

THEODORE R. LEWIS  
THOMAS L. WALTERS

MAILING ADDRESS:  
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EASTON, PA 18044-2099

LAW OFFICES

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GEORGE F. COFFIN  
1896-1937

GEORGE F. COFFIN, JR.  
1928-1986

NAZARETH OFFICE:  
BY APPOINTMENT ONLY  
LIBERTY AND CENTER STREETS  
NAZARETH, PA. 18064

February 2, 2015

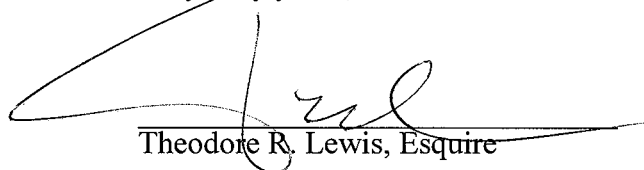
Hanover Township Engineering  
ATTN: Yvonne D. Kutz  
Hanover Township Municipal Bldg.  
3630 Jacksonville Road  
Bethlehem, PA 18017

**Re: Hanover Township Zoning Hearing Board  
Cinder Properties LLC & HTI, LLC**

Dear Yvonne:

Enclosed herewith find a copy of Decisions 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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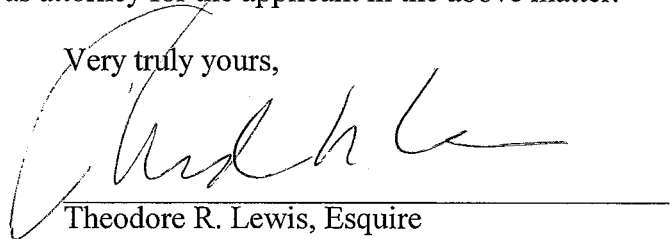
M. J. Cohen, Esquire  
1967 Flint Hill Road  
Coopersburg, PA 18036

Re: **Hanover Township Zoning Hearing Board -  
Cinder Properties LLC**

Dear Attorney Cohen:

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

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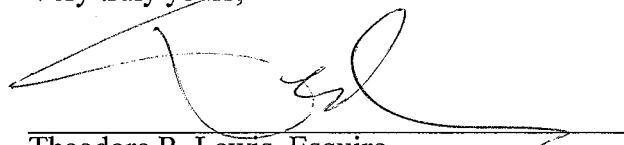
Lawrence B. Fox, Esquire  
1834 Pennsylvania Avenue  
Allentown, PA 18109

Re: **Hanover Township Zoning Hearing Board -  
Cinder Properties LLC**

Dear Larry:

Enclosed herewith please find a true and correct copy of the Decision of the Hanover Township Zoning Hearing Board 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 L. WALTERS

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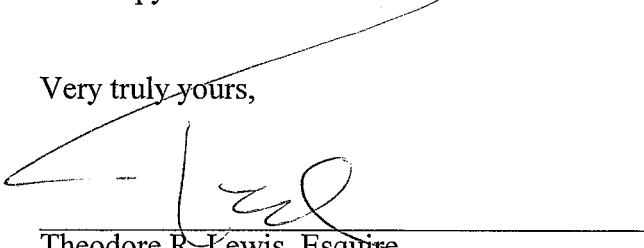
Leo V. DeVito, Jr., Esquire  
38 West Market Street  
Bethlehem, PA 18018

Re: **Hanover Township Zoning Hearing Board -  
Cinder Properties LLC**

Dear Leo:

Enclosed herewith please find a true and correct copy of the Decision of the Hanover Township Zoning Hearing Board 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**

Re:           :       Application of Cinder Properties LLC  
Dated        :       November 18, 2014  
Property     :       2720 Jacksonville Road

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, December 18, 2014, and rendering it oral decision granting the requested relief subject the conditions as hereinafter set forth, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1.       Subject property is owned by Hanover Garden Center, Inc. and is located in a R1-S Residential District. The applicant, Cinder Properties LLC, was represented by Attorney M. J. Cohen. Mr. Larry Shoemaker testified on behalf of the application. He indicated that he was the managing member of the applicant, Cinder Properties LLC.

2.       Mr. Shoemaker testified that the property is currently under agreement of sale for purchase from Hanover Garden Center, Inc. The following exhibits were introduced and testified to by Mr. Shoemaker:

A-1   Picture of present Hanover sign. Mr. Shoemaker indicated that they would be refurbishing this sign but it would not be illuminated.

A-2 Picture of the front of the premises. Mr. Shoemaker indicated that he would be removing the Snapper sign and that they'd be refurbishing the front of the premises.

A-3 Picture of the rear of the premises. Mr. Shoemaker indicated that he'd be removing the items that are shown there and there would not be any outside storage with the exception of some water tanks and that he would be replacing the roof shown on this picture with a new tin roof.

A-4 Another picture of the rear of the property. Mr. Shoemaker indicated that he would be removing all of the debris and junk as shown in that picture.

A-5 Picture near the rear of the subject lot. The quonset tents would be removed. The areas of the lot that are currently stoned would be restoned and the areas of the lot that are currently in grass would be reseeded.

A-9 Picture of the premises close to the next door neighbors. Mr. Shoemaker again indicated that the lawn mowers and other paraphernalia shown would be removed.

A-7 Sketch of the property depicting the location of twenty-one (21) parking spaces. Mr. Shoemaker indicated that 21 parking spaces would be the maximum amount necessary if the entire premises were going to be devoted to a retail use although he indicated that it would not be the case.

3. Mr. Shoemaker stated that his company, Deluxe Plumbing & Heating, LLC, would be the sole tenant of Cinder Properties LLC. He indicated that he has been in the plumbing business for 27 years.

4. He stated that use of the property would consist of a showroom for plumbing fixtures, toilets, etc., offices and the storage building as well as the existing shed. A portion of the premises would be used as a training center.

5. In addition, there would be a work trailer which consists of an 18 foot flatbed trailer.

6. He stated that most of the vehicles used by the employees are taken with them at home at night to their respective residences. However, he estimated that between two and three business vehicles would be parked on the premises throughout the day.

7. Mr. Shoemaker stated that he had approximately 16 employees. Generally 4 of them have the responsibility of responding to service calls. Approximately 7 employees are involved in the plumbing work for the construction of new homes or other structures where the plumbing is being installed. In addition he has 3 office personnel.

8. The hours of the office would be from 8:00 to 5:00 Monday through Friday and 8:00 to 1:00 on Saturday.

9. He expected that he would have three or four customers per week. He also stated that he received once approximately every four months a tractor trailer, a UPS delivery approximately every day and a pickup truck delivery approximately once a week.

10. He anticipated relocating the dumpster on the property.

11. On cross-examination by Lawrence Fox, a neighbor in the immediate vicinity, Mr. Shoemaker stated that there would be no manufacturing or assembling on the property. He also stated that no lines would be painted on the parking lot.

12. Also testifying on behalf of the application was Richard Morgan, who indicated that he had operated this business and was the proprietor and manager of Garden Center, Inc. for the last 52 years. He indicated that this date was prior to zoning and the he purchased it from a company that was doing some sort of construction work there.

13. He stated that in his opinion his business involved about three times as much traffic as the proposed use. While he acknowledged that, particularly in the last couple years he has had less employees than in the past, he still estimates that he had many more people coming onto the premises than are anticipated in the proposed use.

14. Mr. Shoemaker, when questioned concerning lighting, indicated there would not be any more lighting on the premises than would be on a residence. He did acknowledge, however, that under the code, it might be necessary to provide additional lights such as emergency exits on the premises.

15. Leo DeVito of the Township Solicitor's Office appeared on behalf of the Township and indicated that they were here to monitor the application so that it met the parameters of what the Township believed was necessary for this kind of use to be continued on the property.

16. At the conclusion of the hearing, Mr. DeVito indicated that he felt based on the testimony and the promises as contained in Mr. Shoemaker's testimony that these concerns of the Township had been adequately addressed.

17. As indicated, Lawrence Fox appeared as a neighbor and cross-examined the witnesses. Mr. Fox expressed his concern with respect to the proposed use and upkeep of the property. He ultimately requested the applicant agree to conditions as set forth in the decision of the Board to which the applicant agreed.



18. Mr. Fox also desired that there be a seventh condition that the property be surveyed but Mr. Shoemaker indicated that while they would certainly look into where the pins are, they would not necessarily agree to bear the cost and expense of having the property surveyed.

19. From the testimony it would appear and it was not contested that the proposed use was in existence prior to the applicable provisions of the ordinance and, therefore, it is now a non-conforming use under the current zoning ordinance which is located in an R1-S Residential District where this kind of commercial use would not be permitted.

20. The applicant initially appeared to argue that he was requesting the Board to grant permission for a change from one non-conforming use to another non-conforming use, although there are no provisions authorizing such a change in the Hanover Township Zoning Ordinance.

21. During the course of the hearing, however, Attorney Cohen indicated that he believed that based on the testimony that while the actual product on display and being sold and serviced on the property is no longer going to be lawnmowers, but instead plumbing supplies and plumbing services, that in reality this would be a continuation of the same kind and category of use and not a change in use.

22. Based on the testimony, the Board accepted this line of reasoning. The Board also believed that the proposed renovations and refurbishing as described by the applicant will be an improvement to the lot and the existing neighborhood, particularly based on the agreed upon conditions.

WHEREFORE, the Zoning Board hereby approves the use of the premises as described subject to the following conditions, all of which were agreed to by the applicant.

1. There would be no illumination on the main sign.
2. There would be no outside storage except for three water tanks.
3. There would be no increase in the outlines of the existing buildings and all parking would be on site and not on any public roads.
4. The Snapper sign currently displayed on the front of the building would be removed.
5. The lot would be cleaned up and debris removed prior to being able to obtain a permit to operate the business on the site.
6. A certified inspector for the removal of underground tanks would supervise and inspect the removal of the underground tank. In addition, the two above-ground tanks would be removed as well as the qounset tents.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By:   
Paul A. Balla, Chairman

Dated: February 2, 2015

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THOMAS L. WALTERS

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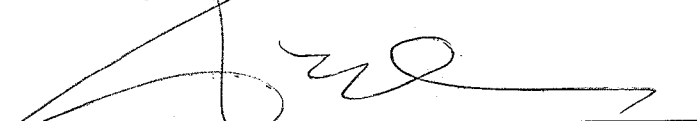
Erich J. Schock, Esquire  
Fitzpatrick, Lentz & Bubba, PC  
4001 Schoolhouse Lane  
P. O. Box 219  
Center Valley, PA 18034

**Re: Hanover Township Zoning Hearing Board –  
Applicant – HTI, LLC**

Dear Erich:

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**

Re	:	Application of HTI, LLC
Dated	:	November 3, 2014
Property	:	4482 Innovation Way

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, December 18, 2014, and rendering its oral decision granting the requested variances as per the application, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located in an AFHBD – Aircraft Flightpath Highway Business District and is owned by DTC Innovation Way, LP.

2. The applicant was represented at the hearing by Attorney Erich Schock. Throughout the course of the hearing, Attorney Schock introduced the following exhibits:

- A-1 Plan entitled Zoning Plan for HTI, LLC, dated November 6, 2014, with no revision dates.
- A-2 Aerial photograph of subject lot with proposed building drawn thereon and depicting distances as testified.
- A-3 Blow-up portion of plan with certain distances as shown in red
- A-4 Three photographs of current work on project
- A-5 Write-up with pictures of the HoverMatt and HoverJack products, which would be tested at this site and stored.
- A-6 Aerial photograph of existing facility in Fountain Hill on Clewell Street.

3. The permitted uses in this district are set forth in Section 185-38(d) of the ordinance. Those permitted uses do not have a 500 foot buffer requirement.

4. However the proposed use is a conditional use and Section 185-54(15)(b)[1] provides that as to conditional uses in this zone the buildings in which the use is situated and any associated storage or truck parking shall not be closer at any point than 500 feet to any suburban R-1S zoning district.

5. Since the subject building will be approximately 150 feet from the district line, a variance from this section is required.

6. In the opinion of the applicant's witnesses there is not a great deal of difference between the permitted uses in this district and the conditional uses.

7. Further according to the testimony and the exhibits, particularly Exhibit A-2 there is a considerable distance between the residence that is in the residential district and the subject lot and an even greater distance to where there is the building and still yet a greater distance to where the trucks are being parked.

8. Based on these facts the Board believes that the granting of this variance from this provision will not be detrimental to the public welfare.

9. The applicant also needs relief from Section 185-38(h)(2) which provides that where warehouse and storage facilities are accessory to or serve a principal use, the warehouse or storage shall not exceed 25% of the square footage in a building.

10. Since the applicant will exceed this 25% maximum a variance from this section is also required.

11. In this regard David Davis testified that he is the principal of HTI, LLC. He described that there was no manufacturing on site but that it was necessary to test the products for compliance with the specifications as indicated to the manufacturer when they were being ordered and as compliance with the specifications that they advertise to their customers. They also do testing with respect to possible new products that could be used and that are being experimented with.

12. He indicated thereafter that the product, after it is tested, is then stored on the premises until it is shipped either to the end user or in some cases to a distribution facility.

13. He stated that the total building will be 67,200 square feet. He would be using 15,000 square feet for the research lab and 20,000 square feet for product storage.

14. Of the remaining space approximately 17,200 square feet will not currently be utilized for any particular purpose. In the future this space will either be utilized by HTI, LLC or it could also be leased to another user.

15. The 25% rule would limit the number of square feet of storage space for this building to approximately 16,750 which the applicant will exceed by approximately 3,250.

16. With respect to the storage limitation, the applicant argues that the amount of storage space associated with the testing facility depends very much on what is being tested so, for example, if computer chips are being tested, the amount of area necessary to store the tested chips or the chips waiting to be tested, would be much less than the storage space for the items being tested for the subject use.

17. In any event, the Board does believe that in the present case, the grant of a variance allowing the additional storage space from that which would otherwise be permitted, would not be detrimental to the public welfare subject to the condition as hereinafter set forth.

WHEREFORE, the proposed use of the premises and the variances as described above are hereby granted subject to the condition that the 20,000 square feet be the maximum storage on the premises and that be all for this applicant. Therefore, if the applicant desired to store more than 20,000 square feet, it would have to come back for further approval or if the applicant leased the balance of the property to someone else who had any storage requirements at all, they would have to come to the Board for approval of their storage.

HANOVER TOWNSHIP ZONING HEARING BOARD

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

Dated: February 2, 2015