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NAZARETH OFFICE:
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NAZARETH, PA. 18064

September 3, 2014

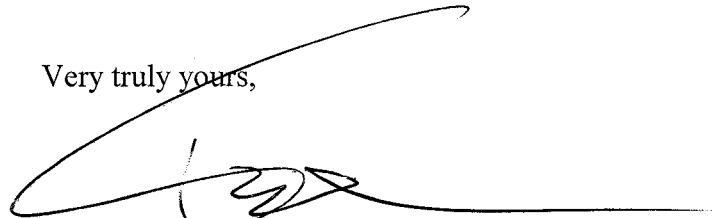
Yvonne D. Kutz, Zoning Officer
Hanover Township Municipal Bldg.
3630 Jacksonville Road
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board –
Adams Outdoor Advertising & South Italy Imports**

Dear Yvonne:

Enclosed herewith find copy of Findings of Fact and Conclusions of Law in the Adams Outdoor Advertising matter and the Decision in the South Italy Imports matter, along with a copy of the cover letters enclosing the same.

Very truly yours,



Theodore R. Lewis, Esquire

TRL/bn
Enclosures

RECEIVED
SEP 11 2014
HANOVER TOWNSHIP MUNICIPAL BLDG.
3630 JACKSONVILLE ROAD
BETHLEHEM, PA 18017

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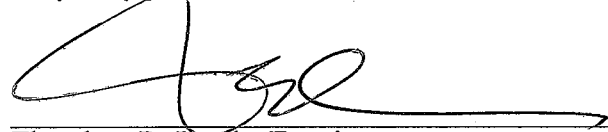
Victor Cavacini, Esquire
33 South 7th Street
Allentown, PA 18105-4060

**Re: Hanover Township Zoning Hearing Board –
Applicant – Adams Outdoor Advertising**

Dear Attorney Cavacini:

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 applicant 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

Application of	:	Adams Outdoor Advertising
Application Dated	:	May 16, 2014
Property	:	Blair Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, July 24, 2014, and rendering its oral decision granting the necessary variances for the proposed billboard sign, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located on Blair Road, being Tax Parcel I.D. # M6-19-1, in an OI – Office and Institutional District.

2. Appearing on behalf of the applicant was Attorney Victor Cavacini.

3. Testifying on behalf of the application was Lois Arciszewski, Corporate Director of Asset Development for Adams Outdoor Advertising.

4. Also testifying was Gregory A. Gulick, the owner of the property.

5. Attorney Cavacini introduced the following exhibits during the course of the hearing:

1. Copy of deed for property dated July 22, 1994;
2. Copy of Lease from Gregory A. Gulick to Adams Outdoor Advertising Limited Partnership dated June 20, 2013;
3. Picture depicting Notice of the hearing posted on the premises;
4. Copy of portions of the zoning map depicting lands adjacent to U.S. 22 Expressway in orange and with those located in a PIBD District depicted in yellow;
5. Blowup of portion of the zoning map wherein a PIBD District is along U.S. 22 Expressway within 500 ft.;
6. Aerial photograph depicting 500 ft. taper west of Route 512;
7. Aerial photograph depicting 500 ft. taper east of Route 512;
8. Plan entitled Adams Outdoor Proposed Billboard Plan having a date of March 7, 2014 with no revision date depicting the proposed location of the double sided digital billboard on the subject premises;

9. Plan depicting the dimensions of the proposed billboard;
10. Visualization of proposed billboard as it might appear to motorists traveling west on U.S. 22;
11. Visualization of proposed billboard as it might appear to motorists traveling east on U.S. 22;
12. Daktronics information sheet describing Public Alert System;
13. FBI Fugitive Alert displayed on digital billboard on April 19, 2013;
14. Example of possible community messaging;
15. Another example of possible community messaging;
16. Another example of possible community messaging;
17. Another example of possible community messaging;
18. Picture of U.S. 22 eastbound depicting the general area where the sign is to be located;
19. Private count numbers provided by the Pennsylvania Department of Transportation in letter dated July 22, 2014;
20. U.S. 22 eastbound with cell phone towers highlighted by red triangle;
21. Picture of U.S. 22 from the eastbound lane looking north depicting on premises advertising signs;
22. Picture from Route 512 of Star Pre-Owned Cars & Trucks;
23. Picture of Prime Steak House located in the general area;
24. Picture of shopping complex with Talbots and Panera Bread and others located in the general area;
25. U.S. 22 westbound depicting Best Western sign;
26. Visualization of the proposed sign as it might be viewed by motorists traveling eastbound on U.S. Route 22;
27. Visualization of same sign restricted to the size as set forth in the ordinance;
28. Visualization of sign as it might appear to westbound motorists with the sign being of the size as proposed;
29. Visualization of same sign restricted to the size as set forth in the ordinance.

6. Mr. Gulick testified that he is the owner of the land on which the proposed billboard is to be located and that he has lived on the subject premises since 1985. He also stated that he owns land adjacent to this tract which is located in a C2 District. In 1993 the Hanover Township Zoning Board granted approval for a billboard on this adjacent land. That billboard is a static billboard.

7. The Decision of the Zoning Board as to that billboard was then referred to and made available to the Board for consideration if it deemed necessary for their determination in this case.

8. Ms. Arciszewski indicated that the proposed sign, which would have an area of 14'x48' or 672 sq. ft. per side, is the standard size for expressways.

9. According to her testimony the size could be as great as 20'x60' or 1,200 sq. ft. and still be permitted by PennDOT.

10. She also indicated that the PennDOT regulations and the regulations as set forth in the township ordinance, do not permit a billboard sign to be located within 500 ft. of the taper.

11. Later it was acknowledged that the proposed sign in fact will be located within the taper as to the north side of U.S. Route 22 but not as to the south side of Route 22.

12. According to the testimony, PennDOT considers both sides and in order to approve this sign would have to grant a waiver or relief from the strict application of this provision.

13. According to the testimony, the proposed electronic sign would change the message display every 8 seconds. The ordinance indicates that the message display shall not be changed more than once every 60 minutes.

14. According to Ms. Arciszewski, PennDOT regulations permit the message display to change as frequently as every 5 seconds. She further testified that the change from one message display to another message display will take less than 1 second. She also stated that there are automatic dimmers which adjust to lighting conditions, such as strong sunlight or oncoming cloud cover and storms.

15. She testified that she believed the sign is in a good place for a billboard and that it will be done in a manner that will not cause a safety problem.

16. She stated that typically when the sign is fully used by advertisers 90% of the time it would be displaying advertising and 10% of the time it would be displaying other matters, such as community messaging.

17. Ms. Arciszewski also indicated that the decision to place the sign 41 ft. rather than 50 ft. from the edge of the highway was because it provided the most direct route from the power lines to the sign.

18. Testifying against the application was Frank Kuyan who stated he lives at 3062 Kenwick Circle. He believes that the area is in fact residential and that the residential character of the neighborhood would be compromised by allowing this digital sign in this area.

19. The applicant raised numerous issues, including the validity of the provisions of the ordinance regulating billboards in general, the validity of the regulation prohibiting the message display to change not more frequently than every 60 minutes and the applicability of the various dimensional requirements.

20. It is clear from the ordinance that signs are permitted in an OI District pursuant to the sign provisions as set forth in Sect. 185-19. The Board interprets that to mean that signs that are permitted under Sect. 185-19 are permitted as an accessory use in an OI District. However, the first part of Sect. 185-19 makes it clear that billboard signs are only permitted in a PIBD District within 500 ft. of an expressway.

21. Even in a PIBD district, billboards are only permitted as a conditional use and subject to the provisions set forth in Sect. 185-54.E.5.(D). The applicant will be complying with most of those provisions but does not propose to comply with Subsection 1. which requires 50 ft. and instead will only have 41 ft., Subsection 2. which limits the size of signs to 300 ft. instead will have 672 sq. ft. per side, and Subsection 6. as to the taper rule which it will not meet as it relates to the north side of Route 22.

22. In addition, the applicant proposes an electronic sign and therefore is subject to the definition of electronic signs as set forth in Sect. 185-12. The applicant testified that the proposed sign will be in compliance with all of the provisions in this section with the exception of the requirement that the message display shall not be changed more than every 60 minutes.

23. Much of the testimony of the applicant went to demonstrate how restrictive the above provisions of the ordinance are on this proposed use. For this reason, the applicant argues that the zoning ordinance does not adequately provide for a billboard use within the township.

24. In the alternative the applicant has indicated that the above provisions create a hardship on it, and therefore it should be entitled to variance relief.

25. Other than Mr. Kuyan, no one appeared in opposition to the proposed application, including the township which did not make objections at the hearing to the location and dimensions of the proposed sign in spite of it being contrary to the provisions as set forth above.

26. The Board believes that the applicant has clearly demonstrated that the aforesaid provisions do create a hardship on it and therefore believes that it is entitled to variances in order to construct the sign that it has proposed. For this reason it is not necessary for the Board to reach the validity issues raised by the applicant.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby grants the necessary variances to permit the billboard sign as proposed at the hearing, of the dimensions, at the location, and with the message display changing no more than once every 8 seconds, as set forth in the exhibits and recited in this Decision.

HANOVER TOWNSHIP ZONING HEARING BOARD

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

Dated: September 3, 2014

THEODORE R. LEWIS
THOMAS L. WALTERS

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NAZARETH, PA. 18064

September 3, 2014

Joseph J. Piperato, III, Esq.
2005 City Line Rd., Suite 106
Bethlehem, PA 18017

Re: **Hanover Township Zoning Hearing Board -
South Italy Imports, LLC**

Dear Joe

Enclosed herewith please find a true and correct copy of the Decision of the Hanover Township Zoning Hearing Board that I am sending to you as attorney for the applicant in the above matter.

Very truly yours,


Theodore R. Lewis, Esquire

TRL/bn
Enclosure

cc: Yvonne D. Kutz, Zoning Officer

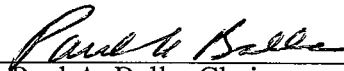
HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

DECISION

Application of : Application of South Italy Imports, Inc.
Application dated : June 12, 2014
Property : 1510 Valley Center Parkway

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, July 24, 2014 and there being no opposition or indication of any parties desiring that the aforesaid application be denied, hereby grants the application by indicating that it agrees with the interpretation of Sect. 185-36.G.(2) that the 25% limitation shall be based on the "building" and not on the use. For this reason the applicant does not require a variance from this provision of the ordinance.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Paul A. Balla, Chairman

Dated: September 3, 2014