

**TOWNSHIP OF WHITEHALL  
ZONING HEARING BOARD  
DECEMBER 20, 2022  
RESULTS OF PUBLIC HEARINGS**

The Chairperson called the Meeting to order at 7:02 pm.. The Chairperson led the Pledge Of Allegiance. The Chairperson read the fair housing statement. The Chairperson announced that the meeting would end at 10:00 pm.

Docket # 1895B – Creekside Land Holdings, LLC was continued to January 17, 2023.

**DOCKET # 2043 – Adam J. Shafnisky and Shannon M. Shafnisky** – 3425 N. Front Street, Whitehall, PA 18052. **Location: 3435 N. Front Street, Whitehall, PA 18052, PIN 549954618461**, the subject property is located in a R-5A High Density Residential Without Apartments Zoning District. Applicants are requesting to overrule the Zoning Officer's issuance of a Building Permit approved March 17, 2022 for new construction because the application listed the use as "Automobile Sales/Service" and that it was not a change in use. Continued to this meeting at the request of the Property Owner.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to neighboring property owners.

The Applicants appeared themselves, and were represented by Matthew J. Deschler, Esquire. The Property Owner appeared through its Principal, Eugene Dieter, and was represented by Chad DiFelice, Esquire.

Adam Shafnisky described his property and home, the County Assessment record, the current vacant status of the property, the historic use of the property as a service garage, that the property was not being used at all when the Applicants moved next door in 2015, that he observed what he thought was survey work in July or August, 2022, that in July, 2022 he was told by the Zoning And Code Enforcement Officer that the garage was going to be rebuilt, that that was when he decided this wasn't appropriate for the neighborhood, that there had been no service of automobiles and very little sales of vehicles since 2015, history of trash, weeds, and vehicles in disrepair, a leaking heating oil tank, use of part of the lot as an impound lot, that there were no cars on the lot today, and that the heating oil tank had been removed the week before. Applicant Exhibits 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, and 25 were admitted into the Record. He testified that he first saw the Property Owner's December 23, 2021 Building Permit application in September, 2022, that, that he never saw trash service servicing the property, there was only a dumpster for asbestos abatement, and that there had been no construction activity since July, 2022. Applicant Exhibits 26 and 27 were admitted into the Record.

During a recess, Docket # 2045 – Bible Fellowship Church Homes, Inc. was continued to a Special Hearing date on January 5, 2023.

The Applicant testified on cross-examination that he knew the Property Owner intended to rebuild on the property, that the Tenant had told him of the history of servicing cars, and that the sign for service had been there the entire time he was familiar with the property and was still there.

Supporter Michael Polzer testified he has lived across the street from the property since 2011, never saw any vehicle being serviced there, did not know the garage bay doors opened, did observe an oil truck parking overnight in the past, could not recall if he as ever in the building, and never spoke with the Tenant about what was going on in the property.

Supporter, Christina Mills testified that she has lived in the neighborhood for 40 years, never saw any service or repair, never saw any vehicle going into the garage bays, and did see the oil truck parking on the property for longer than one week.

The Applicants rested their case.

It was announced that the Hearing would be continued to January 5, 2023 for further testimony and evidence.

**DOCKET # 2044 – Fady and Angela Salloum** – 303 Sumner Avenue, Whitehall, PA 18052. **Location: 303 Sumner Avenue, Whitehall, PA 18052, PIN 640717877211**, the subject property is located in a R-4 Medium Density Residential Zoning District. This is an Appeal from an Enforcement Notice. In the alternative, Applicants are requesting variances to Sec. 27-23, and 27-102(A)(1), (3), and (4) of the Zoning Ordinance to allow more than one Home Occupation, with external characteristics or evidence thereof, and which are not conducted completely within the principal residential structure, and without Use Permits.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing notice of the Hearing to neighboring property owners. Township Exhibits 1 through 8 were admitted into the Record, over objection, in support of the Enforcement Notice subject of this Appeal. He testified that there are no current valid Use Permits for any home occupation business at the property.

The Applicant appeared and was represented by Richard B. Somach, Esquire.

The Applicant testified that he operates Business at an address on North 2<sup>nd</sup> Street in Allentown, that it is his cell phone number on the Township Exhibit for Affordable Junk Removal And Clean Outs, that he does not stockpile things for sale on the property, that he met all of the No-Impact Home Occupations requirements, that he is a Licensed Realtor, is a Landlord, and owns some properties in his own name and some in the name of an LLC.

Maria Sweeney testified as an Objector; that the Applicant's driveway is a mess.

Tyrone and Johanna Taylor-Wilson testified as Objectors. She authenticated Township Exhibit #3 as a photograph of the property taken the first week in May, 2022. Eight (8) other photographs were authenticated and admitted into the Record.

The Applicant testified that he does not have the Affordable Junk Removal Business, but does advertise it on FaceBook. Applicant Exhibits 1, 2, and 3 were identified as photographs of his personal trucks; which he uses for removing garbage and junk from, and plowing, his rental properties. These Exhibits were admitted into the Record.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

The Chairperson recused herself.

The Zoning Hearing Board announced that there had been no deliberations.

The Zoning Hearing Board held an Executive Session

Lee Christman served as Temporary Chairperson. Motion by Lee Christman to deny the Appeal from the Enforcement Notice; second by Steve Burda. Motion passed 4 – 0. Motion by Lee Christman to deny all alternative Variances; second by Dean Wotring. Motion passed 4 – 0.

The Minutes from October, 2022 were deferred to January, 2023.

Meeting adjourned at 11:18 pm.