

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petition of: : Emil J. Diiorio
Application Dated : May 16, 2022
Property : 200 West Macada Road

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, June 23, 2022, on the Petition of Emil J. Diiorio and after approving the Petitioner's requested variance from the maximum lot coverage provisions of the ordinance, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is owned by the Petitioner, has an address of 200 West Macada Road, and is located in a R1-S Residential Suburban District and a Special Conservation District.
2. The Petitioner appeared at the hearing along with his architect, Michael J. Margulies of Eclectic Architecture, LLC and engineer, Kevin Horvath of Keystone Consulting Engineers, Inc.
3. The Petitioner testified that he desired to construct the proposed additional building and roadway as depicted on the Plan, marked A-1 at the Hearing, and entitled, "200 West Macada Road Diiorio Residence" with a date of May 16, 2022, and no revision dates.
4. The Petitioner stated that the addition was for the purpose of displaying and creating artwork. He specifically indicated that the addition would not be for purposes of creating a dwelling unit on the property and that there would be no commercial activity on the property such as, for example, charging admission to view the articles on display.
5. The district where the lot is located would normally permit a lot coverage of up to 33%. However, Section 185-39 B.(3)(c) of the Ordinance indicates that when 25% or more of the lot is located in a Special Conservation District, the maximum lot provisions are reduced by 60%, which would therefore limit the Petitioner to 13.2% maximum lot coverage. The Petitioner requests a variance to permit the structures and the road which would result in a lot coverage of 20%.
6. According to Kevin Horvath, the engineer, 49% of the lot is located in a Special Conservation District. He stated that the reason under the ordinance it is classified as Special

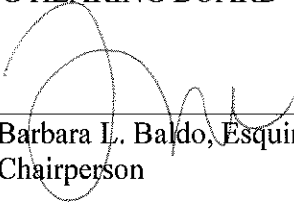
Conservation District is because of its soils. In his opinion, the construction would have little impact on the conservation area of the lot.

7. The Zoning Hearing Board believes that the variance in this case would not be detrimental to the public welfare particularly in light of the very large size of the subject lot.

WHEREFORE, the Hanover Township Zoning Hearing Board adopts the above Findings of Fact and Conclusions of Law and grants a variance to allow a Maximum Lot Coverage of up to 20%.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____


Barbara L. Baldo, Esquire,
Chairperson

Dated: July 15, 2022

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petition of: : Triple Net Investments XLII, LLC
Application Dated : May 24, 2022
Property : 215 Township Line Road, formerly known as
: 5010-5040 Jaindel Blvd HCC2 Lots 6 & 7

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, June 23, 2022, on the Petition of Triple Net Investments XLII, LLC, and granting the requested variances from the minimum parking and loading requirements of the ordinance, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is owned by Triple Net Investments XLII, LLC and is located in a PIBD Planned Industrial/Business Zoning District and SCD Special Conservation District.

2. The Petitioner was represented at the hearing by Erich J. Schock, Esquire. During the course of the hearing, he submitted five exhibits, as follows:

A-1 – Plan entitled, “Conforming Parking and Loading Area Layout Plan”, dated October 5, 2016, with the last revision date of August 28, 2017

A-2 – Plan entitled, “Site Plan – Building 1 Layout”, dated April 28, 2022, with the last revision date of June 13, 2022

A-3 – Chart entitled, “Required Off Street Parking and Loading Space Tabulation” with Floor Plans SKA-01 and SKA-02 attached

A-4 – Aerial entitled, “Freshpet Facility Location Exhibit”, dated June 13, 2022, with no revision date

A-5 – Diagram showing Freshpet’s proposed utilization of the building

3. Joseph Petrucci testified on behalf of the Petitioner, indicating that his company, Triple Net Investments XLII, LLC, is the owner of the premises and designed a 99,000 square foot building as one of the two buildings on the lot. He indicated that the parking for that building as depicted in Exhibit A-1 assumed that 70% of the building would be devoted to warehouse use and 30% of the building to light industrial use. Based on this assumption, the plans provided the necessary parking and loading spaces to meet the requirements of the Ordinance.

4. The Petitioner now has an opportunity to lease the property to Freshpet, which according to their particular needs, would cause the building to be approximately 70% light industrial use and only 30% warehouse use.

5. The specific calculations for these uses are as set forth in Exhibit A-3.

6. Kevin Horvath of Keystone Consulting Engineers testified concerning Exhibits A-1 and A-2 prepared by his firm and the calculations of the required number of parking and loading spaces based on Freshpet's proposed use of the building.

7. Also testifying was Mark Engel, Senior Site Engineering Manager, for Freshpet. He utilized Exhibit A-5 to show the layout of the interior of the building. Based on this usage, he estimated there would be approximately 50 shift workers on each of two shifts, approximately 20 non-shift workers and he allotted further for approximately 5 visitors to the building at any one time.

8. The above figures total 125 people at the site if everyone were there at the same time, which according to testimony, would not happen, The Applicant is proposing 131 parking spaces.

9. Kenneth Irvine of 5407 Congress Way testified that he was concerned about odors coming from the building. He indicated that Freshpet is the only manufacturing facility in the area that cooks food.

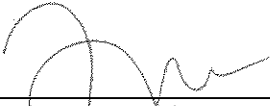
10. Frank D'Ascensio of 6806 Allegiance Drive also testified. He stated he was Chairman of the Community Relations Committee, a committee at the Traditions of America at Hanover Development and was authorized to present comments on behalf of the Executive Board and community residents. He then proceeded to read into the record a written statement expressing concerns as to odors coming from the facility as well as waste water treatment. This written statement was submitted as Exhibit O-1.

11. The Zoning Hearing Board, after reviewing the testimony and the Exhibits, is satisfied that the 131 parking spaces and 12 loading spaces are adequate, at least as to the present proposed user of the property, Freshpet. However, the Zoning Hearing Board is concerned about the possible future

users of the building or the possible expansion of the number of employees by Freshpet at this facility. Therefore the Board believes that a condition is needed to be attached to the grant of approval in order to assure that the variance would not be detrimental in the future.

WHEREFORE, the Hanover Township Zoning Hearing Board grants a variance from the parking and loading provisions to permit 131 parking spaces and 12 loading spaces on the condition that Freshpet, or any future user of the premises, have no more than 100 shift worker employees.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 

Barbara L. Baldo, Esquire,
Chairperson

Dated: July 15, 2022