

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Re : Allentown S.M.S.A  
: d/b/a Verizon Wireless  
Dated : November 18, 2008  
Property : 3439 Bath Pike

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, January 22, 2009, and rendering its oral decision granting variances to permit the location of the Verizon commercial communication equipment on the existing PPL utility pole, pursuant to the plan submitted to the Board, hereby makes the following findings of fact and conclusions of law:

1. The subject property is a 6.78 acre parcel of land located in a C-2 – Commercial Center District, and owned by Howard S. and Gregory A. Gulick.

2. The current uses on the property are the Key Pontiac Automobile Dealership, Lafayette Ambassador Bank, Adams Advertising Billboard Sign, and an existing PPL utility pole with Nextel Communications' equipment located thereon.

3. The present property was the subject of a Zoning Hearing and Decision of the Board dated August 23, 2001, which granted the necessary variances in order for Nextel Communications of the Mid-Atlantic, Inc. to locate its commercial communications equipment on a PPL utility pole.

4. The present application is brought by Allentown S.M.S.A. d/b/a Verizon Wireless, to locate its equipment on the same pole, as well as to have an equipment shelter building 12'x30'. The applicant proposes to extend the pole by an additional 10 feet.

5. The applicant was represented at the hearing by Attorney Catherine Durso who offered into evidence a total of 12 exhibits as follows:

- A-1 FCC License;
- A-2 PPL Site Reservation Form;
- A-3 Site Plan;
- A-4 ZHB 2001 Decision;
- A-5 Photo Simulations;

- A-6 Structural Analysis;
- A-7 Propagation analysis showing existing coverage;
- A-8 Propagation analysis showing proposed coverage;
- A-9 Non-Interference Report;
- A-10 EMF Compliance Report;
- A-11 Letter to Airport Authority;
- A-12 Equipment Shelter Drawings with Material Safety Data Sheet.

6. Present at that hearing were Attorney Leo DeVito of the Township Solicitor's Office and Paul Drissel of the Township Engineer's Office.

7. Mr. DeVito indicated that the primary concern of the Township was that there be a light at the top of the pole. The applicant indicated that they are agreeable to such a condition and intend to place a light at the top of the pole.

8. The applicant presented testimony from Susan Manchel of Wireless Access Technologies, Inc., Michael Damiano of PPL Infrastructure Services, L.L.C., and Paul Allen Dugan, P.E. of Millennium Engineering, P.C.

9. The sum total of all of the testimony and exhibits was to the effect that the tower in question has the structural capability to support the additional 10 feet and the additional equipment that would be placed on the tower.

10. In addition, according to the testimony of the applicant, the tower is necessary in order to have reliable service within the area.

11. The applicant indicated there are no existing Verizon communication towers within Hanover Township, Northampton County.

12. The Board believes that the applicant has demonstrated a hardship in that the applicant has shown through its testimony and exhibits that it is unable to meet its reasonable needs with respect to coverage in the area without utilization of this tower. Further the Board recognizes the legislative intent as expressed in 185-54 E 10 (m) (2) of the Ordinance, to consider locating communication equipment on existing towers rather than having to build new towers.


13. The Board also recognizes that it is the intent of the Supervisors to see that communications towers are not built in residential areas and although the proposed site is not in a PIBD district where it is permitted, it is clearly in an area that is non-residential.

14. The Board, therefore, concludes that the applicant has demonstrated a hardship and that its proposed extension of the tower by 10 feet, together with the associated equipment at the base of the tower as per the drawings set forth in the exhibits presented to the Board will not be detrimental to the public welfare or alter the character of the neighborhood.

15. The Board believes that a reasonable condition attached to their grant of approval is that there be a light at the top of the pole as requested by the Township and agreed to by the applicant.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law in support of its decision to grant the variances subject to the condition as set forth herein.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: February 5, 2009