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BY APPOINTMENT ONLY
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NAZARETH, PA. 18064

March 28, 2016

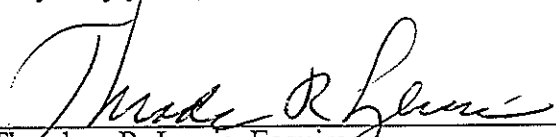
Matthew N. McClure, Esquire
Ballard Spahr, LLP
1735 Market Street, 51st Fl.
Philadelphia, PA 19103-7599

**Re: Hanover Township Zoning Hearing Board –
GLICA Bethlehem, LLC**

Dear Attorney McClure:

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 : GLICA Bethlehem, LLC
Application Dated : January 25, 2016
Property : 6255 Sterner's Way

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday March 10, 2016, and rendering its oral decision granting the variances set forth below, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is known as 6255 Sterner's Way and is located in a C-2 - Commercial Center District
2. The applicant is GLICA Bethlehem, LLC, the owners of the property.
3. The applicant was represented at the hearing by Attorney Matthew N. McClure who called on during the course of the hearing two witnesses, Steven Gingras of Valley Wide Signs and Graphics, and Fidel Gonzales, P.E.
4. Mr. McClure also introduced an exhibit book containing 10 exhibits.
5. The applicant is leasing the premises to the Guardian Life Insurance Company of America, as set forth in Exhibit 2, being a Memorandum of Lease dated April 10, 2015.
6. According to the testimony, the Guardian Life Insurance Company of America (hereinafter referred to as Guardian) will be the sole tenant for the office building.
7. The Site Plan for development of the property showing the buildings, the parking areas, the access to the various roads, and the location of the signs is set forth in Exhibit 3.
8. The application is for four free-standing signs, the specific dimensions of which are as set forth in Exhibit 5.
9. Pictures of the existing facility are set forth in Exhibit 6, and pictures of the temporary signage are set forth in Exhibit 7.
10. The curriculum vitae of the two witnesses is set forth in Exhibit 10.
11. The setback provisions of the ordinance with respect to lot setback and setback from the road are set forth in Sect. 185-14.C.&E.

12. The setback for the lot in question is 50 feet from the property boundary line. The setback for the collector roads of Sterner's Way and Jaindl Blvd. is 60 feet from the center line of the road. The setback for the arterial road of Route 512 or Bath Pike is 100 feet from the center line of the road.

13. Sect. 185-14.G. of the ordinance sets forth the general requirement that structures, which would include signs, cannot be located within these setbacks.

14. The sign provisions of the ordinance are set forth in Sect. 185-19. The general regulations with respect to free-standing signs are found at 185-19.B.(4)(b) setting forth that free-standing signs cannot be greater than 30 sq. ft. with an exception as it relates to an Employment District which is not applicable to the present situation, and with a further exception as it relates to a Commercial District involving an identification sign for a commercial center.

15. The present property is in a Commercial Center District, however the use itself is not as a commercial center but instead as an office use.

16. With respect to Commercial Districts, Sect. 185-19.(4)(a) indicates that a maximum of two business signs are permitted but the total area for both signs cannot exceed 30 sq. ft.

17. Subsection (b) provides that no free-standing sign structure shall be permitted in a Commercial District.

18. Subsection (d) provides that a commercial center shall be entitled to an identification sign not exceeding 50 sq. ft. This section does not explicitly state whether the commercial identification sign can be a free-standing sign or a wall sign.

19. Finally, Subsection (f) provides that, except for a commercial identification sign, the letter height of signs in a commercial district shall not exceed 24 inches.

20. The Board is tasked with the responsibility of evaluating the present application for the proposed signs in light of the above provisions of the ordinance which are somewhat difficult to completely resolve.

21. It should also be noted by way of general comment that the present application with the four proposed signs has been sent to the Township and the Township Engineer's Office has had the opportunity to review the proposal and to be present at this hearing with any objections they felt were appropriate to the Zoning Board, including, of course, any safety objections that they might feel were appropriate. It is noted that the Township and the Engineer's Office did not appear at the hearing to raise any objections.

22. All of the proposed signs are free-standing signs so with respect to each sign the question before the Board is whether a variance from the provision that does not permit any free-standing signs in a Commercial District should be granted.

23. Mr. Gingras stated that all of the signs will have a concrete base with the rest of the sign being aluminum and the letters being vinyl

24. He also indicated that signs will have a halo effect in that the lighting will be behind the lettering projecting out onto the monument itself and not through the letters.

25. Sign #1 is proposed to be located near Jaindl Blvd. approximately 23 ft. from the boundary line. That location will be within the required 50 ft. lot setback and within the 60 ft. setback for a collector road. Therefore, a variance from these sections are necessary.

26. In that regard, the applicant's witnesses indicated that the sign will not be located within the sight triangle, and will not present any safety problems.

27. With respect to the calculation of the area of signs, the Zoning Officer indicates that under the ordinance the base must also be considered as part of the area as well as that portion of the sign where the lettering is located. Therefore, when considering the base the total sign area for sign #1 is 21.7 sq. ft. This square footage is still less than the 30 sq. ft. as set forth in the general provisions for free-standing signs, and therefore no variance from the area requirements would appear to be necessary.

28. In regards to the necessity of a free-standing sign at this location, the applicant indicates that given such a large lot and access off of Jaindl Boulevard that an additional sign at that point and not just one sign at the main entrance is necessary.

29. Sign #2 is proposed to be located at the entrance to the building. It does not require any relief from the setback provisions or yard provisions of the ordinance. The total square footage of this sign is approximately 24 sq. ft., and therefore no variance from the 30 sq. ft. area requirement would appear to be necessary.

30. The lettering on this sign does not exceed the 24 inch height limitation set forth in Subsection (f). However, the Board has consistently interpreted the ordinance with respect to letter height to include any symbols on the sign. In the present case the proposed sign has a symbol "G" which will be greater than 24 inches in height, and therefore a variance from this requirement is necessary.

31. In regard to the need for a free-standing sign at this location, the applicant points out that the site is very large, that coming through the parking area it is important that the location of the front door and the main entrance to the building be confirmed.

32. Sign #3 is located along Sterner's Way approximately 28.5 ft. from the boundary line. It is within the 50 ft. setback for the lot and within the 60 ft. setback for a collector street and therefore a variance from these provisions would be necessary for this sign.

33. This sign too has the symbol "G" on it which exceeds the 24 inch height requirement and therefore a variance from this provision is necessary in regards to this sign.

34. In addition, the sign itself is 60 sq. ft., and therefore exceeds the 30 sq. ft. limitation in general for free-standing signs.

35. In regard to the need for another free-standing sign at this area and the need for it to be that large, the witnesses indicate that a sign at this spot is necessary because of the large area of the lot, and further that after turning off of Bath Pike there is somewhat of a curve before reaching this location. According to the witnesses, this sign is therefore necessary to alert motorists that this is the place to turn into the Guardian site.

36. Sign #4 is along Bath Pike approximately 15 ft. within the boundary line. This sign is within the 50 ft. lot setback as well as the 100 ft. setback for an arterial street. Therefore, variances from this section are also necessary for this free-standing sign.

37. This sign too has the symbol "G" on it which exceeds the 24 inch height requirement and therefore a variance from this provision is necessary in regards to this sign.

38. All of the other signs up to this point were one-sided. This sign is two-sided and including the base would be approximately 136.1 sq. ft. on one side for a total of 272.2 sq. ft. on both sides. This is well in excess of the sign area limitation set forth for free-standing signs of 30 sq. ft.

39. With regards to the need for another free-standing sign at this location and its size, the applicant's witnesses stated that this sign is intended to alert motorists traveling both north and south on Bath Pike of the location of the Guardian facility. In particular this sign is important according to the witnesses for motorists to know that turning onto Sterner's Way is the appropriate way to get to the facility.

40. The witnesses also indicated again that the lot is very large and that there is a need to access the lot from three different roads, which in the opinion of the witnesses justifies the need for the numerous signs.

41. The applicant also argues through its attorney that while the ordinance was changed to permit office uses in a commercial center district, the sign ordinance was never changed to reflect the appropriate signage for office space rather than a commercial center use.

42. The Board after reviewing all of the evidence with respect to the need for such signage and considering the nature of the use of the applicant, agrees that restricting the present use to only the signs permitted under the ordinance for a Commercial District would impose a hardship on the applicant. This is particularly so given that the present application is for such a large office building on such a large lot with three different roads.

43. The Board believes that none of the signs will present any type of safety problem, and that the signs will aid motorist by providing them adequate notice for turning and giving them necessary feedback with respect to directions. Moreover, the Board notes that in its opinion the proposed signage is consistent and appropriate for a use of this nature and for an office building and lot of this size. In the opinion of the Board, all of the signs are appropriately sized as well as necessary for the proper use and function of this office use.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the variances as necessary for the proposed signs as delineated in the plans and application.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By _____

Barbara L. Baldo, Esquire,
Chairperson

Dated: March 28, 2016