

**TOWNSHIP OF WHITEHALL  
ZONING HEARING BOARD  
RESULTS OF PUBLIC HEARINGS  
APRIL 15, 2025**

The Chairperson called the Meeting to order at 7:00 pm. Chairperson Roger Reichard, Members Steve Burda, Lee Christman, and Lou Jany, and Alternate Member Pedro Jose were present. The Chairperson led the Pledge Of Allegiance. The Chairperson read the Fair Housing Statement.

**DOCKET # 2119 – American Promotional Events 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, 2025 in the parking lot of the Whitehall Square shopping center.

The Applicant appeared through Debbie Ivins. The Applicant was represented by Attorney J. Andrew Crompton; who appeared by telephone.

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

Debbie Ivins testified that the proposed hours of operation would be from 9:00 am until dark, seven days per week; that there would be no signage near the roadway, that there would be two (2) employees that would not stay overnight, and that there will be a secure, locked container to store the product overnight. Applicant Exhibit #1, the Planning Commission's recommendation letter, was admitted into the Record.

There were no objectors or supporters.

The Record was closed.

Motion by Lou Jany to grant the Special Exception subject to the prior years' Zoning Hearing Board's conditions and the Planning Commission's recommendations; second by Lee Christman. Motion passed 5 – 0.

**DOCKET # 2118 – Mohammed Valady** – PO Box 422, Allentown, PA 18105-0422. **Location: 4291 Harrison Street, Whitehall, PA 18052, PIN 558050845809.** 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)(c)(1) and 27-100 of the Zoning Ordinance to construct a single family detached dwelling on a lot with less than 55 feet of frontage on and access to and from a 24 feet wide street. Continued to this meeting with the consent of the Applicant to provide additional information.

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

The Applicant and Owner were represented by Attorney Daniel G. Dougherty. Attorney Dougherty moved to amend the application to reflect both the Owner and original Applicant are Co-Applicants. Motion by Lou Jany to grant that Amendment; second by Steve Burda. Motion passed 5 – 0.

Co-Applicant Ray Halleran testified that he is purchasing the subject property from the Record Owner; and thus has a beneficial interest in these proceedings. The subject property consists of 3.27 acres. Applicant Exhibits #1 (County Assessment record), #2 (aerial view of the property from County Assessment), #3 (survey from 2017), #4 (aerial view of the property from Google Maps showing the only access is from Harrison Street), and #5(A) through (H) (photographs of the subject property) were identified. The requested Variance is the least relief needed to make use of the property.

There were no supporters.

Objector Josette Horwath Rader's Attorney, James Kratz, conducted cross-examination of Ray Halleran. An Objection as to other construction projects was unanimously sustained. An Objection as to 69 parking Citations (Rader Exhibit #18) was unanimously sustained. An Objection as to criminal convictions for honesty crimes (Rader Exhibit #19) was unanimously sustained.

Objector Exhibit #20 (Objector's proposed conditions to be imposed) was distributed to and reviewed by the Zoning Hearing Board.

The Zoning And Code Enforcement Officer testified that in his experience PennDOT would not issue a Highway Occupancy Permit to install a driveway to the subject property from MacArthur Road (eastern side of the subject property).

The Co-Applicants' Exhibits were admitted into the Record.

The Zoning Hearing Board held a recess.

**DOCKET # 2109 A – Tuff Shed, Inc.** – 15 Industrial Road, Fairfield, NJ 07004. **Location: 2337 MacArthur Road, Whitehall, PA 18052, PIN 549854734401.** The subject property is located in the C-2 Regional/Community Commercial Zoning District. Applicant is requesting a Variance to section 27-146(A)(20)(a) of the Zoning Ordinance to provide six (6) parking spaces for retail sales of sheds where 25 parking spaces are required.

The Applicant was represented by Attorney Jeff Fleischaker.

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

Applicant Exhibit #1 (the Exhibits and Record from the December, 2024 Zoning Hearing Board Hearing at Docket #2109), and #2 (current application including the prior Zoning Hearing Board Zoning Opinion) were admitted into the Record.

There were no objectors or supporters.

The Record was closed.

Motion by Steve Burda to grant the requested Variance; second by Lee Christman. Motion passed 5 – 0.

**DOCKET # 2118** resumed.

The Zoning And Code Enforcement Officer testified as to the topography of the MacArthur Road side of the subject property, and that he had never applied for a Highway Occupancy Permit himself.

Objector Josette Horwath Rader testified as to her single family home, built in 1989 and purchased on May 3, 2021 north of the subject property. Her Exhibits #4 through #8 (chain of title Deeds to her property), #9 and #10 (Sibdivision which granted her access to her property from Harrison Street) were identified. She testified that Whitehall Township does not maintain Harrison Street, that she and her Husband maintain Harrison Street, that there is no drainage onto Harrison Street, and that there would be drainage problems on Harrison Street where the Co-Applicants' proposed driveway will be located. She identified her Exhibit #13 (a photograph of Harrison Street) and #14 (a photograph of three and one-quarter (3 ¼) tones of stone placed on Harrison Street the prior Friday), and that she placed one ton of stone on Harrison Street one month before. She then showed videos that she took on her phone earlier this month of Harrison Street and the frontage of the subject property. She testified as to her concerns, and reasons for opposing the application: additional drainage off of the proposed driveway flooding out Harrison Street, that she would not be able to access her driveway if Harrison Street is blocked, that she needs access to her driveway 100% of the time, and that people are supposed to tell the truth. Applicant Exhibit #16, the Township Zoning Ordinance, was identified.

Township Assistant Solicitor, Sam Cohen advised that Whitehall Township does not oppose the requested Variance, but does oppose any condition placed upon the Township compelling enforcement on a private road.

James Rader, the Objector's Husband, testified that he has the same concerns as his Wife.

There were no other objectors or supporters.

The Objector's Exhibits #1 through #14, #15 and #16 were admitted into the Record. Objector Exhibits #18 and #19 were not admitted into the Record. Objector Exhibit #20 was admitted into the Record; but not as substantive evidence.

The Record was closed.

The Zoning Hearing Board held an Executive Session.

Motion by Steve Burda to grant the requested Variance; second by Pedro Jose. Motion passed 5 – 0.

Motion by Lou Jany to approve the March 18, 2025 Minutes; second by Lee Christman. Motion passed 5 – 0.

Meeting adjourned at 10:10 pm.