

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

The Chairperson called the meeting to order at 7:02 pm.

The Solicitor announced that Docket #2050 – Solar Renewable Energy, LLC was withdrawn. One Zoning Hearing Board Member who had participated in Dockets #2043 and #2048 was not present; so that only four (4) Members were present to decide those Appeals. Docket #2049 – Robert J. and Kathleen F. Ganci would be heard first.

The Chairperson led the Pledge Of Allegiance.

The Solicitor read the Fair Housing Statement.

Docket #2049 – Robert J. and Kathleen F. Ganci- 3794 Dogwood Drive, Whitehall, PA 18052. **Location: 3794 Dogwood Drive, Whitehall, PA 18052, PIN 549817284311**, the subject property is located in a R-4 Medium Density Residential Zoning District. This may be an Appeal from an Enforcement Notice. Applicants are requesting a Variance to Section 27-92 of the Zoning Ordinance to allow parking a commercial vehicle on a tract of land located in the R-4 Zoning District and may be requesting Variances to Sections 27-23 and 27-102(A)(3), (4), and (7) of the Zoning Ordinance to allow a home occupation without a Use Permit, with external characteristics or evidence of its existence, which is not conducted in the principal residential structure, and exhibits noise discernible beyond the property line.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to Neighboring Property Owners. Township Exhibit #1, the June 15, 2022 Enforcement Notice was admitted into the Record.

Kathleen Ganci testified that the Applicants were not requesting a home occupation without a Use Permit, that their address is only a mailing address for Salvage Transportation, that the Applicants are Independent Contractors, that the commercial vehicle at issue is owned solely by her Husband, and had been used to travel back and forth to Salvage Transportation in Coplay for more than ten (10) years.

The Zoning And Code Enforcement Officer testified that Robert Ganci had previously testified under oath that the commercial vehicle at issue is a 2004 truck with a gross vehicle weight of 25,999 pounds.

Robert Ganci testified that he only uses the commercial vehicle for Salvage Transportation, that he does no towing for the general public and performs no maintenance on the vehicle at his address. He testified that his hardship is that Salvage Transportation had moved to Northampton, PA and he incurs more mileage traveling to and from Northampton.

Three (3) Supporters testified: Lynda Hassick, Cindi Hart, and Warren Rothenberger.

The Zoning And Code Enforcement Officer testified about a customer's white car on the commercial vehicle on the last Tuesday in December, 2022 because Robert Ganci took it home instead of where it was supposed to go.

Anthony Kopack testified. It was not clear if he was an Objector or Supporter.

There were no other Objectors or Supporters.

The Record was closed.

The Zoning Hearing Board held an Executive Session. There were no deliberations or votes taken.

Motion by Steve Burda to grant the Appeal from Enforcement Notice; second by Lou Jany. Motion passed 5 – 0. Motion by Steve Burda to deny Variances to Sections 27-23, 27-92, and 27-102(A)(3), (4), and (7); second by Lou Jany. Motion passed 5 – 0.

DOCKET #2047 – 3435 N. Front St., LLC- 2909 Bridge Lane, Bethlehem, PA 18020. **Location: 3435 North Front Street, Whitehall, PA 18052, PIN 549954618461**, the subject property is located in a R-SA High Density Residential Without Apartments Zoning District. This is an Appeal from an Enforcement Notice. In the alternative, Applicant is requesting a Variance to section 27-87(A)(8) of the Zoning Ordinance to allow outdoor parking or storing of damaged or junked motor vehicles or parts thereof for more than 72 hours. Continued to this meeting with the consent of the Property Owner.

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

Eugene Dieter, the Property Owner testified as to his purchase of the property, its use as an impound lot, and a DEP required Conservation Easement that requires a 98% impervious coverage due to an old fuel spill.

Timothy Lansky testified as to his use of the property as a gas station, repair shop, and for automobile sales and towing and recovery prior to and since Eugene Dieter's ownership. He had a towing contract with the Township since 1999. He also had a towing contract with the Coplay Police Department. His Family has run a business at the subject property since 1925.

Adam Shafnisky, Mike Polzer, Darryl Rosenberger, Christina Mills, and Shannon Shafnisky testified as Objectors.

The Applicant's two (2) Exhibits were admitted into the Record.

The Record was closed.

The Zoning Hearing Board held an Executive Session. No votes were taken.

Motion by Lou Jany to grant the Variance to Section 27-87(A)(8); second by Steve Burda. Motion passed 5 – 0. Motion by Lou Jany to grant the Appeal from Enforcement Notice; second by Steve Burda. Motion passed 5 – 0.

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. This is the third Hearing.

DOCKET # 2048 - 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 extension of a Building Permit.

These Dockets were heard together.

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

Timothy Lansky testified that he had used the subject property as a used car lot, for vehicle service and repair, and as a towing and impound lot since April, 1973. He never abandoned those uses. He has all required licenses, Permits and Business Privilege License records. He serviced Coplay Police vehicles through the end of 2022. Even after demolition of the building he had vehicles there for sale; and made 5 – 7 sales, and did repairs on vehicles there. He stopped selling gasoline in 1998. He was at the subject property every day, even since the building demolition, and worked on vehicles there 4 – 5 days per week. He has an oral lease with the Property Owner.

Mr. Lansky's business records, Exhibits #26 through #32 were admitted into the Record.

The Record was closed.

The Zoning Hearing Board held an Executive Session. No votes were taken.

Motion to deny the Appeal in Docket #2043 by Steve Burda; second by Dean Wotring. Motion passed 4 – 0. Motion by Steve Burda to deny the Appeal in Docket #2048; second by Roger Reichard. Motion passed 4 – 0.

Motion by Steve Burda to approve the Minutes from the January, 2023 Meetings; second by Dean Wotring. Motion passed 5 – 0.

Meeting adjourned at 10:25 pm.