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April 4, 2008

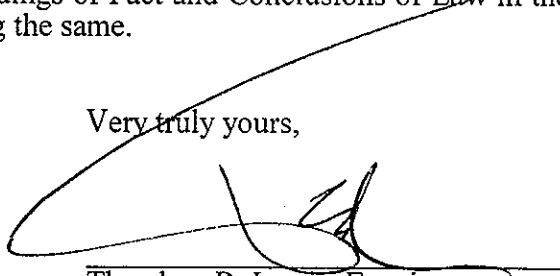
Hanover Township Engineering,  
Zoning Officer  
ATTN: Yvonne D. Schoenly  
Hanover Township Municipal Bldg.  
3630 Jacksonville Road  
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board – PNC Bank**

Dear Yvonne:

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

Very truly yours,

  
Theodore R. Lewis, Esquire

TRL/bn  
Enclosures

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Re : PNC Bank  
Dated : January 30, 2008  
Property : Bath Pike and Stoke Park Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, March 6, 2008, and rendering its oral decision denying the requested modification to the sign variance, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at the northwest corner of Bath Pike and Stoke Park Road in an LBD – Limited Business District.
2. The property is owned by George C. Scoggin and currently leased to PNC Bank, National Association, the applicant.
3. The applicant was represented at the hearing by Attorney Maxwell E. Davison.
4. Testifying at the hearing was Michael Conway, Senior Property Administrator for PNC Bank, Robert F. Yuro, Professional Engineer from the firm of Kenderian Zilinski Associates, Consulting Engineers, and Sean Smith of the Sign Service Group.
5. Attorney Davison introduced at the hearing the following exhibits:
  - A-1 Consisting of a page showing the location of the existing and proposed sign; two pages of photographs and dimensions of the proposed sign;
  - A-2 Findings of Fact and Conclusions of Law and Decision of Board dated November 9, 2006 on application dated September 26, 2006; and
  - A-3 Enlarged site plan.
6. The applicant, as evidenced by Exhibit A-2, previously submitted an application requesting sign variances for a sign package which was outlined in their application of September 26, 2006. In that application PNC Bank requested a free-standing sign referred to as a "monument sign", as well as a wall-mounted sign. Relief was necessary in order to obtain approval for either sign. Both signs were approved by the Board and both signs have been erected.

7. The Board believes that the Findings of Fact 11 through 17 as set forth in that decision indicating the need for relief from the zoning ordinance are still applicable. The Board's rationale, findings, and conclusions of law, with respect to the grant of the variances at that time for both signs were set forth in paragraphs 18 through 24 of its decision.

8. The present application is to change the free-standing sign which was approved in the prior decision by raising its height approximately 10 feet. This sign was characterized as a "monument sign" at the first hearing and is now being characterized as a "pylon sign".

9. The sign itself will have the same dimensions and will be considerably oversized as it relates to the maximum size requirements under the ordinance which have not changed since the prior application. No change is proposed for the wall mounted sign which remains likewise oversized pursuant to the requirements of the ordinance.

10. The applicant through its witnesses and the pictures indicated that in their opinion the existing sign cannot be adequately seen by motorists and, therefore, for "safety" reasons they desire that the sign be higher.

11. Several residents of the area disputed this. Jaynellen Mannix and Richard Mannix, who reside at 3730 Fairview Street, indicated that they believe that the sign can be adequately seen as it now exists. Further, Mrs. Mannix stated that in her opinion the building itself operates as a means by which a motorist can identify the existence of the bank at this location. She further stated in her opinion, it would only take one trip for a motorist to become aware of the exact location of the bank.

12. Albert Solga and Patricia Green likewise spoke against the need for the sign and felt that the modification of the prior variance to include a 14 foot pylon sign would be detrimental.

13. The Board while weighing carefully the testimony of the applicant with regards to their reasons for wishing to in effect raise the sign by approximately 10 feet is unconvinced that it is compelled by safety and lack of visibility.

14. The Board does not believe that the means by which motorists identify the existence of the bank at this locality is limited strictly to this sign. Moreover, the Board believes that the large majority of the people coming to the bank will be repeat customers who already will know the location of the bank.

15. Finally, the Board believes that raising the sign to approximately 14 ft. in the air will not make the sign visible at all times to motorists from all directions. In that regard it was acknowledged that an existing tree on the neighboring property will continue to obscure this sign at the 14 ft. height. Even the exhibit presented into evidence by the applicant showing a tractor trailer turning on Route 512, appears to the Board to illustrate that the turn of a tractor trailer will obscure the sign to motorists for at least part of the time even if the sign were 14 ft. high.

16. In deciding on the grant of a variance, it is a requirement that the Board determine and only grant the minimum relief necessary. In that regard, it must be noted that the application last time requested a wall-mounted sign that was considerably larger than that permitted under the ordinance while at the same time requesting a free-standing sign which

was considerably larger than that permitted under the ordinance although not as high as what might have been permitted under the ordinance. The Board concluded when viewed as a whole, that this relief met the requirement of being the minimum relief necessary.

17. The applicant is in effect through a 2-stage process significantly changing the overall sign package for the building. The Board does not believe that the grant of an oversized sign at approximately a 4 ft. height is equal to the grant of a variance of that same oversized sign at a 14 ft. height. The Board believes that the applicant already received the minimum relief under the ordinance and has failed to present sufficiently compelling reasons for the Board to grant further relief.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and denies the request to modify the variance for the free-standing sign as per the application.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: April 4, 2008