

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARING
MAY 20, 2025**

The Chairperson called the meeting to order at 7:03 pm. Members Reichard, Jany, Christman, and Wotring, and Alternate Member Jose were present. The Chairperson led the Pledge Of Allegiance. The Chairperson read the Fair Housing Statement.

DOCKET # 2120 - Paxos Realty, L.P. – 2155 Spyglass Hill, Center Valley, PA 18034. **Location: 2033 Arey Lane, Whitehall, PA 18052, PIN 549877799513.** The subject property is located in the R-5A High Density Residential Without Apartments Zoning District. Applicant is requesting Variances to sections 27-76(E)(2)(b)(1), 27-93, and 27-62(A) of the Zoning Ordinance to allow rear yard setbacks varying between 1.1 and 17.2 feet for sixteen (16) of the dwelling units where 25 feet are required, to allow 50 dwelling units where only 33 are allowed, and to allow conversion of 50 condominiums to 50 apartments which are prohibited in the R-5A High Density Residential Without Apartments Zoning District.

The Applicant was represented by Frank N. D'Amore, III, Esquire. Whitehall Township was represented by Sam Cohen, Esquire.

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

Mary Bachert, a Land Development Consultant with Bohler Engineering, was accepted as an Expert Witness in site plan design and land development. Her resume was Exhibit A. She testified that the purpose of the proposed Subdivision was to formalize the split into two (2) condominium complexes which had already been completed. There are 78 condominium units in Lot 1, and 50 condominium units in Lot 2, known as the Arey Lane and Paxos Realty, LP parcel. Such a subdivision after being already completed is not typical; and she had never seen one before. Exhibit B was the Arey Lane Subdivision Plan. The Homeowners Association and Condominium Association both agreed to the proposed Subdivision dividing line. The stormwater swale/basin servicing both Lots is not being maintained at all. She described the density of the two (2) Lots, and that sixteen (16) of the Arey Lane units have less than the minimum required 25 feet rear yard setbacks. She stated that the requested relief is the minimum relief necessary to accomplish the proposed Subdivision and that the Arey Lane Subdivision Plan will have a notation that there will be no further development.

The Applicant appeared through its Sole Member, Sophia Paxos. She is responsible for all leasing, screening prospective tenants, advertising, and communication with tenants. The Arey Lane Condominium Declaration was Exhibit C. The Deed of confirmation was Exhibit D. The Arey Lane Condominium Association was formed in 2017. The 50 units were built between 2017 and 2022. They are all owned by the Applicant. They have all always been leased to tenants; and a Certificate Of Occupancy was issued each time a tenant moved in or out. The Applicant's hardship was the Mortgage and the need for rental income. Her intent was to keep the 50 units for her and her family; and she never thought the units would be considered apartments. No lesser number of apartments would be acceptable. The units vary in size between 1,200 and 1,600 square feet, and each unit has two (2) parking spaces: one in the garage and one on the driveway. There are no limits on the number of cars a tenant may have. She did not have a sample Lease, and agreed to incorporate the Condominium Declaration restrictions in the Leases.

Cynthia Best testified as an Objector. She testified that the Original Developer, Abraham Atiyeh told her there would be no rentals. She complained about people moving in and out, using her yard for their pets, that no one uses their garage for parking, and that the parking congestion was "madness" there. She had never submitted a formal complaint.

There were no other objectors or supporters.

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

The Zoning Hearing Board held an Executive Session.

Motion by Lee Christman to grant the two (2) requested Dimensional Variances for density and rear yard setbacks; second by Pedro Jose. Motion passed 4 – 1; with Dean Wotring voting no.

Motion by Lee Christman to grant the requested Use Variance to allow apartments with the following conditions: the Leases will include the Condominium Declaration use restrictions, that the Variance not run with the land unless conveyed to Sophia Paxos' Family, that if the entire Lot, or individual units, or ownership of the Paxos Realty, L.P are conveyed to any third party, that the Use Variance will not continue, and that each Lease for two (2) bedroom units limit the tenant to two (2) cars, and that each Lease for three (3) bedroom units limit the tenant to three (3) cars; second by Lou Jany. Motion passed 4 – 1; with Dean Wotring voting no.

Motion by Lou Jany to approve the April 15, 2025 Minutes; second by Dean Wotring. Motion passed 5 – 0.

Meeting adjourned at 8:41 pm.