

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Petition of: : 4300 Airport Rd PA, LLC  
Second Application Dated : June 29, 2023  
Property : 4000-4030 Airport Road

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, July 27, 2023, and approving the Petitioner's requested variances subject to the condition as hereinafter set forth, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property consists of Tax Parcels M5-7-14B and M5-7-15B and is located in an AFHBD, Aircraft Flight Path Highway Business District.
2. The applicant previously requested relief from provisions of the woodlands ordinance and was granted that relief by the decision of the Board dated June 5, 2023.
3. The applicant was represented at this hearing by Attorney Frank N. D'Amore.
4. The sole witness appearing on behalf of the applicant was Rocco Caracciolo, Professional Engineer.
5. The applicant introduced into the record the following exhibits:
  - A-1 – Resume of Rocco Caracciolo.
  - A-2 – Plan entitled "Conditional Use Plan" No. 1 of 1, with a last revision date of July 21, 2023.
  - A-3 – Aerial photograph of the subject premises, entitled Aerial Exhibit No. 2 with a date of July 25, 2023.
  - A-4 - Table labeled ITE Trip Generation Comparison
  - A-5 - Plan entitled "Dimension Plan" No. 4 of 20 with a last revision date of February 8, 2023
  - A-6 – Depiction of the south elevation.
6. The proposed building dimensions have not changed from the prior application. However, in the prior application, the applicant indicated that seventy-six (76) percent of the building would be for manufacturing purposes and twenty-four (24) percent for storage.

7. At the present hearing the applicant requests that the amount of storage area be fifty (50) percent and the manufacturing area be fifty (50) percent.

8. Because of this change, the proposed application no longer qualifies as a permitted use but instead it is a conditional use requiring approval by the Board of Supervisors.

9. As a result, Section 185-54(b) [1] thru [5] with regard to such conditional uses become applicable. The applicant is seeking variances from these sections.

10. The applicant also requests a determination that its use should not be classified as a truck terminal in spite of the definition of the same as contained in Section 185-12 of the ordinance.

11. Based on all of the testimony, the Board is satisfied that the purpose of this facility is not for use as a truck terminal and in spite of the definition as set forth in the ordinance, the Board determines that the use of the facility is for manufacturing and storage.

12. The applicant, through his engineer, testified that the storage would all be related to the manufacturing process and that none of it would be storage of goods that are not associated with the manufacturing of those goods. It argued therefore that it would not be using the facility as a warehouse, but only as accessory storage for its manufacturing process.

13. Section 185-54(b)[1] indicates that the use shall be not closer at any point than five hundred (500) feet to any suburban R-1S zoning district.

14. As per the testimony, there is a R1-S District across Airport Road consisting of several residential structures which would be within two hundred (200) feet.

15. The Board is mindful that if the facility were not in excess of twenty-five (25) percent for storage, thereby invoking the conditional use provisions, this requirement would not be applicable. The Board does not believe that the increase in the storage area for the manufacturing facility from twenty-five (25) to fifty (50) percent in any way changes or makes the use more detrimental with respect to this facility being less than five (500) feet away from the residential district. Therefore, the Board believes that a variance from this provision is appropriate.

16. Section 185-54(b)[2] requires an internal coordinated road system approved by the Board of Supervisors if the lot has direct access to one of several named roads, one of which is Airport Road, which is applicable in the present situation.

17. The Board agrees with the opinion of the applicant's engineer that an internal road system for a single use such as the present application is not necessary and therefore grants a variance from this provision.

18. Section 185-54(b)[3] requires that the lot size be no smaller than five (5) acres and no larger than eight (8) acres. The present application consists of over twenty (23) acres. Once again, this provision would not be applicable if the applicant did not desire to increase the storage area of the manufacturing facility to an area greater than twenty-five (25) percent. The Board does not believe that the increase in storage for the manufacturing facility is detrimental or significant as it relates to the size of the lot

19. In addition, the Board believes that the present lot has several restrictions making development difficult which include those imposed by the woodlands provisions as per the last decision, the fact that a portion of the lot is located within the conservation district and the existence of the berm on the property. Therefore, the Board believes that a larger lot size is appropriate in the present case.


20. Section 185-54(b)[5] requires that there be a traffic study and that "if the traffic study submitted with an AFHBD conditional use application indicates a decrease in intersection capacity or lane traffic capacity level of service within one mile, the developer must improve the lane capacity and intersection capacity to provide a capacity level of service of 'C' or better service [for all lanes of the road and all legs of the intersection(s)]".

21. According to the testimony of the engineer, it would be totally unfeasible for the applicant of a single use to make all those changes within the one mile area.

22. The Board accepts this as not being a reasonable requirement and grants a variance therefrom subject to the condition as hereinafter set forth.

WHEREFORE, the Zoning Hearing Board concludes that the subject premises is not a truck terminal and grants variances from the aforesaid sections discussed above, including Subsection [5], subject to the condition with respect to that section that the applicant consider upon the review of the Planning Commission, the Township Engineer and the Board of Supervisors, the possibility of connections to adjacent properties and that the applicant after submitting its required traffic study, comply with the recommendations of the Township Engineer.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By:   
Brian A. Dillman, Acting Chairman

Dated: 21 August 2023

COPY

Application for Stephen Mohan, 4451 Susan Dr continued to  
September 28, 2023 starting at 7:00 PM

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Petition of: : George & Elizabeth Mowrer  
Application Dated : June 21, 2023  
Property : 1224 Alyssa Place

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, July 27, 2023, and after rendering its oral decision, granting the requested variances, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is located at 1224 Alyssa Place in an R-1S Residential Suburban District, being lot number 10G on a certain subdivision plan of Dewire Estates dated June 10, 2002.

2. The applicant, Elizabeth Mowrer, and her engineer, C. Richard Roseberry of Colliers Engineering & Design, testified on behalf of the applicant.

3. Also testifying on behalf of the applicant was Shannon Cawley of Kay Builders who indicated that the size of the proposed home in the present situation is compatible with the sizes of the homes in the general vicinity and with other homes in Dewire Estates.

4. Mr. Roseberry introduced into the record Exhibit A-1 being his resume.

5. The application was also accompanied by plans consisting of 7 sheets as follows:

Sheet 1 Plot Plan  
Sheet 2 Grading & Utilities Plan  
Sheet 3 Landscape Plan  
Sheet 4 Tree Replacement Plan  
Sheet 5 Erosion & Sediment Pollution Control Plan  
Sheet 6 Construction Details  
Sheet 7 Construction Details

6. In 2005, Alice R. Dewire, et al, presented an application to the Zoning Hearing Board dated May 26, 2005. Following a hearing on June 23, 2005, the Zoning Hearing Board issued its written decision dated July 29, 2005.

7. During the course of the Dewire hearing, the Dewire Estates Subdivision Plan consisting of 14 lots was made a part of the record, as well as a landscape plan for the Dewire Estates.

8. The Zoning Hearing Board granted the variances requested in the Dewire application subject to the condition that the "average preservation of woodlands per lot when considering all 14 lots shall not be less than 35%".

9. Numerous applications have been made to the Board concerning this subdivision as follows: Lots 10 and 11 (Dewire), Lot 4 (Kresge and Tsihlis), later revised by (Fazil), Lot 14 (Brong), Lot 5 (Hillpot), Lot 9 (Stuter), Lot 3 (Kingston) and Lot 2 Psitos.

10. In many of those applications, the Zoning Hearing Board granted approval for woodland preservation on that lot of less than 35%.

11. In the present case, the applicants indicate that the trees occupy approximately 84% of the lot and submit that at the conclusion of the building, the home and driveway, there will still be 37.2% woodland coverage.

12. In the opinion of the Zoning Hearing Board therefore, the proposed development of Lot No. 10G is in compliance with the woodland preservation sections of the ordinance as modified by the Dewire Decision.


13. The applicant also requested relief from the maximum lot coverage provisions of the Zoning Ordinance. Due to the presence of the woodlands, the maximum lot coverage in this subdivision is reduced from 35% to 22%. In the present case, the applicant desires to build structures which will result in 28.55% coverage.

14. The Zoning Hearing Board believes that the grant of a variance with respect to the coverage will be compatible with the size of other homes in the neighborhood and therefore, would not be out of character nor detrimental to the public welfare.

WHEREFORE, the Hanover Township Zoning Hearing Board finds that the proposed application is in compliance with the Dewire Decision as it relates to woodland preservation provisions of the ordinance and hereby grants the variance from the maximum lot coverage provisions of the ordinance to permit the construction of a dwelling and other structures on the premises of up to 28.55% lot coverage.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By:

  
Brian A. Dillman, Acting Chairperson

Dated: 9-10-2023