

**HANOVER TOWNSHIP ZONING HEARING BOARD**  
**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Application of	:	W.F. Acquisitions, LLC
Application Dated	:	October 17, 2017
Property	:	4700-4710-7420 Beth-Bath Pike

The Hanover Township Zoning Hearing Board, after conducting a hearing on Thursday, November 16, 2017, and rendering its oral decision granting the variances as hereinafter set forth, hereby makes the following findings of fact and conclusions of law in support thereof:

1. The subject property is located in a PIBD – Planned Industrial/Business District.
2. The owners of the property are Gertrude, Earl and Jean Kunsman.
3. The applicant is W.F. Acquisitions, LLC, who according to testimony is the equitable owner as a purchaser under an agreement of sale with the Kunsmans.
4. The applicant was represented at the hearing by Attorney James Holzinger, who introduced during the course of the hearing the following exhibits:
  - A-1 (Page 1) Plan entitled Site Plan dated July 27, 2017 with a last revision date of October 20, 2017;
  - A-1 (Page 2) Plan entitled Woodland Exhibit Development Footprint dated July 27, 2017, with no revision date;
  - A-2 Plan entitled Woodland Exhibit Existing Conditions dated July 27, 2017 with no revision date;
  - A-3 Sketch Plan review letter dated September 7, 2017, from Brian Kocher of Hanover Engineering, the Township Engineer.
5. The applicant intends to remove the existing dwellings on the property and to construct a home for elderly/assisted living on the premises.
6. This use is permitted under the township ordinance as a conditional use. The Supervisors have not yet conducted any hearings concerning this conditional use.
7. The applicant indicates, however, that the proposed plans will be in compliance with the zoning ordinance except for necessary variances from the woodland preservation provisions of the ordinance.

8. The sole witness for the applicant was Kevin Fruck, P.E., Principal Engineering Manager for Cornerstone Consulting Engineers and Architectural, Inc.

9. He testified as to other relevant provisions of the zoning ordinance impacting the location of the proposed facility on the property. In particular, he noted the sight clearance provisions concerning the location of a driveway. He indicated that the proposed location therefore is the best location considering those provisions, and in his opinion forced the improvements on the property to be further to the south.

10. In addition, he noted that the northern portion of the lot is narrower, and therefore the building envelope is much less. He further indicated that there is a 100 foot setback from the centerline of the highway and a 50 foot setback from the boundary line of the property. This again in the opinion of Mr. Fruck forced the improvements to be on the southern portions of the lot.

11. Mr. Fruck testified that the southern portion of the lot is heavily wooded and hence the need for relief from the woodland preservation provisions of the ordinance.

12. Mr. Fruck stated that the portions of the property which qualify as woodlands are designated as B-1, E-1 and A-2 on Exhibit A-2.

13. Mr. Fruck further testified that if the entire three parcels are considered as one lot, then the woodlands portion of that lot is 13%. This would be reduced by virtue of the development to 1.5%.

14. On the other hand each of the three separate parcels, according to the testimony, were in existence as separate lots at the time of the enactment of the woodland provisions of the ordinance. If each parcel were considered separately, then as to Parcel A the woodlands portion would be 25.6%. This development would reduce that to 3.99%.

15. As to Parcel B the woodland portion of that lot are not large enough to be considered pursuant to the provisions of the ordinance, and as to Parcel C there are no woodlands located on that parcel as defined under the ordinance.

16. Jim Smith of 4688 Bath Pike also testified. He indicated he was the owner of the property to the south and that he was not opposed to the variances. He believed that many of the trees have already reached the end of their useful life.

17. Mr. Fruck also testified that the applicant will be proposing landscaping, buffering, and additional trees as part of the subdivision and land approval process, as well as a part of the conditional use approval process. Therefore, the entire premises will not become treeless as a result of the removal of these existing woodlands.

18. The Board notes that the Township Engineer's office and Solicitor's office had the opportunity to review the proposed plan through the sketch plan submittal, and did not appear at the zoning hearing to oppose this application.

19. The Board believes that in the present case the grant of the variances is appropriate and will not be detrimental to the public welfare.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the variances from the woodland provisions in accordance with the testimony and the plans that were submitted at the time of the hearing before the Board.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By: Joan Rosenthal  
Joan Rosenthal, Acting Chairperson

Dated: December 11, 2017