

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

DECISION

Application of : Mike Kahmer & Megan Oberdoester
Application Received : July 20, 2022
Property : 5325 Stenton Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, August 28, 2022, hereby grants a variance to permit the construction of a roof over the existing patio as depicted in the drawings and pictures attached to the application and presented at the hearing, it being understood that the grant of this approval does not approve the enclosure of this structure.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Brian A. Dillman,
Acting Chairperson

Dated: September 28, 2022

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of: : 90 Highland, LLC
Application dated : July 25, 2022
Property : 90 Highland Avenue and 3685 Adler Place

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, August 18, 2022, on the petition of 90 Highland, LLC, concerning the signage on the convenience/retail food with gasoline service use, and after approving the petitioner's requested relief, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is a consolidated lot for zoning purposes consisting of Tax Parcel M6-15-10X-0214, having a post office address of 90 Highland Avenue and Tax Parcel M6-15-10P-0214, having a post office address of 3865 Adler Place. Both parcels are now owned by 90 Highland, LLC.

2. The consolidated lot is entirely located within the PIBD – Planned Industrial/Business Park District, one of the employment districts under Hanover Township zoning ordinance.

3. The Petitioner was represented at the hearing by Eric J. Schock, Esquire, who introduced in the course of the hearing seven exhibits as follows:

A-1 Aerial photograph of the general neighborhood and of the subject property

A-2 "Signage Plan" being sheet #Z-101 having a date of March 10, 2022, with no revision dates prepared by Bohler Engineering.

A-3 Three photographs from Route 512 looking north near the intersection of the subject property and Highland Avenue.

A-4 Two photographs looking south on 512 near the intersection of Highland Avenue and the subject property.

A-5 Photograph from Highland Avenue looking east at the intersection of Highland Avenue and 512.

A-6 "Sign Details" being sheet #Z-102 having a date of March 10, 2022, with no revision dates prepared by Bohler Engineering

A-7 Elevations consisting of two pages depicting elevations of the building and gasoline service area with the proposed signage.

4. Testifying on behalf of the petitioner was Luke Jaindl, Vice President of Real Estate, for Jaindl Properties, the principal of 90 Highland, LLC, and Jeffrey Beavan, Professional Engineer for Bohler Engineering, who drew the plans marked Exhibit A-2 and A-6. Also testifying was Michael Spiegel, Project Engineer, for Wawa.

5. The 90 Highland Avenue property was the subject of prior zoning hearings, including a decision of the Board dated October 20, 2020, where the Board approved the convenience/retail store with gasoline service. The subject application is for signage related to the use of that store by Wawa.

6. Luke Jaindl testified that one of the reasons they selected this property, is because it was along the Route 512 corridor and, therefore, had commercial opportunities that would not be applicable to properties located within the interior of the PIBD district.

7. Jeffrey Beavan testified with respect to each of the exhibits and the reasons why, in his opinion, appropriate signage for Wawa at this site could not be provided if no variances were given from the strict provisions of the sign ordinance.

8. He mentioned among other things that there is a grade going north so it isn't until you crest that hill that you are first able to see signage and therefore, any sign needs to be taller than would otherwise be permitted.

9. He also stated that if the signage were kept strictly within the 75 foot rule, that it would sit too far back and be obstructed by the building to the right as you approach the subject premises traveling north on 512.

10. He testified that in spite of the fact that the free-stranding sign is closer than what the ordinance would permit, in his opinion, it did not impede traffic in any way and was not unsafe.

11. Michael Spiegel testified that gas prices need to be put on the sign in order to have Wawa competitive with other gasoline providers and so that people know the price of the gas before turning off of 512 and are not then surprised at the price when they get to the pump. He indicated that a significant portion of Wawa's business consists of people driving by rather than just Wawa customers who are only going to get their gas at Wawa regardless of price.

12. The applicant in total proposed one free-standing sign and 5 wall signs.

13. The dimensions of each of the signs are as set forth in Exhibit A-6. As indicated, the free-standing sign is not located within the 75 foot of the intersection as provided in the ordinance. In addition, the free-standing sign has a total square footage far in excess of the 30 square feet as provided in the ordinance and is 20 feet high rather than the 14 feet as provided in the ordinance. In addition, none of the wall signs come close to meeting the requirements of the employment district, which requirements are very restrictive, and in the opinion of the Board would not be commercially reasonable for a convenience store and gasoline retail use.

14. The Board has confronted the problem in prior applications where the signage scheme as set forth in the employment districts of the zoning ordinance is not consistent with all of the uses that are permitted in the employment districts, with the Board concluding that variances from the signage provisions were justified.

15. It is also noted that the subject property is along the Route 512 corridor rather than in the interior of the employment district. It is not reasonable to expect that the same signage within the heart of the employment district would also be applicable along this commercial corridor.

16. For these reasons and for the additional reasons as outlined in the hearing, the Board approves all of the proposed signage.

17. It is noted that there was no opposition to the signage proposal by either neighbors or the Township at the hearing.

WHEREFORE, the Hanover Township Zoning Hearing Board adopts the above Findings of Fact and Conclusions of Law and grants the required variance from the provisions of the ordinance to permit the proposed signage.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Brian A. Dillman,
Acting Chairperson

Dated: September 28, 2022

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of: : Lehigh Valley Health Network
Application dated : July 25, 2022
Property : 90 Highland Avenue and 3685 Adler Place

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, August 18, 2022, on the petition of Lehigh Valley Health Network, and after approving the petitioner's requested signage relief, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is a consolidated lot for zoning purposes consisting of Tax Parcel M6-15-10X-0214, having a post office address of 90 Highland Avenue and Tax Parcel M6-15-10P-0214, having a post office address of 3865 Adler Place. Both parcels are now owned by 90 Highland, LLC.

2. The consolidated lot is entirely located within the PIBD – Planned Industrial/Business Park District, one in the employment districts under Hanover Township zoning ordinance.

3. The 90 Highland Avenue property was the subject of prior zoning hearings, which included the Decision dated October 20, 2020, permitting the medical office building on the site and the Decision dated August 4, 2021, granting a set-back variance in order to construct a porte-cochere to the building.

4. The subject application is for the signage concerning the medical office facility to be occupied by Lehigh Valley Hospital Network.

5. The Petitioner was represented at the hearing by Attorney S. Graham Simmons, III, who introduced in the course of the hearing four exhibits as follows:

A-1 Copy of the application.

A-2 Two plans marked "Signage Plan" being sheet #Z-101 having a date of March 10, 2022, with no revision dates drawn by Bohler Engineering and a second plan labeled "Sign Details" having a date of March 10, 2022, with no revision dates drawn by Bohler Engineering,

including a third page with just the free-standing sign shown. It was noted at the hearing that the signage dimensions as shown on the detail plan as it relates to the free-standing sign are incorrect and instead the appropriate dimensions are as set forth in the enlarged plan for sign 6.

A-3 Lease of property to Lehigh Valley Health Network from 90 Highland, LLC, the owner of the subject premises.

A-4 Seven photos of the area, the first one being an aerial photo.

6. The testimony of Luke Jaindl, Vice President of Real Estate for Jaindl Properties, the principal of 90 Highland, LLC, from the prior hearing of the same date on 90 Highland, LLC, was incorporated by reference for this hearing.

7. Testifying on behalf of the petitioner was Dan Quay, Vice President, Business and Network Development, for Lehigh Valley Health Network and Jeffrey Beavan, Professional Engineer for Bohler Engineering, who drew the "Signage Plan" and "Signage Details".

8. Dan Quay testified as to the signage needs for Lehigh Valley Health Network, in particular, advising people that there is an "express care" facility on the site and the location of the facility for people needing medical treatment.

9. Jeffrey Beavan testified as to the need for the deviations from the sign ordinance due to the limited sizes that are permitted in the employment district considering the unique characteristics of the subject property being located along the Route 512 corridor.

10. For similar reasons to those expressed in the decision concerning the 90 Highland property as to the Wawa signage, the Board approves all of the proposed signage for this application.

11. It is noted that there was no opposition to the signage proposal by either neighbors or the Township at the hearing.

WHEREFORE, the Hanover Township Zoning Hearing Board hereby adopts the above Findings of Fact and Conclusions of Law and grants the required variances from the provisions of the ordinance to permit the proposed signage.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: 
Brian A. Dillman, Acting Chairperson

Dated: September 28, 2022