

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

DECISION

Re: : Application of Joseph M. Nicoletta
 : & Vicki L. Nicoletta
Dated : June 5, 2008
Property : 466 Timothy Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, July 31, 2008, hereby grants the variance from the required front yard in order to permit the construction of the roof over the existing front stoop, as per the petition submitted to the Board at the time of the hearing.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Paul A. Balla, Chairman

Dated: August 5, 2008

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Re : Valley Wide Signs and Graphics, L.L.C.
: (Penn State, Lehigh Valley)
Dated : May 29, 2008
Property : 100 Brodhead Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, July 31, 2008, and rendering its oral decision denying the requested variance for the sign, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located in a PIBD – Planned Industrial/Business District.
2. The property is owned by SJS Realty.
3. The applicant is Valley Wide Signs and Graphics, L.L.C. on behalf of the tenant, Penn State, Lehigh Valley.
4. The applicant was represented at the hearing by Attorney William J. Fries. He introduced into the record Exhibit A-1 consisting of two pages. Page 1 shows the dimension and location of the proposed sign superimposed on the building, and Page 2 consists of two pictures showing the existing building.
5. Steven Banko, Jr. testified as a representative of Valley Wide Signs. He indicated the proposed sign will be 17 feet above grade and, therefore, will require a variance. It also will not be near a user's door, and its letter height will be greater than as permitted under the ordinance.
6. Mr. Banko indicated the sign will be painted aluminum and will not be illuminated.
7. Kenneth McGeary, of Penn State, Lehigh Valley, also testified. He indicated that the building is often used in the evening and there are many classes there, including a corporate training center.
8. He indicated the sign and logo would help the users of this building identify the building.
9. Sect. 185-35.C.(3), permits signs on the premises as an accessory use pursuant to the regulations as set forth in Sect. 185-19 of the ordinance. Sect. 185-19.D.(3)

deals with signs located within an employment district. Sect. 185-19.D.(3)(c)&(d) permits one wall mounted sign, however the letters cannot exceed 16 sq. ft. and must meet various conditions with respect to the height of the letters, location above grade and the location on or near the user's door. The proposed wall-mounted sign does not meet all of those conditions and requires a variance with respect to letter height, grade, and not being located on or near the user's door.

10. In general, the sign regulations in employment districts limit users to signage that simply indicates near or on the user's front door the name of that user for that portion of the building.

11. In order to be entitled to a variance, the applicant must meet the provisions of the Municipalities Planning Code with regards to same and Sect. 185-52 of the ordinance. It is the opinion of the Board that the applicant has not demonstrated that there are any unique conditions which cause the application of the regulations in question to impact the applicant in a manner different than what is intended under the ordinance.

12. It is also deemed important that the applicant has failed to demonstrate that the grant of the variance is necessary for the reasonable use of the building. It is noted in that regard that the applicant has been a tenant of this building for a considerable length of time without the benefit of the requested sign.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law in denying the requested variances for the proposed sign.

HANOVER TOWNSHIP ZONING HEARING BOARD

By: 
Paul A. Balla, Chairman

Dated: August 13, 2008

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Re : Valley Wide Signs and Graphics, L.L.C
: (HomeStar)
Dated : June 2, 2008
Property : 77 Commerce Way

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, July 31, 2008, and rendering its oral decision granting the requested variance for the sign, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located in a PIBD – Planned Industrial/Business District.
2. The property is owned by 77 Commerce Way Development L.P.
3. The applicant is Valley Wide Signs and Graphics, L.L.C. on behalf of the tenant, HomeStar.
4. The applicant was represented at the hearing by Attorney William J. Fries. He introduced into the record Exhibit A-1 consisting of two pages. Page 1 shows the dimension and location of the proposed sign superimposed on the building, and Page 2 consists of two pictures showing the existing building.
5. Steven Banko, Jr. testified as a representative of Valley Wide Signs. He noted that page 2 of Exhibit A-1 showed the premises from Commerce Drive, about 40 yards away.
6. He indicated that because the building is lower, that the sign would be approximately at eye-level from that distance.
7. He also stated that in his opinion the logo is an important part of the sign, and that without adequate signage there would be confusion and loss of business.
8. He indicated the sign will be painted aluminum and will not be illuminated.
9. Also testifying was Dominic DeSarro of HomeStar. He indicated that HomeStar is in the business of providing medical supplies.
10. HomeStar had previously received approval from the Zoning Board for its use.

11. Mr. DeSarro stated that a good number of people using their services are older people, and that in his opinion the logo was absolutely essential to be certain that those people identified their place.

12. Sect. 185-35.C.(3), permits signs on the premises as an accessory use pursuant to the regulations as set forth in Sect. 185-19 of the ordinance. Sect. 185-19.D.(3) deals with signs located within an employment district. Sect. 185-19.D.(3)(c)&(d) permits one wall mounted sign, however the letters cannot exceed 16 sq. ft. and must meet various conditions with respect to the height of the letters, location above grade and the location on or near the user's door. The proposed wall-mounted sign does not meet all of those conditions and requires a variance with respect to letter height and grade.

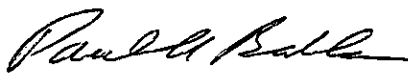
13. In general, the sign regulations in employment districts limit users to signage that simply indicates near or on the user's front door the name of that user for that portion of the building. On the other hand, retail uses are very limited within the employment district. The Board in granting the prior approval to have this limited retail use on the premises believes that it is appropriate to permit variances from the typical employment district sign requirements to be certain that the general public is not confused and is able to find the retail location of this facility.

14. In that regard, the Board notes that the clientele in this case are anticipated to have in many cases a medical infirmity and are older.

15. Therefore, the majority of the Board believes that both the sign and logo are necessary in order to have appropriate signage.

WHEREFORE, the Hanover Township Zoning Hearing Board, by a 2-1 vote, hereby adopts the above Findings of Fact and Conclusions of Law and grants the requested variances for the sign as proposed in the application and page 1 of Exhibit A-1.

HANOVER TOWNSHIP ZONING HEARING BOARD

By: 

Paul A. Balla, Chairman

Dated: August 13, 2008