

**TOWNSHIP OF WHITEHALL
ZONING HEARING BOARD
RESULTS OF PUBLIC HEARINGS
APRIL 21, 2026**

The Chairperson called the Meeting to order at 7:01 pm. The Chairperson, Members Wotring, Reichard, and Roth, and Alternate Member Gulycz were present. The Chairperson led the Pledge Of Allegiance. The Chairperson read the Fair Housing Statement.

The Zoning And Code Enforcement Officer testified for all six (6) Hearings as to publication, posting, and mailing Notice to Neighboring Property Owners.

DOCKET # 2136 – American Promotional Events East d/b/a TNT Fireworks c/o Debbie Ivins – 120 Louise Lane, Bartonsville, PA 18321. **Location: 2180 MacArthur Road, Whitehall, PA 18052, PIN 549852398039.** The subject property is located in the C-2 Regional/Community Commercial Zoning District. Applicant is requesting a Special Exception pursuant to Sections 27-43 and 27-65 of the Zoning Ordinance to allow a temporary tent sale of Pennsylvania legal fireworks from June 13 to July 6, 2026 in the parking lot of the Whitehall Square shopping center.

The Applicant was represented by J. Andrew Compton, Esquire. The Applicant appeared through Debbie Ivins. Applicant Exhibit #1 was the Bureau Chief's letter dated March 26, 2026 confirming the Planning Commission's recommendation for approval and the Bureau Chief's and Township Engineer's comments and recommendations.

The current request/proposal is exactly the same as the previous year.

There were no objectors or supporters.

The Applicant's Exhibit was admitted into the Record. The Record was closed.

Motion by Dean Wotring to grant the Special Exception, subject to the same conditions as previous years; second by Roger Reichard. Motion passed 5 – 0.

DOCKET # 2138 – EDPRNA DG PA Whitehall, LLC – 100 Park Avenue, 24th Floor, New York, NY 10017. **Location: 2650 MacArthur Road, Whitehall, PA 18052, PIN 549835892868.** The subject property is located in the C-2 Regional/Community Commercial Zoning District. Applicant is requesting a favorable Interpretation that a rooftop solar energy installation that sells electricity generated in excess to that used by the existing retail store back to the local electric utility provider is an Accessory Use to the existing retail use, pursuant to sections 27-58, 27-80, and 27-84 of the Whitehall Township Zoning Ordinance. In the alternative, Applicant is requesting a Variance to section 27-104(A) of the Zoning Ordinance to allow a rooftop solar energy installation that sells electricity to a local electric utility provider as a second principal use.

The Applicant was represented by Brendan Lucas, Esquire. The Applicant appeared through its Project Manager, Nica Goldstein and Engineer, Ali Aziz.

The Applicant identified nine (9) Exhibits: cover letter and Zoning Hearing Board application dated February 20, 2026, Site Plan and Electrical Plan, photograph of a typical rooftop installation, excerpts from the Zoning Ordinance, the Pennsylvania Public Utilities Commission approval letter dated May 29, 2025, a feasibility structural analysis report, a glare assessment study dated March 10, 2026, and a power point presentation.

Nica Goldstein testified as to the lease arrangements for the project, the estimated amount of electricity to be generated, that the Applicant will fully decommission the equipment at the end of the Lease, that the equipment will be lower than the roof parapet, and reviewed a glare analysis report.

Ali Aziz testified as to the technical aspects of the project.

Whitehall Township appeared through its Solicitor, John F, Gross, Esquire. The Township took no position on the application.

Adjacent Neighbor, Tracy Borkenhagen testified as to concerns of privacy, trimming/removing trees, and taller utility poles to be installed.

There were no other objectors or supporters.

All Applicant 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 favorable interpretation that the proposed project is an Accessory Use to the existing Retail Use; second by Sean Roth. Motion passed 5 – 0.

The Applicant withdrew its request for a Variance.

DOCKET # 2139 – White Castle Systems, Inc. – 555 Edgar Waldo Way, Columbus, OH 43125. **Location: 1280 MacArthur Road, Whitehall, PA 18052, PIN 549778827105.** The subject property is located in the C-2 Regional/Community Commercial Zoning District. Applicant is requesting Variances to sections 27-155(A)(1) and (3) of the Zoning Ordinance to add a two-sided reader board to the existing freestanding sign resulting in sign display areas of 108 square feet per side where 75 square feet per side is the maximum allowed, and located 6.1 feet from the right-of-way where 25 feet separation is required.

The Applicant was represented by Victoria Britton, Esquire. The Applicant appeared through its District Supervisor, Haskell Wallace, and Engineer, Steven Walsh.

Applicant Exhibit #A-1, the site plan, was offered into the Record.

There were no objectors or supporters.

The Applicant's Exhibit was admitted into the Record. The Record was closed.

Motion by Dean Wotring to grant the requested Variances; second by Roger Reichard. Motion passed 5 – 0.

DOCKET # 2140 – FSOP, LLC – 310 S. Main Road, Mountain Top, PA 18707. **Locations: 906, 908, and 910 Third Street, Whitehall, PA 18052, PINs 640802886467, 640802886927, and 640802896109.** The subject properties are located in the C-1 Neighborhood Commercial Zoning District. Applicant is requesting Variances to sections 27-60(D)(1) and (6), and 27-89(4) of the Zoning Ordinance to demolish the nonconforming semi-detached single family residences and enlarge and relocate the nonconforming mini mart and gas station without required Special Exception approval, enlarging the nonconforming impervious surface coverage by more than 25%, and without the required 25 feet Buffer Strip on the north side adjacent to an existing residential use.

The Applicant was represented by Ronald Corkery, Esquire. The Applicant appeared through its Principal, Kal Patel, Engineer, Jude Cooney, and Gas Station/Convenience Store Specialist, Roger Soler.

The Applicant offered four (4) Exhibits: the County Assessment records for each of the three (3) parcels, and a series of twelve (12) photographs.

Kal Patel testified that the project will provide rest rooms for customers, will hire ten (10) more employees, will have operating hours of 5:30 am to 9:00 pm, and 10:00 pm in the summertime, will be wheelchair accessible, and will have no additional signage other than the business name on the new building. He testified that the Bureau Chief and Zoning And Code Enforcement Officer suggested he simply apply for Variances and not apply for the required Special Exception approval.

Jude Cooney testified that the project will not increase the overall impervious surface coverage.

Roger Soler testified as to Exhibit #5, a diagram of the proposed new Mini Market building, the minimal exterior lighting to be installed, that the project will not increase the overall impervious surface coverage, that the project proposes a six feet (6') tall fence instead of a buffer strip adjacent to the neighboring residential uses, and that he did not have the impervious surface calculations of the existing twin residential lots.

The Zoning And Code Enforcement Officer testified that he and the Bureau Chief did explain both the Special Exception requirement to change nonconforming uses, and the impervious coverage issues, to the Applicant's Principal and Gas Station/Convenience Store Specialist.

Objector, Barbara Rice testified as to traffic concerns and the fact that a traffic study had not been performed.

Objector, Cynthia Kern testified that the Site Plan can't be accurate, increased traffic, and increased exterior lighting.

Objector, Bill Kern testified that alcohol sales will increase traffic.

Applicant Exhibit #6, a proposed site plan, was offered into the Record.

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

The Zoning Hearing Board held an Executive Session.

Motion by Roger Riechard to deny the application in all respects; second by John Gulycz. Motion passed 5 – 0.

DOCKET # 2143 – ProSolve Global Solutions, LLC – 855 Third Street, Whitehall, PA 18052. **Location: 855 Third Street, Whitehall, PA 18052 PIN 640812142058.** The subject property is located in the C-1 Neighborhood Commercial Zoning District. Applicant is requesting a favorable interpretation that sections 27-45(C) and 27-146(21), requiring a scaled site plan signed and sealed by a registered professional and requiring 11 off street parking spaces up to Township standards, do not apply to a pending Conditional Use application to continue to operate an illegal rooming or boarding house as a drug and alcohol recovery house. In the alternative, Applicant is appealing the Zoning Officer's Memorandum and recommendation to the Board Of Commissioners and Planning Commission regarding that Conditional Use application.

The Applicant appeared through Mildred Salazar; claiming to be a Member of the Applicant LLC. She testified that she was fully cooperating with the Township.

The Applicant did not have an attorney.

Motion by Dean Wotring to continue the Hearing to May 19, 2026 so that the Applicant could be represented by an attorney; second by Sean Roth. Motion passed 5 – 0.

Mildred Salazar made a statement on the Record that the Applicant is still requesting a reasonable accommodation.

DOCKET # 2141 – County of Lehigh – 17 S. Seventh Street, Allentown, PA 18101. **Location: 3561 W. Columbia Street, Whitehall, PA 18052, PIN 548983373788.** The subject property is located in the R-1 Very Low Density

Residential Zoning District. Applicant is requesting Variances to sections 27-110(C)(2), and 27-145(D) and (E)(3) of the Zoning Ordinance to construct a Police Training Facility and Firing Range with portions of driveway with width of twelve feet (12') where 22 to 25 feet width is required, with a twelve feet (12') width at the curb where 20 feet width is required, and with portions constructed of crushed stone where a nonbiodegradable hard surface such as concrete, macadam, or paving units is required.

The Applicant was represented by Joshua Mazin, Esquire. The Applicant appeared through its Building Operations Manager, Brian Hartner, and Engineer, Chris Williams.

Township Chief Of Police, Michael Marks testified as to the history and purpose of the site.

Chris Williams testified that widening the proposed driveway would cause stormwater management issues, and that widening and paving the driveway would increase to cost of the project by approximately \$200,000.00.

Applicant Exhibit #1 and #2, two (2) site plans, were offered into and admitted into the Record.

There were no objectors or supporters.

The Record was closed.

Motion by Dean Wotring to grant the requested Variances; second by Roger Reichard. Motion passed 5 – 0.

DOCKET # 2142 – Talal Rajah – 4205 Lehigh Street, Whitehall, PA 18052. **Location: 4720 Third Street, Whitehall, PA 18052, PIN 548928776167.** The subject property is located in the R-4 Medium Density Residential Zoning District. Applicant is requesting Variances to sections 27-74(E)(2), 27-100, and 27-110(A) of the Zoning Ordinance to construct a detached single family residence without any frontage on or access to a public street where 60 feet of frontage and access are required, with access by a private driveway not up to Township standards.

The Applicant was not represented by an attorney.

The Applicant identified and offered four (4) Exhibits into the Record: the County Assessment record, the County Assessment overhead parcel view, an overhead photograph of the property included with the application, and an excerpt from a subdivision map.

Objector, Dave Fries testified that there is a Deed Restriction in the Applicant's Deed and chain of title prohibiting construction unless and until unopened Third Street is constructed up to Township standards, that zero lot frontage is not de minimus, that he wouldn't object to something less than 60 feet of street frontage, and that the requested Variances are not the minimum relief necessary for a reasonable use of the property.

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

The Zoning Hearing Board held an Executive Session.

Motion by Dean Wotring to grant the requested Variances subject to the proposed driveway being up to Township standards; second by Roger Reichard. Motion passed 5 – 0.

Motion by Roger Reichard to approve the March 17, 2026 Minutes; second by Dean Wotring. Motion passed 5 – 0.

Meeting adjourned at 10:30 pm.