

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petition of: : Tyber Medical, LLC
Application Dated : November 23, 2021
Property : 89 S. Commerce Way, Suite 990

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, January 27, 2022, granting the variance with modifications, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is known 89 S. Commerce Way, Suite 990, and is located in a PIBD – Planned Industrial Business District.
2. The applicant requests variances to install a 48 square feet wall-mounted sign on the premises as depicted in the application submitted to the Board and the exhibits submitted at the hearing.
3. The applicant was represented at the hearing by Attorney Michael A. Santanasto
4. The sole witness appearing on behalf of the applicant was the principal of Tyber Medical, Jeffrey Tyber.
5. The applicant introduced into the record Exhibit A-1, consisting of a Google map, five photographs and a signage proposal diagram prepared by Cornerstone Consulting with a date of 8/12/2021.
6. Mr. Tyber testified that his company produces medical devices and that the general public does not come to his establishment.
7. He further testified that he currently occupies approximately 50,000 square feet of the building known as 89. He expects in the future to acquire an additional 40,000 square feet in another building.
8. He does not occupy the entire building but instead the building has other tenants such as The Children's Dental Surgery.

9. The subject property is located in one of the employment districts and therefore, Section 185.19D (3)(c) is applicable.

10. That section indicates that a wall sign for individual users shall not exceed 16 square feet. It also provides that the letter height shall not be greater than 8 inches, that the sign shall be located 4 to 10 feet above grade and near or on the user's door. Finally it requires that the sign be similar to signs for the building as a whole.

11. The applicant indicated that he was having difficulties with the sign that complies with the ordinance on his door because people are coming believing that this is the dental clinic or the Covid test center.

12. To remedy this, he proposes an oval sign with the height of the oval at its highest point being 4 feet and the width of the oval at its widest point being 12 feet. This sign is proposed to be situated on the building next to the building number 89 as depicted on the signage proposal revision prepared by Cornerstone Consulting

13. This proposed sign exceeds the letter height and is located higher than the ordinance provides, as well as not really being near or on the user's door. There was also no testimony that this sign would be similar to other signs for this building.

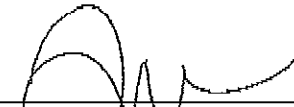
14. While the Board believes that the applicant is entitled to some relief from the strict provisions of the ordinance, it finds that the proposed location of the sign at the top of the building and near the number 89 for the building is both confusing and not the minimum variance necessary to provide relief.

15. The Board therefore voted to approve the variance providing that the location of the proposed sign is moved closer to the area above the door by centering it horizontally between the middle of the two-door entrance and centering it vertically between the two rows of different color brick on the façade of the building.

WHEREFORE, the Hanover Township Zoning Hearing Board grants the sign variance subject to the above modifications.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____


Barbara D. Baldo, Esquire,
Chairperson

Dated: _____

2/8/22

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petition of: : Advanced Health Care Corporation
Application received : December 1, 2021
Property : 3370 High Point Blvd.

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, January 27, 2022, denying and granting some of the variances subject to the modifications as hereinafter set forth, makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is located in a PORR – Planned Office and Research and Residential District with an address of 3370 High Point Boulevard.

2. The applicant was represented at the hearing by Attorney Nate Fox. He indicated that his client desired relief from the sign ordinances and had submitted its application for two free-standing signs and three wall signs. Near the conclusion of the hearing Attorney Fox, on behalf of his client, modified the application to withdraw the request for the second free-standing sign at the intersection of High Point Boulevard and Stokes Park Road.

3. He submitted during the course of the hearing Exhibit A-1 consisting of 5 subparts labeled A through E.

4. The witnesses appearing on behalf of the applicant were Spencer Summerhays, Project Executive for Boyer Bethlehem SNF, LC, who develops properties on behalf of Advanced Health Care, and Robert Topolewski, principal and owner of Vintage Restoration and Sign.

5. The testimony with respect to the proposed signs that were not withdrawn was that complying with the overall sign requirements with regards to the maximum area and letter height would mean in the opinion of these witnesses that the signs would not be visible from the street.

6. There are two proposed wall signs which would have the name Advanced Health Care and a third proposed wall sign with just the numbers of the address. The one wall sign would be on

the west side of the property above the door. The other two signs would not be on the door but on the portion of the building that roughly parallels High Point Blvd.

7. Also appearing at the hearing was Attorney Stephen Bergstein representing Senior LIFE Lehigh Valley, which according to the testimony has a facility directly across High Point Blvd. from the subject premises.

8. In that regard, Robert J. Sauer, FACMPE, testified against the application and indicated that he was Executive Director of Senior LIFE Lehigh Valley, and that in his opinion the applicant's signs would be contrary to the signage in the general neighborhood.

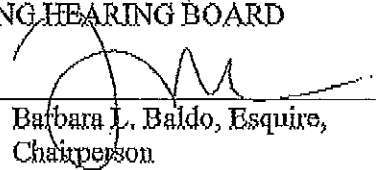
9. Also testifying against the application were Michael and Regina Costantino of 3450 Kipling Place. They indicated they resided directly across Stokes Park Road from the subject premises. They stated they did not believe that an adequate hardship had been shown to deviate from the ordinance and, in their opinion, the signs would be out of character with the neighborhood.

10. The Board after review of all the testimony believed that the applicant, while entitled to some relief, did not demonstrate that its sign proposal was the least modification of the ordinance as necessary and voted to deny the variances for one sign, approve the variances for another sign and modify the variances for the third sign.

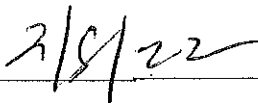
WHEREFORE, the Hanover Township Zoning Hearing Board hereby approves any variances necessary for the sign as submitted above the door on the west side of the building, denies the variances for the sign of Advanced Health Care parallel to the High Point Blvd. and approves the variances for the sign consisting of numbers for the address provided that the sign be moved to above the main entry rather than its proposed location.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____


Barbara L. Baldo, Esquire,
Chairperson

Dated: _____



A continuance has been granted for the petition of Matthew Szep & Emily Dobrowolski, 6725 Lilac Drive, Bethlehem, PA and has been scheduled for February 24, 2022, Hearing will commence at 7:00 PM