

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARINGS
SEPTEMBER 15, 2026**

The Chairperson called the Meeting to order at 7:00 pm. The Chairperson, Members Burda, Wotring and Reichard, and Alternate Member Gulycz were present. The Chairperson led the Pledge Of Allegiance. The Chairperson read the Fair Housing Statement. The Chairperson and Solicitor announced that the Zoning Hearing Board would conclude the Meeting by 10:30 pm, and would hear each application or Appeal for thirty (30) minutes.

DOCKET # 2096 A – State Investments, LLC – 1101 W. Cedar Street, Allentown, PA 18102. **Location: 1003 Sumner Avenue, Whitehall, PA 18052, PIN 549774460481.** The subject property is located in the I - Industrial Zoning District. Applicant is requesting Variances to sections 27-18, 27-90 and 27-96(A), (C) and (D)(5) of the Zoning Ordinance to allow a tiered retaining wall structure constructed of stone with a height in excess of 35 feet, constructed without a Permit. Continued to this Meeting at the request of the Applicant.

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

The Applicant was represented by David Berger, Esquire.

The Applicant's Engineer, Charles Tomko, PE testified. He was not involved when the existing retaining wall project started. The property cannot be used without a retaining wall. He described the steep slope at the rear of the property. The current design is not what currently exists. He described the new proposed retaining wall, a proposed swale to the rear of the proposed retaining wall and a pipe system to collect and divert water downgrade, a rear setback of 22 feet, proposed fencing, that the retaining wall will not be visible to the neighboring properties to the rear, that the proposed retaining wall will be well over the minimum suggested safety factors, that it should be good for 50 years, that the existing retaining wall is not structurally sound, and that the Applicant will submit engineering plans for the new proposed retaining wall.

Township Exhibits 1 and 2, Keystone Consulting Engineers' letter dated January 17, 2025 and photographs taken July 18, 2024 were identified.

Objector John Boehm testified that he was now satisfied that the new retaining wall will be safe.

There were no other objectors or supporters.

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

The Zoning Hearing Board held an Executive Session.

Motion by Roger Reichard to grant the requested Variances to reconstruct the retaining wall and to deny the requested Variance to reconstruct the retaining wall without a Permit; second by John Gulycz. Motion passed 5 – 0.

DOCKET # 2150 – Helen F. Rizzotto – 3012 Coplay Lane, Whitehall, PA 18052. **Location: 3621 Eberhart Road, Whitehall, PA 18052, PIN 549858139268.** The subject property is located in the C-2 Regional/Community Commercial Zoning District. This is an Appeal from an Enforcement Notice. Appellant asserts that she is not in violation of sections 27-18, 27-20 and 27-29 of the Zoning Ordinance by allowing third parties to reside in two (2) basement apartments without Certificates Of Occupancy, which apartments were constructed without Permits and approvals, and after a Variance allowing one basement apartment was extinguished. Appellant also requests a determination that her notarized statement dated November 17, 1998 is not an enforceable condition of the Variance allowing one apartment. In the alternative Appellant is requesting Variances to sections 27-18, 27-20, and 27-62(A) to allow the two (2) basement apartments. Continued to this Meeting at the request of the Applicant.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to neighboring property owners. He identified seven (7) Township Exhibits: his letter dated May 27, 2026 requesting to inspect the basement, the Appellant/Applicant's Variance application filed August 26, 1993, The Zoning Hearing Board's Written Opinion dated November 3, 1998 denying the requested Variance, the Appellant/Applicant's notarized statement dated November 17, 1998, The Zoning Officer's letter dated November 18, 1998 confirming that the Zoning Hearing Board approved the request for a proposed apartment, the floor plan for that proposed apartment, and the June 12, 2026 Enforcement Notice.

The Appellant/Applicant was represented by Vivian Hadian, Esquire.

The Appellant/Applicant testified that she applied to build two (2) apartments in 1998, that there are now two (2) kitchens in the basement, that her Mother died on April 28, 2013, that she moved out of the subject premises on September 11, 2001, that a Patient had moved into the apartment, that during Covid she added a second kitchen in the basement, that there are currently two (2) people living in the basement apartments, that she suffered four (4) concussions in three (3) months in 2017, that the hardship is that two (2) people will be homeless if the relief requested is not granted, that her original Variance application stated "single apartment" on page 2, that the Zoning Officer told her to go ahead and build two (2) apartments and that she had to write down only one apartment on the Variance application because both apartments would be on one floor, and that she spent \$11,000.00 because the Zoning Officer told her to build two (2) apartments.

The Lehigh County Court docket entries from the 1998 Appeal from the Zoning Hearing Board were identified as Zoning Hearing Board Exhibit 1.

There were no objectors or supporters.

The Zoning Hearing Board held an Executive Session.

All Exhibits were admitted into the Record.

The Record was closed. Motion by Steve Burda to deny the Appeal from the Enforcement Notice; second by Roger Reihard. Motion passed 5 – 0. Motion by Steve Burda to deny the requested Variances in the alternative; second by Roger Reichard. Motion passed 4 – 1; with John Gulycz voting no.

DOCKET # 2153 – Stephanie J. Reyes – 1051 N. Tenth Street, Whitehall, PA 18052. **Location: 1051 N. Tenth Street, Whitehall, PA 18052, PIN 549775235730.** The subject property is located in the R-4 Medium Density Residential Zoning District. Applicant is requesting a Special Exception pursuant to section 27-74(C)(3) and a Variance to section 27-146(A)(6.1)(c) of the Zoning Ordinance to operate a home group day care facility with two (2) off street parking spaces where four (4) are required.

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

The Applicant testified. She is willing to add two (2) parking spaces on the left side of her house. She plans to operate the Day Care on the lower level. She identified six (6) pages of floor plans, the letter confirming that the Planning Commission voted 5 – 0 to recommend approval of the requested Special Exception, the two (2) page summary included with her application, and the County Assessment record photograph of the property. She proposed to provide care for between seven (7) and twelve (12) children, operate 24 hours a day, that there is no swimming pool on the property, and that the yard has been fenced. She withdrew her request for Variance relief for the two (2) required parking spaces without prejudice.

Seven (7) Objectors testified as to traffic, noise, the integrity of the neighborhood, safety of children, parking problems, and property values: Doug Williams, Issa Awwad, Robert Espinosa, Sam Safi, Rachel Bross, Marie Khoully, and Tin To.

There were no supporters.

The letter confirming the Planning Commissions recommendation of approval was identified again as Township Exhibit 1.

All Exhibits were admitted into the Record.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Steve Burda to grant the requested Special Exception with the condition that the hours of operation be limited to 6:00 am to 6:00 pm; second by Roger Reichard. Motion passed 5 – 0.

DOCKET # 2158 – Margie Yarton-Higgins, Representative for Massa Multimedia Architecture – 3297 Route 66, Neptune, NJ 07753. **Location: 2601 MacArthur Road, Whitehall, PA 18052, PIN 549865190012.** The subject property is located in the C-2 Regional/Community Commercial Zoning District. Applicant is requesting Variances to sections 27-161(1) and (2) of the Zoning Ordinance to add twelve (12) wall signs where no more wall signs are permitted, with a total of 516.38 square feet where the existing 205 square feet are already in excess of that allowed.

The Applicant was represented by David Tshudy, Esquire. The Applicant requested a Continuance to the October 20, 2026 Meeting, and agreed to waive the time deadlines for the initial Hearing and written decision. The Continuance was granted.

DOCKET # 2155 – Andrew and Thoa Tran – 1281 Mickley Road, Whitehall, PA 18052. **Location: 1281 Mickley Road, Whitehall, PA 18052, PIN 549874154039.** The subject property is located in the R-4 Medium Density Residential Zoning District. Applicants are requesting a Variance from section 27-146(A)(18) of the Zoning Ordinance to remodel the garage into a home occupation two (2) operator nail studio that serves clients by appointment only, with only one off street parking space where two (2) are required.

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

The Applicant confirmed that two (2) motor vehicles can park at the same time in his driveway. The Zoning And Code Enforcement Officer testified that under that circumstances he would approve a Use Permit for the proposed nail salon. The Applicant withdrew his request for Variance relief. As there was no longer any request for relief, no Motion was proposed.

Jeane Sommer appeared on behalf of her Mother, Marlene Sharkazy. She read Marlene Sharkazy's letter objection to the proposed nail salon.

DOCKET # 2156 – Bashar Issa and Hala Atia – 1844 Schadt Avenue, Whitehall, PA 18052. **Location: 1844 Schadt Avenue, Whitehall, PA 18052, PIN 549844307834.** The subject property is located in the R-4 Medium Density Residential Zoning District. This is an Appeal from an Enforcement Notice. Applicants are requesting Variances to sections 27-29 and 27-102(A)(3) of the Zoning Ordinance to allow them to park commercial ice cream trucks on their residential property in violation of the conditions of Use Permit #49-2026 and which constitute external characteristics and evidence of the Home Occupation.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to neighboring property owners. He testified as to observing two (2) commercial ice cream trucks parked on the subject property in July, 2026, and identified his July 23, 2026 Enforcement Notice as Township Exhibit 1.

The Appellant/Applicant appeared through Kziz Alkhal as an interpreter. The Appellant/Applicant testified that the ice cream truck will not do business at the subject property, that it leaves at 6:00 am and returns at 10:00 pm, that it cannot be seen from the street, that it is kept behind the house under a tarpaulin, that he is selling the second ice cream truck, and that he was not aware of the condition on his Use Permit as to not parking the ice cream truck on or near the subject property.

Jimmy Guebara testified as a Supporter.

There were no other objectors or supporters.

The Appeal/application was identified as Appellant/Applicant Exhibit 1.

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

The Zoning Hearing Board held an Executive Session.

Motion by Roger Reichard to deny the Appeal from the Enforcement Notice; second by John Gulycz. Motion passed 4 – 1 with Dean Wotring voting no. Motion by Roger Reichard to grant the requested Variance subject to the condition that the ice cream truck be covered by a tarpaulin and parked behind the house; second by John Gulycz. Motion passed 5 – 0.

DOCKET # 2157 – ARD Mac Commons, LLC and Sparkle Car Wash on 248, LLC – 310 Yorktown Plaza, Elkins Park, PA 19027; 1510 Gary Street, Unit 3, Bethlehem, PA 18018. **Locations: 2605 MacArthur Road, 2601 MacArthur Road, and 2631 MacArthur Road, Whitehall, PA 18052, PINs 549855940788, 549865190012, and 549856162307.** The subject properties are located in the C-2 Regional/Community Commercial Zoning District. This is an Appeal from the denial of a Sign Permit application. Applicants are requesting favorable Interpretations, or in the alternative Variances to sections 27-155(A)(2) and (3), 27-160(E)(8), and 27-161(A)(1) of the Zoning Ordinance to allow two (2) sign faces for 2605 MacArthur Road installed without a Permit on the freestanding sign at 2631 MacArthur Road, a “Coming Soon” sign for 2605 MacArthur Road on the freestanding sign at 2601 MacArthur Road, two (2) wall signs at 2605 MacArthur Road where only one is permitted, and a freestanding sign at 2605 MacArthur Road located less than 25 feet from Hammond Loop and Royal Avenue and which appears to be less than 20 feet from the side property line.

The Zoning And Code Enforcement Officer testified as to publication, posting, and mailing Notice of the Hearing to neighboring property owners. He testified as to denying the Sign Permit application for a two (2) sided sign for the proposed Sparkle Car Wash to be located on the freestanding sign located at 2631 MacArthur Road as being closer than 200 feet to a building or structure.

The Appellant/Applicant was represented by Joseph A. Zator, II, Esquire and Kevin R. Brinker, Esquire.

Appellant/Applicant ARD Mac Commons, LLC appeared through its Member, Todd Dratch, Esquire. He testified as to the history of the Shopping Center development, and the historic interaction between the various Property Owners and Tenants as to signage. He confirmed that ARD Mac Commons, LLC arranged for the installation of the sign faces at issue on the 2631 MacArthur Road freestanding sign.

All Exhibits were admitted into the Record.

The Zoning Hearing Board held an Executive Session.

Motion by Dean Wotring to grant the requested favorable interpretation for the two (2) freestanding sign faces; second by Roger Reichard. Motion passed 5 – 0. The Applicants withdrew their Variance requests for those two (2) freestanding signs. Motion by Dean Wotring to grant the requested Variance for a second wall sign on the proposed Sparkle Car Wash building; second by Steve Burda. Motion passed 5 – 0. Motion by Dean Wotring to grant the requested Variance for the Sparkle Car Wash coming soon sign on the 2601 MacArthur Road freestanding sign; second by John Gulycz. Motion passed 5 – 0. The Appellant/Applicants withdrew their requests for favorable interpretation as to that freestanding sign. Motion by Dean Wotring to grant the Appeal from the denial of the Sign Permit application for the freestanding sign faces at 2631 MacArthur Road; second by Steve Burda. Motion passed 5 – 0.

Motion by Steve Burda to approve the August 18, 2026 Minutes; second by Dean Wotring. Motion passed 5 – 0.

Meeting adjourned at 10:50 pm.