

THEODORE R. LEWIS  
THOMAS L. WALTERS

MAILING ADDRESS:  
P. O. BOX A  
EASTON, PA 18044-2099

LAW OFFICES  
**LEWIS AND WALTERS**

46 SOUTH FOURTH STREET  
EASTON, PENNSYLVANIA 18042-4532

(610) 253-6148  
FAX (610) 253-5885  
Email: [lewiswalters@verizon.net](mailto:lewiswalters@verizon.net)

GEORGE F. COFFIN  
1896-1937

GEORGE F. COFFIN, JR.  
1928-1986

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NAZARETH, PA. 18064

April 1, 2016

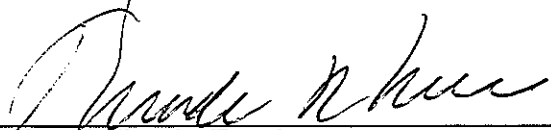
Scott Bosco  
Vice President, Construction Management  
Griffin Industrial Realty, Inc.  
204 West Newberry Road  
Bloomfield, CT 06002

Re: **Riverbend Hanover Properties I, LLC and  
Riverbend Hanover Properties, II, LLC – March 31, 2016 Hearing**

Dear Mr. Bosco:

Please be advised that the Board convened at the appointed time on March 31, 2016, at 7:20 PM with regards to the above zoning matter and read into the record your request for a continuance sent to Yvonne Kutz the Zoning Officer on March 24, 2016. This is to advise you that the Board has granted your request and continued the matter to Thursday, May 26, 2016, at 7:00 PM. Please be further advised that this continuance of the hearing date was voted on and announced at the public meeting of the Zoning Board on this matter and that, therefore, no further notice with regards to this hearing date will be given.

Very truly yours,

  
\_\_\_\_\_  
Theodore R. Lewis, Esquire

TRL/pcc  
cc: Yvonne D. Kutz, Zoning Officer

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**LEWIS AND WALTERS**

46 SOUTH FOURTH STREET  
EASTON, PENNSYLVANIA 18042-4532

(610) 253-6148  
FAX (610) 253-5885

April 14, 2016

GEORGE F. COFFIN  
1896-1937

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1928-1986

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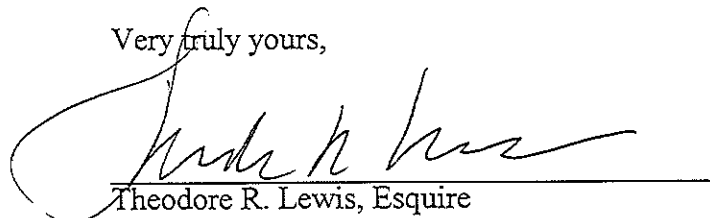
Steven Mortazavi, M.D.  
4250 Fritch Drive  
Bethlehem, PA 18020

**Re: Hanover Township Zoning Hearing Board –  
Steven Mortazavi, M.D.**

Dear Dr. Mortazavi:

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 concerning your application dated February 10, 2016.

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 : Steve Mortazavi, M.D.  
Application dated : February 10, 2016  
Property : 4145 Airport Road

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, March 31, 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 located in an AFHBD – Aircraft Flightpath Highway Business District.
2. The owner and applicant is Steven Mortazavi. The property was the subject of a prior hearing before the Board on Thursday, June 25, 2015 and written Decision of the Board dated July 8, 2015 wherein the applicant indicated that its proposed use came under the definition of a Wellness Center as contained in Sect. 185-12 of the ordinance.
3. This Section defines a “Wellness Center” as *“a facility designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs in which any combination of the following activities are provided:”* The definition then goes on to list sixteen different activities that a Wellness Center could include.
4. At the first hearing before the Board on June 25, Mr. Mortazavi gave details with respect to the particular components of the Wellness Center he proposes on this site. He stated in the present hearing that the component uses have not changed from that which he testified to at the prior hearing.
5. At the prior hearing the applicant received variances from the lot size and from the provisions of the ordinance prohibiting the building from being closer than 500 ft. to a suburban R1-S zoning district. The applicant also received a variance from Sect. 185-38M(12) of the ordinance which required a 100 ft. buffer rather than a 50 ft. buffer.
6. At the present hearing the applicant requests additional relief in the form of a variance for the number of parking spots required under the ordinance, and additional variances from the buffering requirements of the ordinance.
7. Testifying in addition to Mr. Mortazavi was Joseph Civitella, Sr., Designer for McTish, Kunkel & Associates.

8. Sect. 185-17(c) does not provide a specific parking criteria for the use known as a Wellness Center. Therefore, pursuant to Sect. 185-17(d), the parking regulations for the most similar use as determined by the Zoning Administrator shall apply.

9. The Zoning Officer testified that she believes the most similar use under the ordinance is medical offices which has a requirement of .7 spaces per 100 sq. ft.

10. The result of this calculation is that 375 parking spaces would be required under the ordinance. However, in the opinion of the applicant, applying the same parking criteria as though the entire square footage of the Wellness Center is being devoted to medical offices creates a hardship and would unnecessarily create a greater amount of asphalt and impervious surface on the lot.

11. Both Mr. Mortazavi and Joseph Civitella in their testimony referred to page 3 of the Land Development Plans for Valley Wellness Center dated January 11, 2016. At the top of these plans are the suggested parking requirements that they have proposed. These requirements propose a standard of .4 spaces per 100 sq. ft. for the Wellness Center, .5 spaces per 100 sq. ft. for the café, and .4 spaces per 100 sq. ft. for office space. In addition, the applicant proposes a parking space for every 1.2 employees on the largest shift.

12. These calculations produce a result of 229 spaces. However, the applicant proposes an additional 11 spaces over that or 240 spaces.

13. According to the testimony of Mr. Mortazavi, the Wellness Center will be a members and their guests only facility. Therefore, in his opinion this will greatly reduce the number of cars necessary for this use.

14. The Board notes, however, that the definition of Wellness Center is very broad and contains a mixture of uses without restrictions as to what percentage each might compose, with the exception of certain limitations on retail uses. Nor does the definition specifically provide that the Wellness Center must be a members and their guests only facility.

15. Thus, while the Board may believe that the proposed number of parking spaces are satisfactory for the current Wellness Center as it has been proposed by the applicant, the possibility that there could be changes to that Wellness Center, including changes to the component parts, could greatly affect the amount of parking that is adequate for this site.

16. In that regard, the Board believes that a key component of the Wellness Center as proposed, as far as parking is concerned, is that the Wellness Center is for members and their guests only. The Board believes that with this as a condition of the grant of a variance that the proposed number of parking spaces will be adequate and the grant of the variance will not be detrimental to the public welfare.

17. The applicant in his letter outlining his proposal dated February 10, 2016, also indicated that he desired relief from Sect. 185-38.M(12)(b). However, at the hearing the applicant indicated that upon a detailed review of Sect. (12)(b) he is able to meet the criteria and therefore withdrew the request for relief from this section.

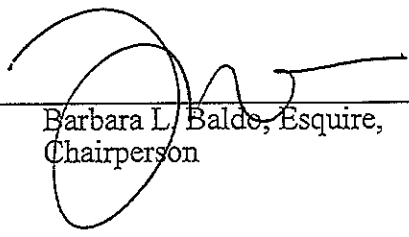
18. The applicant still needs relief from Sect. 185-38.M(12)(c), in regards to the 50 ft. wide berm. He stated that the present berm is only 30 ft. and in his opinion that width is adequate. The Board after reviewing this request believes that the grant of a variance will not be detrimental to the public welfare.

19. Finally, the applicant seeks further relief from Sect. (12)(c) as to the plantings as required in Subsection [4] thereof. The applicant desires not to have to put as many evergreens in that spot where it is otherwise going to have its letters for its facility, "VWC" outlined in bushes or shrubbery as depicted on Sheet 7 of the Land Development Plans for Valley Wellness Center dated January 11, 2016. Again the Board believes that this variance will not be detrimental to the public welfare.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and grants the buffering variances as set forth above, and further grants the parking variance subject to the condition that the facility is and remains a members and their guests only facility. If the Wellness Center's use would change with regards to it being a members and their guests only facility, then further applications must be made to the Zoning Board with regards to the adequacy of the parking on the site.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By: \_\_\_\_\_

  
Barbara L. Baldo, Esquire,  
Chairperson

Dated: April 14, 2016