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May 13, 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 –  
Summit Realty Advisors, L.L.C.

Dear Yvonne:

Enclosed herewith find copy of Findings of Fact and Conclusions of Law in the Summit Realty signage matter, and a copy of my cover letter to Attorney Schock enclosing the same.

Very truly yours,



Theodore R. Lewis, Esquire

TRL/pcc

encs.

**HANOVER TOWNSHIP ZONING HEARING BOARD**  
**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Re	:	Summit Realty Advisors, L.L.C.
Dated	:	December 28, 2007
Property	:	Sterner's Way, Hanover Corporate Center 2, Lot 3

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, April 3, 2008, and rendering its oral decision denying the requested variances for some of the signs and granting the requested variance for other signs, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located in a C2 – Commercial Center Zoning District.
2. The property is owned by the Frederick J. Jandl and is Lot 3 of a plan known as Hanover Corporate Center 2.
3. The applicant previously received approval from the Zoning Board by its decision dated January 11, 2008, for the construction on the premises of a CVS Pharmacy and a Turkey Hill Convenience Store, including facilities for self-service gasoline dispensers under a canopy.
4. The applicant's present application is concerning the proposed signage for these uses on the premises.
5. The applicant was represented at the hearing by Attorney Erich Schock who presented the following exhibits during the hearing:
  - A-1 Pictures comparing various sized signs on Bath Pike;
  - A-2 Site Plan of the premises with the location of the monument signs marked in yellow;
  - A-3 Pictures comparing various sized signs on Sterner's Way;
  - A-4 Pictures comparing pole signs to monument signs;
  - A-5 Proposed Turkey Hill façade sign;
  - A-6 Proposed Turkey Hill canopy signs on two sides;
  - A-7 Plan showing elevations on all four sides of CVS Pharmacy building with proposed signage on each sign;

A-8 Plan showing elevations of all four sides of CVS Pharmacy building with signage as permitted by the ordinance.

6. Testifying on behalf of the applicant was Phillip Sanders of Sign Medix. He indicated the proposed monument sign along Bath Pike was now limited to 50 sq. ft. on each side (not counting the area of the framing members).

7. He also indicated by reference to Exhibit A-2, the requirement under the ordinance to locate the sign at least 75 ft. from the road intersections. In his opinion this results in a need for a larger sign so that motorists who are traveling south on 512 know that they need to turn on Sterner's Way in order to access either the Turkey Hill or CVS Pharmacy.

8. He stated that the proposed sign along Sterner's Way was now 25 sq. ft. on each side (not counting the area of the framing members).

9. He indicated further that in his opinion the proposed monument structure for both signs was more attractive than a typical pole sign even though it technically increases the area of the sign.

10. The Turkey Hill façade sign is now in compliance with the ordinance.

11. The two canopy signs are 38 sq. ft. including the logo. The applicant stated that having a logo alone on the canopy would be satisfactory. The logo alone would be only 12 sq. ft.

12. Also testifying was Robert Oelenschlager of National Sign Services. He discussed the entire sign package for each of the four sides of the CVS Pharmacy building.

13. Appearing at the hearing on behalf of the Township was Attorney Leo DeVito who on cross-examination elicited from Mr. Oelenschlager that CVS Pharmacy was well aware of the provisions of the ordinance when it had picked the site.

14. Sect. 185-31.C.(3) permits signs on the premises as an accessory use pursuant to the regulations as set forth in Sect. 185-19. of the ordinance.

15. Sect. 185-19.B. contains general regulations with respect to signs in the Township. It provides in relevant part that the top of a free-standing sign shall not be higher than 14 ft. above the adjacent official Township or Pennsylvania Department of Transportation street grade. The applicant's proposed free-standing signs will be in compliance with this provision as per the amended plans submitted to the Zoning Board at the hearing.

16. Sect. 185-19.B.(4)(b) provides that a free-standing sign shall not be greater than 30 sq. ft., except as permitted in Subsections D.(3)(d) and D.(4)(d).

17. Subsection D.(3)(d) deals with employment districts and is therefore not applicable. Subsection D.(4)(d) deals with a commercial district and provides that a commercial center shall be permitted only one identification sign not to exceed 50 sq. ft.

18. In addition, Sect. 185-19.B.(4)(c) makes it clear that both sides of a 2-sided sign count towards the total maximum allowable sign size.

19. Finally, Sect. 185-19.B.(5) indicates that the area of the sign shall also include the frame itself when the framing members are 6 inches or wider. Since the applicant is proposing a monument type of free-standing sign rather than a pole sign, the framing members are in excess of 6 inches and pursuant to the provisions of the ordinance count with respect to the area of the sign.

20. With respect to the other signs, Sect. 185-19.D.(4) provides that individual uses in a commercial center shall be permitted only one business sign not to exceed 16 sq. ft. in area.

21. Sect. 185-19.D.(4)(f) provides that the letters of any such sign shall not exceed 24 inches in height.

22. With respect to the Turkey Hill signs, the façade sign on the front of the building is now within the area of requirements as set forth in Sect. 185-19.D.(4)(e) and therefore requires no relief from the Board.

23. The additional signage on the canopy would exceed the 16 sq. ft. However, the applicant has indicated its willingness to have a logo only rather than the words Turkey Hill, which logo would only be 12 sq. ft. on each of the two sides requested.

24. With respect to CVS Pharmacy, the applicant has requested numerous signs on the various sides of the building as set forth in Exhibit A-7.

25. The Board believes that the applicant has shown sufficient hardship for the size and number of free-standing signs as proposed, as well as a need for some of the additional signage on the buildings themselves.

26. The Board, however, believes that the applicant is only entitled to the minimum relief under the ordinance and believes that some of the requested signage is beyond what is reasonably necessary for relief from the hardship, and therefore denies the same.

27. The Board after giving consideration to the proposed sign package granted and denied variances for the signs as follows:

- A. The proposed variance for the monument sign on 512 was granted.
- B. The proposed variance for the monument sign on Sterner's Way was granted.
- C. The proposed variance for the canopy sign on two sides of the canopy was denied as submitted, but approved as to a logo on the two sides of the canopy at the size of 12 sq. ft. as submitted.
- D. The proposed variance for the Turkey Hill façade sign was approved as not requiring any variances.
- E. The proposed variance for the left side elevation sign of "Do Not Enter" was approved as not requiring a variance.
- F. The proposed variance for the CVS Pharmacy receiving entrance sign was approved by a 2-1 vote.

- G. The proposed variance for the informational plaque was denied.
- H. The proposed variance for two drive-thru pharmacy signs was denied in part, with the approval for one drive-thru pharmacy sign to be located on the façade as the applicant deems necessary for direction of traffic.
- I. The proposed variance for the proposed full service sign was denied.
- J. The proposed variance for the CVS Pharmacy sign on the front elevation and side elevation was denied in part. The Board believes that two signs on each of the two sides as proposed are necessary, but does not believe that both signs need to be larger than 16 sq. ft. Therefore, the Board approves only one such oversized sign on either the front elevation or right side elevation as the applicant may choose.
- K. The proposed variance for the Medix sign on both the right side elevation and front elevation were denied as an additional sign on either side. The applicant is free to put a Medix sign not exceeding 16 sq. ft. on the elevation of the building on either the front side or right side whichever side does not have the CVS Pharmacy oversized sign permitted in Subsection J hereof.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above findings of fact and grants and denies the variances as set forth in paragraph 27 above.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: May 13, 2008