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GEORGE F. COFFIN, JR.  
1928-1986

NAZARETH OFFICE:  
BY APPOINTMENT ONLY  
LIBERTY AND CENTER STREETS  
NAZARETH, PA. 18064

October 31, 2008

Hanover Township Engineering  
ATTN: Yvonne D. Schoenly  
Hanover Township Municipal Bldg.  
3630 Jacksonville Road  
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board –  
Nicholas Giacoumopoulos &  
Central Pennsylvania College**

Dear Yvonne:

Enclosed herewith find a copy of Findings of Fact and Conclusions of Law in the above matters, along with a copy of the cover letters enclosing the same.

Very truly yours,

  
Theodore R. Lewis, Esquire

TRL/bn  
Enclosures

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October 31, 2008


Mr. Nicholas Giacomopoulos  
1241 Oakside Drive  
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board -  
Nicholas Giacomopoulos**

Dear Mr. Giacomopoulos:

Enclosed herewith please find a true and correct copy of the Findings of Fact and Conclusions of Law of the Hanover Township Zoning Hearing Board concerning your application dated September 22, 2008.

Very truly yours,



Theodore R. Lewis, Esquire

TRL/bn  
Enclosure

cc: Yvonne D. Schoenly, Zoning Administrator

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Re : Application of Nicholas Giacomopoulos  
Dated : September 22, 2008  
Property : 1241 Oakside Drive

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, October 23, 2008, and rendering its oral decision by a 2-1 vote granting the requested variance from the fence provisions of the ordinance, hereby makes the following findings of fact and conclusions of law in support thereof.

1. The subject property is known as 1241 Oakside Drive and is located in an R1-S - Residential Suburban District.
2. The applicant proposes to replace an existing 5-foot high wooden picket fence with a 6-foot high solid vinyl fence.
3. Elmer Jaqueys, the contractor who Mr. Giacomopoulos has employed to install the proposed fence, also testified at the hearing.
4. He indicated that the fencing materials have already been purchased at a substantial cost in the belief that the proposed fence was not in violation of the ordinance.
5. The Zoning Officer introduced into the record pictures of the existing fence on the property which were marked Exhibit Z-1 through Z-4.
6. Mr. Giacomopoulos agreed that the pictures accurately depict the existing fence as it is now situated on the property.
7. Also appearing at the hearing was Attorney Leo DeVito from the Township Solicitor's Office, and Paul Drissel from the Township Engineer's Office.
8. Attorney DeVito indicated that the Township was opposed to the application because it is in violation of the provisions of the ordinance.
9. Fences are defined in Sect. 185-12 of the ordinance which states that fences do not include privacy screen(s), and by definition are constructed of wood, metal or other materials permitting clear vision around and through the completed installation.
10. As per the pictures, there is some ability to see through the existing fence because there is space between the slats. Apparently this type of picket fence would be

permitted. However, it is hard to characterize the spaces between the slats as providing a clear vision through the completed installation.

11. The Board is faced with the problem of determining what kind of space is needed before the public purpose of having a clear vision through the complete installation is satisfied. Indeed in the present case, a majority of the Board is of the opinion that the existing fence and the replacement fence are not significantly different in any meaningful way as it relates to having a clear vision through the completed installation.

12. It is noted that the applicant in the present case has a swimming pool on his premises and is required under the ordinance to construct some sort of fence. In addition his existing fence, according to the testimony, is in poor condition and needs to be replaced.

13. The Majority of the Board, therefore, is of the opinion that at least in this situation where a fence is already in existence with narrow gaps between it, that the vagueness of the definition created a hardship for the applicant in attempting to construct a replacement fence in compliance with the ordinance. This coupled with the fact that the majority of the Board is of the opinion that the construction of this fence in the present case will not be detrimental to the public welfare, justifies the grant of the variance under these unique facts.

WHEREFORE, the Hanover Township Zoning Hearing Board, by a 2-1 vote, hereby approves the construction of the proposed 6-foot solid vinyl fence.

HANOVER TOWNSHIP ZONING HEARING BOARD

By: Paul A. Balla  
Paul A. Balla, Chairman

Dated: October 31, 2008

THEODORE R. LEWIS  
THOMAS L. WALTERS

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October 31, 2008

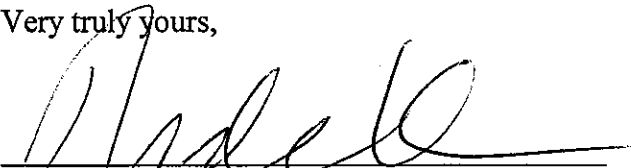
David R. Getz, Esquire  
Wix Wenger & Weidner  
508 N. Second Street  
Harrisburg, PA 17108

**Re: Hanover Township Zoning Hearing Board –  
Central Pennsylvania College**

Dear Attorney Getz:

Enclosed herewith please find a true and correct copy of the Findings of Fact and Conclusions of Law of the Hanover Township Zoning Hearing Board that I am sending to you as attorney for the petitioner in the above matter.

Very truly yours,



Theodore R. Lewis, Esquire

TRL/bn  
Enclosure

cc: Yvonne D. Schoenly, Zoning Administrator

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Re : Central Pennsylvania College  
Dated : September 23, 2008  
Property : 1525 Valley Center Parkway

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, October 23, 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 PORR – Planned Office Research and Residential District.

2. The property is owned by Liberty Property Limited Partnership. The applicant is Central Pennsylvania College, a prospective tenant at an existing building on the site.

3. The applicant was represented at the hearing by Attorney David R. Getz. His principal witness was Rodney M. Groff, Facilities Director for Central Pennsylvania College.

4. Mr. Groff indicated that they intend to rent approximately 7,000 sq. ft. on the first floor of a building that consists of approximately 75,000 sq. ft.

5. He stated that Central Pennsylvania College is a career oriented school established in 1881. The College offers both associate and bachelor degrees.

6. According to Mr. Groff, the College is proposing to locate in the Lehigh Valley area as part of their outreach program, and desires to have an education center at the site which would include evening classes.

7. He indicated that the building in which the College is leasing its space has only one main front door for all tenants, and that therefore the College's leased area does not have a front door leading to the outside.

8. He pointed out that the provisions of the sign ordinance which provide for a sign on the user's front door would not really be of any use or benefit to them. He therefore indicated they desired instead of that sign to have the proposed free-standing sign.

9. He stated that since the purpose of the sign will no longer be to just identify the user at the front door, he believed that the size of the sign needed to go from the 16 sq. ft.

that is permitted under the ordinance to 30 sq. ft., which would then be readable to passersby on Route 22.

10. The proposed sign is depicted in Exhibit A-1, and its dimensions are set forth in Exhibit A-2 with its approximate location on the site in question shown on Exhibit A-3. Mr. Groff also indicated that the sign will be illuminated with base lights.

11. Mr. Groff stated that in his opinion, the college students which would be using their facility need to have the assurances that they are in the area of Central Pennsylvania College by seeing the sign.

12. Also testifying was Chris Williams of Liberty Property who indicated that Liberty Property is in agreement with the proposed sign. He also stated that there is insufficient room on the existing free-standing sign near the front of the building to add Central Pennsylvania College.

13. Appearing at the hearing was Attorney Leo DeVito of the Township Solicitor's office, along with Paul Drissel of the Township Engineer's Office. On cross-examination, Mr. Groff did acknowledge that the College does have a website which will provide directions as to how to get to this location. He also acknowledged that the College will be advertising their presence in the Lehigh Valley through other means besides this proposed sign.

14. Paul Drissel testified that the sign is proposed to be located at the edge of the right-of-way line for Route 22. He stated, therefore, that the sign is being located within the required setback for functionally classified streets, in violation of Sect. 185-14.E.(1), which requires in the case of an expressway a setback of 150 ft. from the right-of-way line.

15. Section 185-36.G.(4), 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) regulates signs located within an Employment District. Sect. 185-19.D(3)(c&d), permit a wall mounted sign not exceeding 16 sq. ft. for individual users on or near the user's door.

16. In general, the sign regulations in Employment Districts limit users to signs that simply indicate near or on the user's front door the name of that user for that portion of the building.

17. Sect. 185-19.D.(3)(a), permits only one free-standing sign for each building. The subject premises already has a free-standing sign.

18. While the owner of the property has indicated there is no room for the applicant on the one free-standing sign for the building, that is a matter of negotiations between the landlord and the tenant. Obviously the ability to identify the existence of the tenant on the building is something to be considered with regards to those lease negotiations. The Board does not believe it is a basis to grant a variance from the provisions of the ordinance.

19. Moreover, the layout of the building with only one main entrance rather than individual entrances was obviously known to the applicant at the time it negotiated its lease with respect to the use of this property. Therefore, the tenant had reason to know that the provisions with respect to identification of its use relating to its front door, would not be of any particular benefit to them. This is all the more basis for its lease negotiations with the landlord to include being properly identified on the free-standing sign in accordance with the

sign scheme of the ordinance. Again, it is the opinion of the Board that the fact that the free-standing sign that is allotted to the building does not include the identification of this tenant, is not a basis for the Board to grant an additional sign that is not consistent with the sign scheme for Employment Districts as set forth in the ordinance.

20. While the applicant has attempted to make a distinction between its use and the possible uses of other tenants with respect to the ability of people to find their place, it is the opinion of the Board that the applicant has all of the same means as every other tenant to cause those who wish to find its location to receive directions through brochures and its website.

21. Indeed, the Board notes that the proposed sign will not really provide any direction to someone as to how to get to the site, but at best implies or suggests to motorists passing by on Route 22 that Central Pennsylvania College is somewhere in the vicinity.

22. It is, therefore, the opinion of the Board that the applicant has not demonstrated that there are unique conditions which cause the regulations in question to impact the applicant in a manner different than what is intended under the ordinance.

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

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: October 31, 2008



Hanover Township  
Zoning Hearing Board Meeting  
Thursday, October 23, 2008  
Leo DeVito and Paul Drissel, Sr. HEA represented the Township

Attending: Balla, Rosenthal, Horvath, Schoenly & Lewis  
Court Steno: Slifer, Voice & Shade

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**08ZHB14 (7:00 PM)**

Petitioner Nick Giacomopoulos  
1241 Oakside Dr, Bethlehem PA  
**R1-S – Residential Suburban Zoning District.**

Petition Received: September 23, 2008  
Notification to Property Owners within 500' – Mailed October 9, 2008  
Property Posted: October 15, 2008

Request is for zoning variance from the Fence provision of the Ordinance to replace existing fence with a privacy fence.

The petitioner, Nick Giacomopoulos, and Elmer Jaquays, contractor provided testimony.

**Request for variance was Granted (2-Yes votes, 1-No votes)**

**V. Horvath-Yes, J.Rosenthal-Yes, P.Balla-No**

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**08ZHB15 (7:23 PM)**

Petitioner Central Pennsylvania College  
1525 Valley Center Parkway (Owned by Liberty Property)  
**PORR – Planned Office, Research and Residential District**

Petition Received: September 24, 2008  
Notification to Property Owners within 500' – Mailed October 9, 2008  
Property Posted: October 15, 2008

Request is for zoning variance from the provisions to construct an additional free-standing sign.

Attorney David Getz – representing Central PA College, Rodney Groff, Facilities Director for Central Penn College, Charlie Davis agent also represented the college, Chris Williams of Liberty Property Trust also gave testimony.

It was noted by Leo DeVito the petitioners' signature page was missing from the submission. Mr. Groff provided testimony that he recognized the missing page presented to him and he signed the page in front of a notary which was witnessed by Mr. Davis. He was given a blank form and signed one page for the record afterwards Mr. Davis found the original signed. **Chris Williams** provided testimony no other free-standing signs would be permitted at this location in the future by any tenants. **Mr. Groff** testified there is only one main entrance for the entire building and the 16sf wall mounted sign would not be applicable for them. **Paul Drissel, HEA** testified, the sign was not a part of the Land Development and noted the change of the 100-ft setback to a 150-ft setback from the Route 22 and arterial setback. **Yvonne Schoenly, ZO** testified that she recognizes the setbacks from what is on the recorded plan.

**Request for variance was Denied (0 Yes votes, 3-No votes)**

**V. Horvath-No, J. Rosenthal- No, P. Balla-No**

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**08ZHB16 (8:50 PM)**

Petitioner TD Bank (Formerly Commerce Bank)  
3759 Bath Pike  
**LBD – Limited Business District**

Petition Received: September 25, 2008  
Notification to Property Owners within 500' – Mailed October 9, 2008  
Property Posted: October 15, 2008

Request is zoning relief from the setback and sign provisions of the Ordinance. Petitioner seeks variance to permit two-free-standing signs, one pylon and one directional,

Attorney Peter Lehr represented the petitioner. After private discussion with the Leo DeVito, Peter Lehr requested a continuance in order to go in front of the Board of Supervisors.

**Request for a continuance was Granted (3-Yes, 0- No votes) Continuance was granted until 7PM December 4, 2008**