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December 3, 2009

Lawrence Center, Esquire  
60 West Broad St., Suite 103  
P. O. Box 1248  
Bethlehem, PA 18016-1248

**Re: *Hanover Township Zoning Hearing Board –  
Gentis Associates, L.L.C.***

Dear Larry:

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 : Gentis Associates L.L.C.  
Dated : August 14, 2009  
Property : 325 Stoke Park Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, October 22, 2009, and rendering its oral decision granting some of the requested variances and modifying a condition of the prior decision of the Board, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located at 325 Stoke Park Road, in a C1 – Commercial District.
2. The applicant is the owner of the property, Gentis Associates, L.L.C.
3. The applicant was represented at the hearing by Attorney Lawrence Center. He called on witnesses on behalf of the applicant, Mark A. Bradbury, Consulting Engineer; the President of JHM Signs; and Nicholas Gentis, of Gentis Associates, L.L.C.
4. Mr. Center also introduced the following exhibits into the record:
  - A-1 Being a site plan drawn by Thomas A. Edson with a date of January 15, 1979 and with the last revision date of March 14, 1979;
  - A-2 Being a plan entitled, "Restaurant Alteration", drawn by Louis A. Salamone and Burton S. Landau, Architects, which plan has a date of June 17, 2009 and no revision dates;
  - A-3 Being a Zoning Exhibit Plan for Gentis Associates, L.L.C., drawn by Martin, Bradbury, and Griffith, Inc., Consulting Engineers, with a date of August 3, 2009 and no revision dates;
  - A-4 Being a close-up picture of the existing sign with the dimensions of the same noted thereon;
  - A-5 Being a picture of the existing sign with a date of October 22, 2009;
  - A-6 Drawing or depiction of the proposed sign and its dimensions over the door with a date of October 2, 2009.

5. According to the testimony of Mark Bradbury, the original plans called for a 280 seat restaurant. The applicant now proposes 225 seats for indoor dining and 25 seats for outdoor dining, for a total of 250 seats. According to Mr. Bradbury, the applicant now will have 16 less parking spaces than required under the ordinance, Sect. 185.17(C) and therefore requests a variance for the same.

6. In addition, Sect. 185-29D(3) of the ordinance requires that all uses in a Commercial District be conducted within an enclosed building. The applicant is proposing outdoor dining and therefore requires a variance from this section.

7. The free-standing sign presently existing on the property would not be permitted based on its dimensions, except that a variance was granted for the same by the action of the Board in its decision dated May 24, 1979. The applicant desires to continue to use this existing free-standing sign and will not be changing its dimensions, but the letter sizes will actually be somewhat smaller.

8. In addition to this free-standing sign, the applicant proposes a wall sign over the front door which will be 97" wide.

9. After some discussion it was determined that this sign did not require any dimensional variances and would otherwise be a permitted sign, except that in the Board's prior decision granting the variance for the existing free-standing sign imposed a condition in Subsection (d) of the Order as follows: "There shall be no additional signs except those which were presented at the hearing and made a part of the record as exhibits."

10. An examination of the records submitted to the Zoning Board at the time of its prior decision, reveals that there was only one sign proposed and that was the free-standing sign that presently exists on the property. In particular, there was nothing in the records to suggest that there was a request for a wall sign above the door as is currently requested. Therefore, the applicant in order to put the wall sign above the door requires a modification of this prior condition placed by the Zoning Board.

11. The applicant made reference in his application to requested relief from the glare provisions of the ordinance. However, the Board found nothing with respect to the proposed application that indicates there will be a violation of the glare provisions of the ordinance, nor was there any testimony given that the applicant suffers a hardship by complying with the same. Therefore, the Board in granting approval for the variances and modifications as set forth below, is not granting any variance from the glare provisions of the ordinance.

12. The Board is entitled to grant a modification of the conditions of a prior decision where it believes that the condition is no longer necessary to assure that the grant of the variance is not injurious or detrimental to the public welfare.

13. The Board notes that the proposed sign would be a permitted sign in a commercial district and believes, at least as it relates to this particular sign proposal above the door, that the condition can be modified to permit this sign without any detrimental effect.

14. The Board also believes that the grant of the variance from the parking provisions of the ordinance as indicated, as well as permitting the grant of the variance to permit the outdoor dining on the premises, will not be detrimental to the public welfare.

WHEREFORE, the Hanover Township Zoning Hearing Board does not grant a variance from the glare provisions of the ordinance, grants a variance as set forth above from the parking provisions and from the provisions requiring all uses in a commercial district to be in an enclosed building, and further modifies the condition as set forth in the prior decision of the Zoning Board to permit the one additional wall sign of the dimensions and at the location and of the type as presented to the Board. Any modification to this sign or any other additional signs would require further action by the Board to consider whether to further modify the prior decision of the Board.

HANOVER TOWNSHIP ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: December 3, 2009