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July 5, 2011

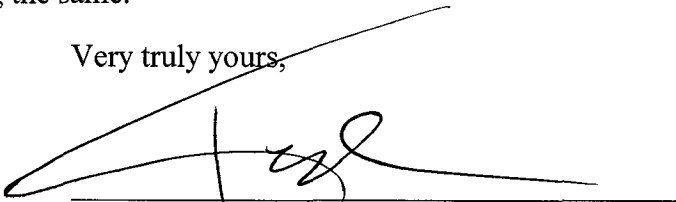
Hanover Township Engineering  
ATTN: Yvonne D. Kutz  
Hanover Township Municipal Bldg.  
3630 Jacksonville Road  
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board –  
David & An geline Brong,  
PJ's Bethlehem Realty LLC,  
& Metro PCS Pennsylvania LLC**

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

THEODORE R. LEWIS  
THOMAS L. WALTERS

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July 5, 2011

Joseph J. Piperato, III, Esquire  
2005 City Line Road, Suite 106  
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board –  
David and Angeline Brong**

  
Dear Attorney Piperato:

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. Kutz, Zoning Administrator

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Re : David and Angeline Brong  
Dated : April 25, 2011  
Property : 1204 Alyssa Place

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, May 26, 2011, 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 applicants are David and Angeline Brong, the owners of property at 1204 Alyssa Place, located in an R1-S – Residential Suburban District.

2. The applicants were represented at the hearing by Attorney Joseph J. Piperato, III. He presented throughout the course of the hearing the following exhibits:

A-1 Deed for subject property dated February 8 from Domenic Villani to David and Angeline Brong.

A-2 Plan prepared by Keystone Consulting Engineers dated December 14, 2010 and having a last revision date of 4-11-11 with colored markings for impervious coverage, woodland preservation and patio coverage.

A-3 Preliminary/Final Subdivision Plan for Dewire Estates dated June 10, 2002 with the subject property marked in yellow and an area that the applicants attempted to purchase marked in blue.

A-4 thru A-7 Pictures of homes in the surrounding neighborhood.

3. According to the testimony, the lot coverage of the ordinance where the woodland preservation provisions do not apply is 30%. In this case, because the woodland coverage provisions are applicable, the requirement is 22%. The applicants are requesting a variance from this provision to permit 26% coverage.

4. The other provision of the woodlands preservation section require that there be a minimum of 20% preservation. The applicants indicate that even though it is exceeding the lot coverage provisions, it will still have 34% woodland preservation, well in excess of the minimum requirement of 20%.

5. The applicants also presented the testimony of David Martin, P.E. of Keystone Engineering who indicated that the coverage requirements could be met by eliminating the

patios but that the elimination of the patios would have very little affect on the ability to preserve woodlands.

6. Mr. Brong testified that the proposed home is of a size that is typical for this area which he stated is illustrated in Exhibits A-4 through A-7, being the pictures of the homes in the surrounding neighborhood. He therefore believes that the variance requested is for the minimum relief necessary under the ordinance.

7. The Board believes that the lot in question does have some unique characteristics imposing a hardship, that the grant of the variance will not be detrimental to the public welfare, and that indeed the grant of a variance based on the expert testimony will have a limited negative impact or no negative impact on the objective of the ordinance to preserve woodlands.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the requested variance from the lot coverage provisions as per the application.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: July 5, 2011

THEODORE R. LEWIS  
THOMAS L. WALTERS

MAILING ADDRESS:  
P. O. BOX A  
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July 5, 2011

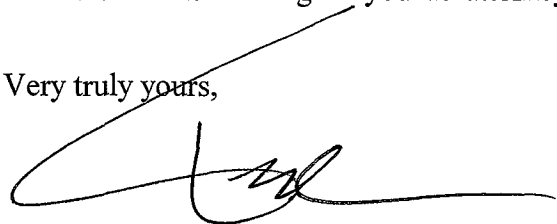
Erich J. Schock, Esquire  
4001 Schoolhouse Lane  
P.O. Box 219  
Center Valley, PA 18034-0219

**Re: Hanover Township Zoning Hearing Board –  
PJ's Bethlehem Realty LLC**

  
Dear Attorney Schock:

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. Kutz, Zoning Administrator

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Re : PJ's Bethlehem Realty LLC  
Dated : April 29, 2011  
Property : 3395 High Point Boulevard

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, May 26, 2011, 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 applicant, PJ's Bethlehem Realty LLC, is the owner of property located at 3395 High Point Boulevard in a PORR – Planned Office, Research and Residential District.

2. The applicant was represented at the hearing by Attorney Erich J. Schock. Mr. Schock throughout the course of the hearing introduced the following exhibits:

- A-1 Approved sign package.
- A-2 Site Plan of Liberty Engineering, Sheet 2 of 11, dated 2/17/03, with a last revision date of 5/15/03 wherein the two pole signs are marked with a circled X.
- A-3 Consisting of subparts A, B and C, showing the building from two different angles without the proposed sign and with the proposed sign and subpart C having the dimensions of the lettering as proposed.
- A-4 Consisting of subparts A, B, C. and D showing the proposed site with a representation of the size as permitted under the ordinance and the size of the lettering as proposed, and subpart D being again the measurements and dimensions of the proposed signage.
- A-5 Picture of the Wawa facility in the general area.
- A-6 Picture of the hotel next to the site.
- A-7 Picture of the Wells Fargo property.

3. Testifying on behalf of the application was Ray McCausland, Director of Facilities for PJ's Bethlehem Realty LLC. He indicated that in his opinion a sign of only 16 sq. ft. would not be adequately seen from the road. He stated that the special features of this lot were the existence of a berm and the fact that the building is set back considerably from the road. He concluded that in his opinion the proposed sign is the minimum size necessary to be seen from the road.

4. He also testified that unlike facilities such as a Wawa which is recognizable from the fact that Wawa uses a similar architecture for all of its buildings, PJ Whelihan's Restaurants renovate existing facilities and, therefore, do not have a similar architecture that is recognizable as being a PJ Whelihan's Restaurant.

5. Also appearing at the hearing was Attorney Leo DeVito on behalf of the Hanover Township Supervisors who object to a variance for the proposed sign.

6. On cross-examination by Attorney DeVito, Mr. McCausland did indicate the sign could be somewhat smaller. He also acknowledged that the sign could not be seen by those using Highland Boulevard and those traveling west on Stoke Park Road. As to those proceeding east on Stoke Park Road, Mr. McCausland acknowledged they would not be able to see the sign after traveling a certain distance along the road.

7. Mr. McCausland also acknowledged on cross-examination that there is a pole sign at or near the intersection wherein it is indicated that a PJ Whelihan's is in the vicinity.

8. The Zoning Officer testified that her predecessor issued a sign permit to the prior owner for a 16 sq. ft. façade sign at this same location on the building. While it does not appear that such a sign is in fact in accordance with Sect. 185-19.D.(3)(c) of the zoning ordinance, the prior owner installed a 16 sq. ft. sign as per the permit.

9. The Zoning Office testified that if the present applicant had simply requested to replace the existing sign with another 16 sq. ft. sign, she would have issued the permit based on what the prior Zoning Officer had done. However, because the applicant desires to exceed the 16 sq. ft. of the prior sign, she denied the permit.

10. After questioning from the Board, the applicant during the course of the hearing agreed to amend the application to eliminate the portion of the sign stating, "Established 1983". The balance of the sign according to the amended application would be the same size and lettering.

11. A majority of the Board believed that the applicant demonstrated a hardship based on the conditions as set forth at the hearing and that the grant of the relief would not be detrimental to the public welfare or impair the development of neighboring property

12. A majority of the Board also believes that the applicant's request as modified by the amendment at the time of hearing represents the minimum relief under the ordinance.

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 amended at the hearing.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: July 5, 2011

THEODORE R. LEWIS  
THOMAS L. WALTERS

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NAZARETH, PA. 18064

July 5, 2011

Nicholas A. Cucé, Esquire  
717 Constitution Drive, Suite 200  
Exton, PA 19341

**Re: Hanover Township Zoning Hearing Board –  
Metro PCS Pennsylvania LLC**

Dear Attorney Cucé:

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. Kutz, Zoning Administrator



**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Re : Metro PCS Pennsylvania LLC  
Dated : April 29, 2011  
Property : 5325 Northgate Drive

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, May 26, 2011, 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 applicant is Metro PCS Pennsylvania LLC which desires to locate telecommunications equipment on an existing PPL transmission tower on property owned by Bethlehem Medical Arts, LP, in an OI – Office and Institutional District.

2. The applicant was represented at the hearing by Attorney Nicholas A. Cucé, Jr. who provided a list of exhibits A-1 through A-17 as enumerated on applicant's exhibit list.

3. Also at the hearing was Attorney Leo DeVito on behalf of the Hanover Township Supervisors who indicated that the Supervisors were not opposed to the application provided that there was a light at the top of the tower.

4. Attorney Cucé indicated that his client was agreeable to this condition.

5. Present at the hearing on behalf of the application were Trevor McNeill, Agent for Metro PCS Pennsylvania LLC, Traian Popescu, Sr. Radio Frequency Engineer for Metro PCS, and Kenneth R. Foster, Electromagnetic Safety Consultant.

6. The height of the tower would be 85'-8", extending the existing PPL lattice tower which now stands at 78'-6".

7. Sect. 185-34.D(6) provides that the maximum height in an OI District is 60 feet, and therefore a variance from this section is necessary.

8. In addition, telecommunication towers are not permitted uses in an OI District. They are permitted in a PIBD – Planned Industrial/Business District as a conditional use pursuant to Sect. 185-35.D.(17). Therefore a use variance is also necessary.

9. 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 by locating any of its communication equipment within the PIBD District.

10. Further, the Board recognizes the legislative intent as expressed in 185-54.E.(10)(m)[2] of the ordinance to locate communication equipment on existing towers rather than having to build new towers.

11. Further still, the Board recognizes the intent of the Supervisors that communication towers are not built in residential areas, and although the proposed site is not in a PIBD District, it is clearly an area that is non-residential.

12. The Board therefore concludes that the applicant has demonstrated a hardship and that the use of the existing PPL lattice tower for communication as per the drawing set forth in the exhibits presented to the Board will not be detrimental to the public welfare or alter the character of the neighborhood. Therefore, the Board believes that the variance necessary for this use together with the dimensional variance as described in the application and the exhibits presented to the Board are appropriate.

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 aforesaid variances under and subject to the condition agreed to by the applicant at the time of the hearing that there be a light at the top of the tower.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: July 5, 2011