

HANOVER TOWNSHIP ZONING HEARING BOARD
OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petition of:	:	Airport Road Partners, LP
Application Dated	:	November 18, 2021
Property	:	6292 Hanoverville Road

The Hanover Township Zoning Hearing Board after conducting hearings on Thursday, January 13, 2022, and Thursday February 24, 2022, and approving the Petitioner's requested variance from the woodland provisions of the zoning ordinance, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is known as Tax Parcel M5-5-1-0214 and is located in an R1-S Residential Suburban District.
2. The applicant requests relief in the form of removing and replacing trees on the premises requiring variances from the provisions of the ordinance regulating woodlands.
3. The applicant was represented at the hearing by Attorney Joel B. Wiener.
4. Witnesses appearing on behalf of the applicant were Jason L. Schweyer, Registered Landscape Architect, from Keystone Consulting Engineers, and William A. Erdman, Professional Engineer, also from Keystone Consulting Engineers.
5. The applicant introduced into the record Exhibit A-1, being a tree survey plan for "Farmhouse Village Hanover", dated October 13, 2021, and Exhibit A-2, being a tree replacement plan for Farmhouse Village Hanover, dated October 13, 2021, with the last revision date being 12/7/21. The applicant also introduced Exhibit A-3, being the tree preservation narrative for Farmhouse Village Hanover dated October 26, 2021, prepared by Keystone Consulting Engineers.
6. Also made a part of the record at the first hearing was the report of the Shade Tree Advisory Board dated October 15, 2021, which was marked Exhibit Z-1.

7. In addition, testifying at the hearing were neighbors Wendy Leap, who resides at 1499 Dartmouth Drive, and Thomas Grammes, who resides at 4405 Jacksonville Road.

8. In the present case, the applicant does not contest the conclusion that there are woodlands on the subject premises as defined in the ordinance.

9. When woodlands are found, they are regulated under Section 185.22 F subsections (1) through (5).

- a) Subsection 2 modifies the maximum density and maximum lot coverage pursuant to the factor as set forth therein. In the present case the subject premises contains less than 25 percent woodlands and, therefore, the factor is 1 and the maximum lot size, lot density and lot coverage are not changed from what it would otherwise be without woodlands.
- b) Subsection 3 prevents woodlands from being removed to avoid the requirements of this section.
- c) Subsection 4 indicates that the woodlands shall be preserved as undisturbed woodlands with the exceptions as set forth in said section.
- d) Subsection 5 requires that the delineation as to what is woodlands shall be done on the basis of lot lines that exist on the date of the passage of this chapter of the zoning ordinance.

10. The applicant purported to meet these requirements in part through Exhibit A-1 where it has delineated the ordinance that exists on the premises.

11. However, while the regulations indicate that woodlands shall be preserved, the applicant is instead proposing a plan, Exhibit A-2, which does not preserve the existing woodlands but instead proposes to replace trees as per the schedule as set forth in Exhibit A-2.

12. As such at the time of the first hearing, the Board still had concerns with respect to provisions of the zoning ordinance for the preservation of woodlands and, therefore, entertained the request from the applicant to reconvene on February 24th in order to hear additional testimony from the applicant as well as to hear testimony from representatives of the Shade Tree Advisory Board.

13. On February 24th, Blair Bates and Jane Cook, members of the Shade Tree Advisory Board presented additional reports marked Exhibits Z-2 and Z-3 and indicated that they had made a more recent inspection of the existing woodlands.

14. They found that the existing woodlands are not in good shape, that the woodlands are not thriving and that they do not provide an existing wildlife habitat. They therefore concluded that the existing woodlands are not worthy of preservation and believe that a plan for replacement of those trees is acceptable.

15. The Board also notes that according to the testimony, there will be an existing homeowners' association which will then be charged with the responsibility of maintaining the replacement trees that are set forth in the plan as finally approved

16. Therefore, the Board after hearing the additional testimony from the Shade Tree Advisory Board and taking into consideration the reports of the applicant's experts, believes that a variance from the provisions of the woodlands, as it relates to preserving the existing woodlands, is appropriate and that the replacement of those trees in accordance with the recommendations of the Shade Tree Advisory Board as the plan is revised and submitted for approval is appropriate.

WHEREFORE, the Zoning Hearing Board grants the requested variance from the woodland provisions of the zoning ordinance, permitting the removal of the existing woodlands as indicated and the replacement of those trees in accordance with the recommendations of the Shade Tree Advisory Board as the plan is revised and submitted for approval.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____

Barbara L. Baldo, Esquire,
Chairperson

Dated: _____

4-8-2022