

**TOWNSHIP OF WHITEHALL  
ZONING HEARING BOARD  
RESULTS OF PUBLIC HEARINGS  
MARCH 19, 2024**

The Chairperson, Steve Burda called the Meeting to order at 7:00 pm. The Chairperson and Members Lee Christman, Dean Wotring, and Roger Reichard were present. The Chairperson led the Pledge Of Allegiance. The Chairperson read the Fair Housing Statement. The Solicitor announced that Dockets #2070 and 2070A (the Paxos Appeals) would not be heard that evening. The Solicitor announced that there were only four (4) Members of the Zoning Hearing Board present; providing any Applicant the opportunity to reschedule. There were no requests to reschedule.

**DOCKET # 2078 – W H W Company** – 3145 E. Church Street, Whitehall, PA 18052, and **Monahan Property Management**, 107 East 4<sup>th</sup> 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 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.

The Township Exhibits were already admitted into the Record during the previous Meeting.

Applicant, WHW Company was represented by Attorney Richard B. Somach, and appeared through its Secretary, Joan Dinbokowitz.

Applicants Exhibit 1, a letter withdrawing Monahan Property Management's application was admitted into the Record. Applicant Exhibit 2, the prior Zoning Opinion at Docket #1969 was admitted into the Record. Applicant Exhibit 3, a March 15, 2024 letter from Tenant, Linde Corporation requesting a 36 month extension of the previously granted Zoning relief was admitted into the Record.

Joan Dinbokowitz testified that there was a March 31, 2024 deadline for prior Applicant, Monahan Property Management to vacate the premises and remove all equipment, that the request for an extension was for 36 month's from the date of this Hearing, and that the office trailers on the property were Linde Corporation's. The Applicant requested to add those office trailers to the relief requested.

There were no Objectors or Supporters.

Motion by Lee Christman to grant the Variances with the addition of the office trailers, for 36 months with the same conditions imposed in the prior Docket; second by Roger Reichard. Motion passed 4 – 0.

**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 R3-A 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.

Member Dean Wotring recused himself from participating in this Docket.

The Applicant was represented by Attorney Naomi Centrella, and appeared through its President, Chris Canavan.

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

Chris Canavan testified that 57 attached dwelling units and 59 detached dwelling units are proposed. The Applicant already received Conditional Use approval from the Board Of Commissioners on October 17, 2023. Five (5) Applicant Exhibits were admitted into the Record.

Karen Poshefko appeared as an interested Party with a question about sidewalks within the green space between porches.

There were no other Objectors or Supporters.

The Zoning Hearing Board held an Executive Session.

Motion by Lee Christman to grant the requested Variances; second by Steve Burda. Motion passed 2 – 1; with Roger Reichard voting no.

**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.

The Applicants appeared on their own behalf.

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

Applicants' letter dated February 6, m2024 included with the application was admitted into the Record. Alicia Schreffler testified that her Husband, Kasey Schreffler's electrician home occupation had no employees, had no customers coming to the house, and has only one van.

There were no Objectors or Supporters.

The Zoning Hearing Board held an Executive Session.

Motion by Roger Reichard to grant the Variance subject to the condition that there be no product pick ups or deliveries at the house; second by Lee Christman. Motion passed 4 – 0.

**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.

The Applicants appeared through Applicant Edmund Hadeed.

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

Edmund Hadeed testified that the storage trailers were used to store Material for the Applicants' Business, and that the Applicants have approximately 30 Employees; most of whom reside in the Whitehall area.

There were no Objectors or Supporters.

The Zoning Hearing Board held an Executive Session.

Motion by Dean Wotring to deny the requested Variances; second by Roger Reichard. Motion passed 4 – 0.

**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; installed without Building and Electrical Permits.

The Applicant was represented by Attorney Ronald E. Corkery, and appeared through the Applicant himself.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Landowners, the January 4, 2024 Enforcement Notice, that there was only a change in the face of the freestanding sign, and that the freestanding sign had been at that location for as long as he could remember.

Kalpesh Patel testified that he purchased the property in 2022, that he owns 22 other gas stations which all have digital signs, that digital signs for the frequently changing price of gasoline are the standard in the industry, and that most gas stations have digital signs. Applicant Exhibits 1 through 15, the photographs included with the application, were admitted into the Record.

There were no Objectors or Supporters.

Motion by Dean Wotring to grant the requested Variances; second by Roger Reichard. Motion passed 4 – 0.

**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.

The Applicant was represented by Attorney Catherine Kollet, and appeared through its Principle, Rafael Bayona.

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

Rafael Bayona testified that the property had previously been used as an automotive body repair center and had a tow truck for Township calls/assignments. He has one Employee. He proposes to have no more than ten (10) cars for sale at any time. Applicant Exhibits 1, the diagram included with the application, and 2, the County Assessment Record photograph were admitted into the Record.

There were no Objectors or Supporters.

The Zoning Hearing Board held an Executive Session.

Motion by Lee Christman to grant the requested Variances subject to the condition that there be no more than ten (10) cars offered for sale at a time, contained within the fenced in area, and that no more than 20% of the business be automotive body repair; second by Dean Wotring. Motion was denied 2 – 2. Members Burda and Reichard voted no.

**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 ten foot stamped concrete patio or porch.

Member Lee Christman recused himself from the Hearing.

The Applicant appeared herself with her Husband, Terence Silfies.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing No9tice of the Hearing to Neighboring Landowners.

George Atiyeh, the across-the-street Neighbor appeared in support of the application.

Applicant Exhibit 1, the site plan included with the application, and 2, the County Assessment Record were admitted into the Record.

There were No other Objectors or Supporters.

Motion by Dean Wotring to grant the requested Variance; second by Roger Reichard. Motion passed 3 – 0. Motion by Roger Reichard to approve the Minutes from the December 19, 2023 and January 16, 2024 Meetings; second by Dean Wotring. Motion passed 4 – 0.

Meeting adjourned at 9:05 pm.