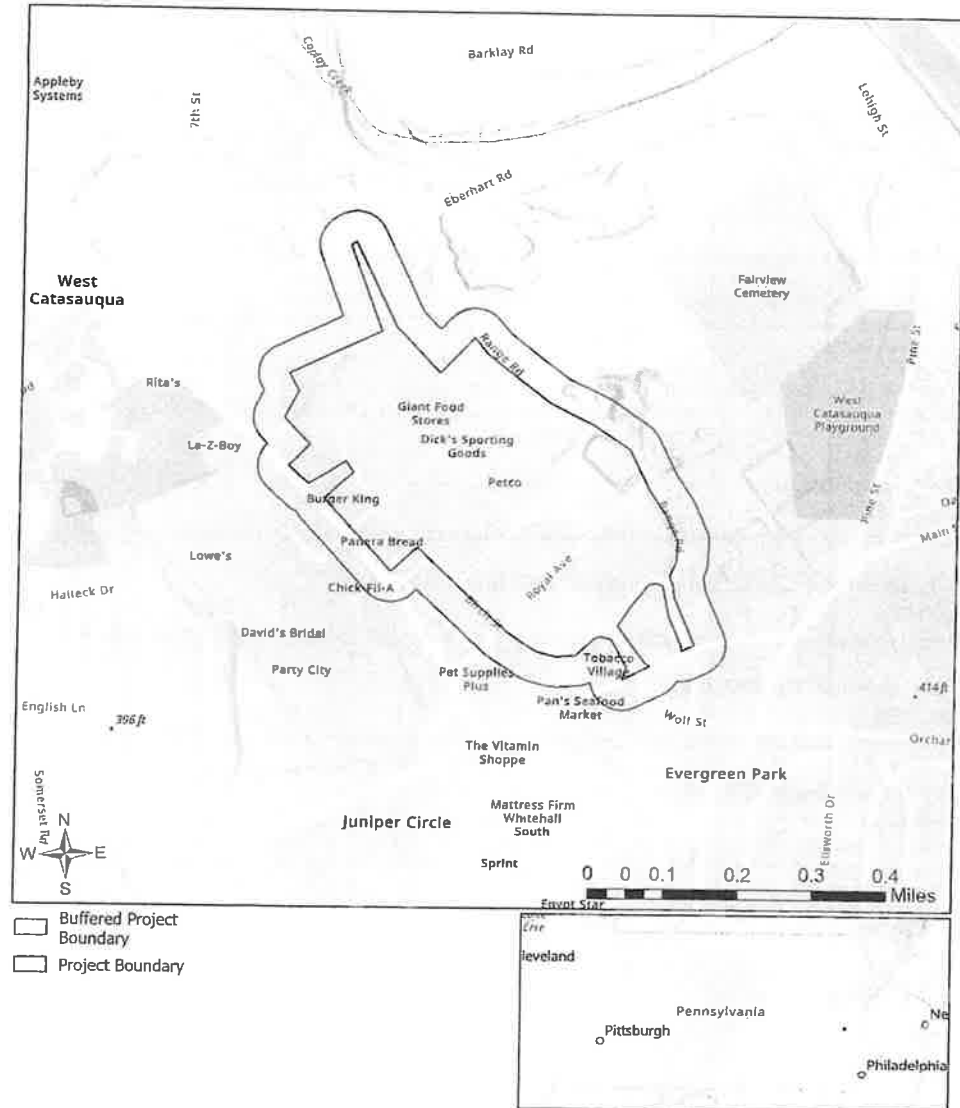
The applicant may choose to include additional information beyond that required by Section F of the instructions.

Proposed Commercial Redevelopment 2



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Proposed Commercial Redevelopment 2



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

WHITEHALL TOWNSHIP ZONING AMENDMENT REQUEST PETITION

DATE: 3/28/24
FEE PAID: 2500⁰⁰
ESCROW AMOUNT: 500⁰⁰

BOARD OF COMMISSIONERS
WHITEHALL TOWNSHIP
3219 MACARTHUR ROAD
WHITEHALL, PA 18052

TO THE BOARD OF COMMISSIONERS OF WHITEHALL TOWNSHIP:

We, the undersigned and interested parties, hereby request your honorable body to amend the Whitehall Township Zoning Ordinance or Map to:

Amend the Zoning Map to change the zoning of land north of Lehigh Drive and east of the Township Municipal Complex to be part of the R-3A Special Care Community Residential District, and to amend the zoning text to revise certain heights and setbacks concerning Special Care Communities.

The primary reason for this request is: This property is highly suited for a Special Care Community, with a mix of independent living units for older persons, side-by-twin homes for seniors, a community center, recreation areas, and a minimum of 25 percent of the tract being permanently preserved as open space. The preserved open space would include substantial land along the Coplay Creek, and a trail connection to adjacent township-owned land to the east that could connect to the Ironton Rail Trail.

Name Abra Development 3, LP. and Penn Knoll, LLC, which have the same business address, and are related entities.

Address Property Addresses are 3855 Lehigh St. and 3305 Municipal Drive
Whitehall, PA 18052

Telephone Number ~~610-403-6655~~


Property Owner Signature

Address 1177 6th St. Whitehall PA 18052

~~610-403-6655~~

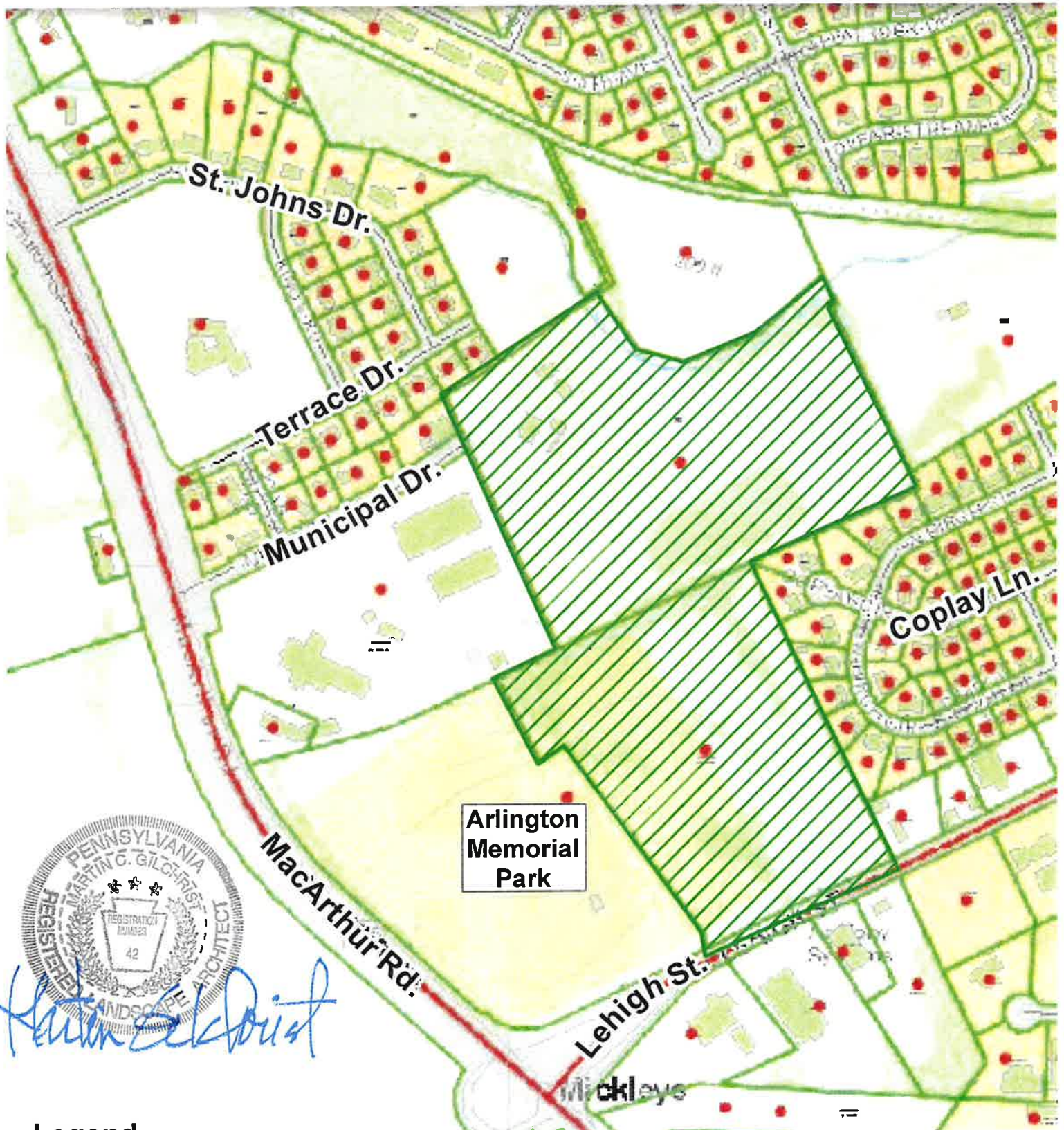
Telephone Number ~~610-403-6655~~

Email Address _____

NOTE: This petition shall be attached to documents required on previous pages. Any request that does not contain all requested information will not be accepted.

Attachment A

Draft Whitehall Township Zoning Map Change - January 29, 2024



Legend

-  Land Area to be changed to the R-3A Special Care Community Residential District

ORDINANCE NO. ____

An Amendment to the Whitehall Township Zoning Ordinance to Change the Zoning District of Land North of Lehigh Street, East of the Arlington Memorial Park Cemetery, East of the Whitehall Township Municipal Complex, and Southwest of the Coplay Creek to the R-3A Zoning District, as seen in more detail on the Attached Map, and to Revise Certain Standards for Special Care Community Residential Developments.

Under the procedures and authority of the Pennsylvania Municipalities Planning Code, as amended, and to expand housing and health care opportunities for older persons in the Township, the Board of Commissioners of Whitehall Township, Lehigh County, Pennsylvania hereby adopts the following amendment to the Whitehall Township Zoning Ordinance and Zoning Map:

SECTION ONE: Zoning Map Change.

The land area shown on “Attachment A” is hereby changed from the current R-4 and OS-1 Districts to be within the R-3A Special Care Community Residential zoning district. Such land area includes approximately 32.9 acres and is generally north of Lehigh Street, east of the Arlington Memorial Park Cemetery, east of the Whitehall Township Municipal Complex, east of the end of Municipal Drive, and southwest of the Coplay Creek.

SECTION TWO: Zoning Text Changes to the provisions for Special Care Community Residential Developments.

The following revisions are hereby made to the text of Section 27-141 regarding Special Care Community Residences:

In Section 27-141.I., the following text shall be added: “The maximum building height may be increased to 55 feet for buildings that are primarily occupied by independent living units, assisted living facilities and/or personal care homes.”

In Section 27-141.K.2, replace the “not less than two feet for each one foot” with “not less than one foot for each foot”. Add the following wording at the end of the section: “, except as provided in subsection K.3. below.”

In Section 27-141.K.3, in the first sentence, after the words “single family detached dwellings” add “or “single family semi-detached dwellings.” In the second sentence, delete the words “single-family semi-detached or”.

SECTION THREE: All Ordinances, Resolutions and/or other Regulations inconsistent with the provisions of this Zoning Amendment are repealed to the extent of their specific inconsistency with this Zoning Ordinance Amendment.