

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Re : KSB Holdings, L.L.C.
Dated : November 3, 2008
Property : 310 Stoke Park Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, December 4, 2008, and rendering its oral decision granting the requested variances, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 310 Stoke Park Road in a PIBD – Planned Industrial/Business Park District.
2. The property is owned by KSB Holdings, L.L.C., the present applicant.
3. The applicant was represented at the hearing by Attorney Joseph Piperato.
4. Testifying at the hearing was the principal of KSB Holdings, L.L.C., John P. McElkenny.
5. Also testifying on behalf of the application was Tracy Schnell, P.E., of the Newton Engineering Group, P.C.
6. Attorney Piperato introduced the following exhibits throughout the course of the hearing:
 - A-1 A colorized Site Plan dated December 4, 2008, with no revision date, being Drawing No. 01-036KSB and entitled "310 Stoke Park Road Presentation Plan";
 - A-2 Pictures of portions of the parking lot on the west side of the existing building;
 - A-3 Two pages showing the tax information from Northampton County Public Access and the Tax Map of the subject property.
7. According to the testimony, the application, and the exhibits, the applicant desires to construct additional parking in the front of the building which will have a net yield of 11 or 8 new parking spaces, depending on the results of impervious surface calculations.
8. These parking spaces would encroach into the required setbacks for the lot and for the road as depicted on Exhibit A-1.

9. In addition, the area is steeply sloped and in order to construct a parking area it is necessary to construct a retaining wall which also would be located within the required setbacks.

10. The applicant testified that there was a reserve of 70 parking spaces in the back of the lot and that there are currently 103 existing parking spaces. The net increase of 8-11 spaces would therefore yield between 181 and 184 spaces.

11. According to the representations made by the applicant, the current uses would demand a total of 190 spaces. The applicant, therefore, would be 6-9 spaces shy of that requirement.

12. The applicant indicated that it did not want to have to construct the additional three spaces, if as a result of the impervious surface calculations, Act 167 was invoked as to storm water. Therefore, the applicant requests at a maximum variance of nine parking spaces.

13. As is obvious from a review of the site plan, the lot in question is not rectangular and the curve in Stoke Park Road causes the setbacks to encroach deeper onto that portion of the lot. In addition, the lot is rather steeply sloped at certain areas.

14. Moreover, it is in the opinion of the Board that the area where the proposed parking is intended to be located is the area where retail customers will most want to be able to park rather than the existing parking spaces in the rear or on the west side of the building.

15. For these reasons, the Board is satisfied that there are unique and unusual circumstances concerning the lot in question which constitutes a hardship and entitling the applicant to the grant of a variance for the construction of the proposed parking spaces and retaining wall.

16. In addition, from the testimony presented it appears that the parking spaces as presently being used in the back and western side of the property are not utilized most of the time. Therefore, given the reserve of the additional 70 spaces in the rear, the Board does not believe that the strict adherence to the parking standards of the ordinance are necessary and grants a variance of a maximum of 9 spaces from the total parking requirements, conditioned on the applicant constructing at least 8 of the 11 proposed parking spaces in the front as per the plans.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the variance to construct the additional parking spaces and retaining wall within the required setbacks, and a variance of up to 9 spaces from the number of parking spaces required under the ordinance under and subject to the condition that at least 8 of the 11 proposed parking spaces are constructed in the front of the premises as per the plans.

HANOVER TOWNSHIP ZONING HEARING BOARD

By: 
Paul A. Balla, Chairman

Dated: January 13, 2009

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Re : TD Bank, N.A.
Dated : September 19, 2008
Property : 3759 Bath Pike

The Hanover Township Zoning Hearing Board, after conducting a hearings on Thursday, October 23, 2008, and Thursday, December 4, 2008, and rendering its oral decision granting the requested sign variance on the application, as amended, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 3759 Bath Pike in an LBD – Limited Business District.
2. The property is owned by Wegmans Food Markets, Inc. and the applicant is TD Bank, N.A.
3. The property was the subject of a former zoning hearing at which Commerce Bank, N.A. was granted certain variances, including a variance for a façade sign.
4. The present applicant was represented at the hearings by Attorney Peter Lehr.
5. At the first meeting of the Board on October 23, Mr. Lehr indicated that he wanted the opportunity to present his plans to the Supervisors and consider possible modifications of the same, and therefore requested the matter be continued to the next hearing of the Board on December 4, at 7:00 P.M.
6. Appearing at this hearing was Attorney Leo DeVito of the Township Solicitor's Office, and Paul Drissel of the Township Engineer's Office.
7. Mr. DeVito indicated that the Township had no opposition to the request for the continuance.
8. The Board then voted to grant the continuance to December 4, 2008 at 7:00 P.M.
9. At the December 4th hearing, Attorney Lehr indicated that the directional sign was being withdrawn and that the proposed free-standing sign was reduced in size so that each side would be less than 15 sq. ft.

10. As a result thereof according to Attorney Lehr the variances were now confined to request for relief from the setback requirements of the ordinance.

11. Mr. Lehr presented exhibits as follows:

- A-1 Being a Site Plan entitled "Proposed Sign Inventory", which consisted of 3 pages showing the location of the free-standing sign on the premises, the dimensions of the sign and pictures of the intersection and spot where the sign is to be located. This exhibit also references the façade sign which was approved by the prior decision of the Board.
- A-2 Being a letter of the Zoning Officer, Yvonne Schoenly, approving the PNC Bank sign for the property located across Stoke Park Road which has similar dimensions to the proposed sign.
- A-3 Picture of the PNC Bank sign.
- A-4 Decision of the Zoning Board in the PNC matter dated November 9, 2006.
- A-5 Google map showing the location of the property.
- A-6 Picture of signage on East Penn Bank Building property located in the vicinity of the subject property.

12. The Board after due consideration to its prior decision concerning the subject premises, its prior decisions in regards to the PNC matter, the fact that the applicant has amended its application to remove many of the previously requested variances and the fact that the Township is no longer in opposition to the proposed application, believes that the applicant has justified the grant of the variance for the proposed free-standing sign as per the amended application.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the free-standing sign of the dimensions and at the location as set forth in the amended application.

HANOVER TOWNSHIP ZONING HEARING BOARD

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

Dated: January 13, 2009