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GEORGE F. COFFIN, JR.
1928-1986

NAZARETH OFFICE:
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LIBERTY AND CENTER STREETS
NAZARETH, PA. 18064

December 11, 2012

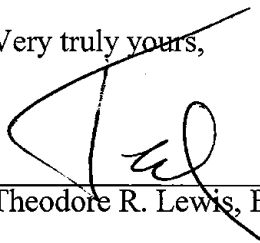
Yvonne D. Kutz, Zoning Officer
Hanover Township Municipal Bldg.
3630 Jacksonville Road
Bethlehem, PA 18017

Re: Hanover Township Zoning Hearing Board –
Luis and Christine, L.L.C. & Faulkner Chevrolet Cadillac

Dear Yvonne:

Enclosed herewith find 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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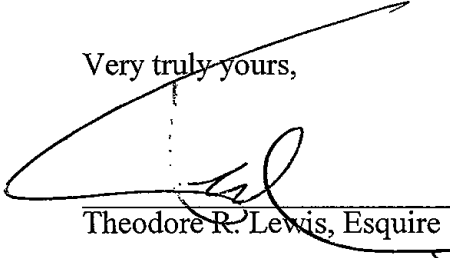
Emil W. Kantra, II, Esquire
Fitzpatrick Lentz & Bubba, P.C.
4001 Schoolhouse Lane
P. O. Box 219
Center Valley, PA 18034-0219

**Re: *Hanover Township Zoning Hearing Board –
Luis and Christine, LLC***

Dear Attorney Kantra:

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 Officer

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Re Application of	:	Luis and Christine L.L.C.
Application dated	:	October 25, 2012
Property	:	Stoke Park Road &
	:	Wegmans Drive

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, November 29, 2012, 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 on the northeast corner of the intersection of Wegmans Drive and Stoke Park Road in an LBD – Limited Business District.

2. The applicant is Luis and Christine L.L.C., the equitable owner of the property, pursuant to an Agreement of Sale entered into with the record owner of the property, Wegmans Food Market, Inc. That agreement is contingent upon the applicant's obtaining zoning approval for its proposed use.

3. The property was the subject of a recent Zoning Board Hearing conducted on July 26, 2012, where the Board granted certain dimensional variances. The Board issued its written Decision dated August 21, 2012.

4. The applicant was represented at the present hearing by Emil Kantra, substituting for Catherine Durso, Esquire. Attorney Kantra introduced during the course of the hearing:

Exhibit A-1, being a colorized depiction of the site with dimensions showing the relief being requested and,

Exhibit A-2, being a copy of the aforesaid prior Decision of the Board.

5. Christine Alvare, one of the principals of the limited liability company, testified that there were no changes in the facts from the testimony that was given to the Board at the prior hearing, and that there are no changes to what is being proposed for the subject premises.

6. Rocco Caracciolo of Pennoni Associates, Inc., a Licensed Professional Engineer, testified that during the land development review process two additional variances were noted by the Township Engineer's Office and thus the need for the present hearing.

7. He indicated that in particular Fairview Road was noted as a collector road by the Township Engineer's Office, and therefore the required functional setback is 60 feet. He stated it was not clear whether that is measured to the proposed sidewalk which would be a distance of 50 feet, or to the proposed building which would be a distance of 55 feet. In any event, a variance from this provision is necessary.

8. In addition, he noted that the distance from the middle of the proposed driveway to the intersection is 165 feet. If one measures from the beginning of the edge of the driveway, the distance to the intersection would be 151 feet. The ordinance requires that a driveway must be 200 feet from the intersection.

9. He stated as he had in the prior hearing that moving the building further to the interior of the lot would disrupt the parking plan. In addition, he noted that while Fairview Road is technically considered a collector road it is not developed at this location.

10. He testified that if Fairview Road had been classified as a local road the required functional setback would be 50 feet, and therefore there would not be a need for a variance from this provision of the ordinance.

11. With respect to the other variance request, Mr. Caracciolo noted that the proposed driveway is aligned with the access driveway across Fairview Road. He stated that in his opinion the purpose of the regulation requiring the access driveway to be at least 200 feet from the intersection was not particularly critical in the present situation where the road is used as little as this road.

12. Several interested neighbors were present at the hearing. None of the neighbors voiced objections to the grant of the proposed additional variances.

13. The Board finds, as it did in its prior decision, that the subject property is unique as it relates to the application of the provisions of the ordinance for which relief is being requested.

14. The Board also agrees that the requested relief will not be detrimental to the public welfare and will not be incompatible and out of character with the neighborhood, nor impair the development of adjacent properties.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law in support of its decision granting the variance from the provisions of the ordinance requiring a 60 foot functional street setback from a collector road, and granting the variance permitting the access drive to be less than 200 feet from the intersection of the street right-of-way.

HANOVER TOWNSHIP ZONING HEARING BOARD

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

Dated: December 11, 2012

THEODORE R. LEWIS
THOMAS L. WALTERS

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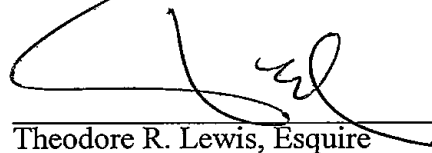
Thomas J. Maloney, Esquire
901 W. Lehigh Street
P. O. Box 1279
Bethlehem, PA 18016-1279

Re: *Hanover Township Zoning Hearing Board –
Faulkner Chevrolet Cadillac*

Dear Tom:

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 Officer

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Thomas J. Maloney, Esquire
901 W. Lehigh Street
P. O. Box 1279
Bethlehem, PA 18016-1279

Re: *Hanover Township Zoning Hearing Board –
Faulkner Chevrolet Cadillac*

Dear Tom:

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Enclosure

cc: Yvonne D. Kutz, Zoning Officer

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Re Application of : Faulkner Chevrolet Cadillac
Application dated : September 26, 2012
Property : 298 Stoke Park Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, November 29, 2012, and rendering its oral decision granting the variances for three of the four proposed signs, and denying the variance for the fourth sign, hereby makes the following findings of fact and conclusions of law:

1. The subject property is located in a C-2 – Commercial Center District.
2. The applicant was represented at the hearing by Attorney Thomas J. Maloney who called as witnesses on behalf of the applicant, Samuel Borrelli, President of the Company, and Lawrence Prescott, Architect for Professional Design and Construction, Inc.
3. Attorney Maloney also introduced during the course of the hearing the following exhibits:
 - A. Drawing showing the dimensions of the signs and a front elevation of the new building;
 - B. Calculations concerning the dimensional comparison of the old building to the new building prepared by Mr. Prescott;
 - C. Picture of the Subaru showroom with sign previously approved by the Board;
 - D. Picture of the Cadillac Chevrolet showroom with signs.
4. Mr. Maloney began the hearing by amending the Petition with respect to the size of the signs from what was shown in the attachment to the Petition to those dimensions that are shown on Exhibit A.
5. According to the testimony there is located on the premises at least until recently a service building and showroom for Chevrolet and Cadillac and a showroom for Subaru.
6. Those buildings will be replaced with one building containing a service area and showrooms just for Chevrolet and Cadillac motor vehicles.

7. Mr. Borrelli indicated that the reductions in the sign from the original Petition were submitted to General Motors and they have approved the same.

8. Mr. Borrelli indicated that the Faulkner sign was suggested by GM but not mandated by them.

9. Mr. Borrelli testified that the hours of operation of the dealership are 8:00 a.m. to 8:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. There are no Sunday hours.

10. He indicated that the signs in question are illuminated internally and would be lit during the hours of operation and until approximately 11:00 at night.

11. Speaking against the grant of the variances were Joseph Farrell of 4122 Maria Lane, and Francis R. Loughney of New Tripoli.

12. Sect. 185-19.D. provides regulations for business signs. Subsection (2)(a) thereof provides that the sign shall not exceed three square feet of area for each five lineal feet of building wall on which the sign is to be mounted.

13. Subsection (4)(a) provides that a permitted service commercial use shall be permitted a maximum of two business signs provided that the total area of both signs does not exceed 30 feet.

14. Subsection (4)(c) provides that no use shall be permitted more than one wall-mounted business sign or letters per façade side.

15. The proposed signs exceed both the 30 square feet and the formula for calculation of area as referred to in the aforesaid sections and also exceeds the number of allowed wall-mounted signs. Therefore variances from the sign ordinance are required.

16. The Board notes that the subject property has received variances in the past based on the nature of the particular use as a car dealership, and the Board concludes as it has in the past that the subject use suffers a hardship without receiving relief from the strict provisions of the sign ordinance.

17. The Board accepts the rationale of the applicant of the need to identify the area of the building where the particular showrooms are located, as well as the area of the building where cars will be serviced.

18. The Board does not believe that patrons need another reminder that they are at the Faulkner facility however, in that the two free-standing signs more than adequately serve this purpose.

19. The Board therefore believes that the grant of the variance for the Faulkner sign would exceed the minimum relief necessary contrary to the requirements for the grant of a variance, as set forth in Sect. 185-52 D. (5) of the ordinance.

20. The Board believes, however, that the grant of the variances for the other signs will not be detrimental to the public welfare or impair the development of neighboring properties.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby grants the necessary variances to permit the proposed Chevrolet sign which includes the emblem, the proposed Cadillac sign, and the proposed Certified Service sign as shown on Exhibit A, and hereby denies the request for a variance for the proposed Faulkner sign as shown in Exhibit A.

HANOVER TOWNSHIP ZONING HEARING BOARD

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

Dated: December 11, 2012