

**HANOVER TOWNSHIP ZONING HEARING BOARD**

**OF NORTHAMPTON COUNTY, PENNSYLVANIA**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Petition of: : Schuylkill Health System Development Corporation  
Application Dated : May 19, 2023  
Property : 1755 W. Macada Road

The Hanover Township Zoning Hearing Board after conducting hearings on Thursday, June 22, 2023 and Thursday, August 17, 2023 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 identified as Tax Parcels N5-2-1A consisting of approximately 15.9 acres and located in an OI Office in an Institutional District.
2. The Applicant desires to construct thereon a 94,055 square feet structure as a behavioral health hospital.
3. According to testimony, the proposal is a joint project with Schuylkill Health System Development Corporation, Lehigh Valley Hospital and Universal Health Systems.
4. The Applicant was represented at the hearings by Attorney S. Graham Simmons, III, who introduced through the course of the first hearing the following exhibits:

A-1 – Tax Claim Unit Deed from the County of Northampton Tax Claim Unit to Westgate Professional Center Inc.

A-2 – Documents from the Pennsylvania Department of State, Bureau of Corporations showing the merger of the organization with the surviving organizational name of Schuylkill Health System Development Corporation, the applicant in the present case.

A-3 – Plan entitled "Variance Plan LVHN-UHS Behavioral Health Hospital" drawn by RKR Hess Associates with a date of May 22, 2023.

A-4 - Plan entitled "Preliminary/Record Subdivision Plan and Existing Features Plan" also titled "M.R.C. Subdivision Plan" drawn by Pany & Lentz Engineering Company with dates not legible on the plan submitted.

A-5 - Plan entitled "Woodlands Exhibit - LVHN-UHS Behavioral Health Hospital" drawn by RKR Hess Associates with a date of May 11, 2023, and no revision date.

A-6 - Photographs of the site and the areas consisting of three pages and twelve photographs.

5. The witnesses appearing on behalf of the Applicant were Dr. Edward Norris of Lehigh Valley Hospital and Nathan Oiler of RKR Hess Associates.

6. Dr. Norris described the proposed facility which is a permitted use in this district. The proposal as submitted does not require any dimensional variances or parking variances.

7. In general, he indicated there is a great need for a behavioral health facility in the Lehigh Valley. In his opinion that facility will not alter the character of the neighborhood.

8. The engineer testified with respect to Exhibit A-4 as to the existence of the woodlands back in 1997 and set forth that the woodlands, after development of this property, would actually be greater than the woodlands as shown on the map in Exhibit A-4.

9. The Applicant, through their attorney, argued therefore that the Woodlands Provisions are not really applicable and therefore no variance from this section is required.

10. The Zoning Hearing Board during its deliberation rejected this theory and agreed with the interpretation of the Zoning Officer that the Woodlands Provisions were applicable and that therefore a variance from these provisions was necessary.

11. In that regard, it is noted that the purpose of the woodlands is the preservation of existing trees as set forth in Section 185-22F(4). Therefore, even if the total woodlands area are greater post development, it is undisputed from the testimony that the Applicant will be taking away existing woodlands as are depicted on Exhibit A-4.

12. The Applicant, through its engineer, testified that the kinds of trees which were going to be removed consisted of walnut, cherry, mulberry and oak trees.

13. The engineer also indicated that they would not be able to develop the property for the purposes as desired by the applicant without removing some of the woodlands.

14. Also testifying was Vincent Horvath of 2738 Whitewood Road, who indicated that he lived in the area a long time and was familiar with the history of these woodlands. He did believe that the proposed modifications could be as effective at woodland preservation as the existing woodlands.

15. Also testifying was Carl Harry of 2840 Whitewood Road.

16. Also testifying was William Stoerrle of 595 Angelo Drive. He indicated that he felt that because the Applicant is making money off of this that it should not be entitled to the variance.

17. Finally testifying was Brittany Wuest of 2751 Stonewood Drive, who indicated that her opinion the existing woodlands create a sound barrier that cannot be replaced simply by putting the new trees there.

18. The Zoning Hearing Board stated that it believed it should hear testimony or a report from the Shade Tree Commission as per Section 185-22F(1) of the Ordinance. Thereafter the Applicant requested a continuance of the hearing until 7:00 p.m. on August 17, 2023, in order to give time for the Shade Tree Commission to visit the site and provide the Zoning Hearing Board with their conclusion as well as for the Applicant to provide us with more detail as to the substitute trees that they would be planting on the site.

19. At the second hearing, Blair Bates and Jane Cook of the Hanover Township Shade Tree Commission testified as to its reports dated August 10, 2023, which was marked Exhibit Z-1, and said report referring to an earlier report of May 30, 2023, which was marked Exhibit Z-2. The Shade Tree Commission's conclusions are set forth in the report. In general, the report indicates that they were satisfied with the proposed removal of some of the existing trees and the replacement of trees as indicated.

20. The Applicant thereafter stated that it would comply with all of the recommendations of the report. The Plan of the existing trees was marked Exhibit A-7 and the Plan of the replacement trees was marked Exhibit A-8 at the second hearing.

21. Woodlands are defined in Section 185-12 of the Ordinance. In order to be regulated under the Woodland Provisions of the Ordinance, the area of woodlands needs to consist of at least 20,000 square feet or more.

22. The regulations concerning woodlands are found in to Section 185-22 F(1) through (5) of the ordinance.

23. Subsection (1) requires that a site plan be submitted to the Township Shade Tree Commission and Planning Commission and approval by the Board of Supervisors.

24. Subsection (2) requires the modification of what would otherwise be the lot size, maximum density and maximum lot coverage depending on the percentage of the property that is covered by woodlands.

25. Subsection (3) of the ordinance prohibits the removing of woodlands to avoid the requirements of this chapter. The Applicant proposes to remove woodlands but has not done so to avoid compliance and has instead made its present application asking for relief from the woodland provisions of the Ordinance.

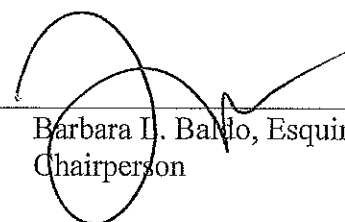
26. Subsection (4) indicates that the maximum amount of woodlands that need to be preserved for the lot would be not be more than 20 percent.

27. Subsection (5) of the Woodlands Ordinance requires that the plan be consistent with the requirements of this section.

28. The Zoning Hearing Board after hearing the additional testimony from the Shade Tree Commission and the Applicant's willingness to comply with their recommendations believes that variances from the Woodland Provisions of the Ordinance are 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 planting of new trees in accordance with the plans as submitted and reviewed by the Shade Tree Commission on the condition that the Applicant comply with all the recommendations of the Shade Tree Commission.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By:   
Barbara L. Ballo, Esquire,  
Chairperson

Dated: September 28, 2023

THEODORE R. LEWIS  
THOMAS L. WALTERS

MAILING ADDRESS:  
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NAZARETH OFFICE:  
BY APPOINTMENT ONLY  
LIBERTY AND CENTER STREETS  
NAZARETH, PA. 18064

September 28, 2023

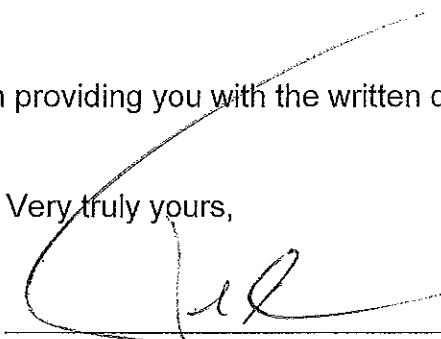
S. Graham Simmons, III, Esq.  
515 W. Hamilton St., Suite 502  
Allentown, Pennsylvania 18101

**Re: Schuylkill Health Systems Development**

Dear Simon:

As attorney for the applicant, I am providing you with the written decision of the Hanover Township Zoning Board.

Very truly yours,



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Theodore R. Lewis, Esquire

TRL/lc

cc: Yvonne Kutz

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Petition of:	:	St. Luke's Health Network, Inc.
Application Dated	:	June 29, 2023
Property	:	2201 Schoenersville Road

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, August 17, 2023, granting some of the Petitioner's requested variances from the Sign Ordinance and denying others, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property is identified as Tax Parcel M5SE1-8-1-0214 consisting of 1.6362 acres located in an AFHBD, Aircraft Flight Path Highway Business District.
2. This property is owned by Schoenersville Site, LLC.
3. Also, part of the Application is a proposed free-standing sign on property identified as Tax Parcel M5SE1-8-9 and owned by the Lehigh Northampton Airport Authority.
4. This Application is for signage for the above parcels.
5. The Applicant was represented at the hearing by Attorney Steven T. Boell who introduced through the course of the hearing the following exhibits:
  - A. Aerial photograph of the property.
  - B. Site Plan entitled "Site Plan for Schoenersville Site dated July 15, 2021, with a last revision date being June 20, 2022, indicating that it is Sheet 4 of 11.

- C. Four signage drawings as follows:
  - C-1 Depicting the proposed signage on the entrance of the property.
  - C-2 Proposed signage on the opposite side of the property from the front entrance.
  - C-3 Dimensions of proposed signage.
  - C-4 Diagram of location of each of the proposed signs.
  - C-5 Dimensions with regards to the free-standing sign on the Airport Authority property and a map showing its location.
- D. Lease Agreement between Schoenersville Site, LLC and St. Luke's Health Network, Inc.
- E. Land Lease Agreement between Lehigh Northampton Airport Authority and Schoenersville Site, LLC.

6. Attorney Boell indicated that the application has been amended from that previously submitted in order to eliminate the two St. Luke's free-standing signs that were previously shown on the plan submitted at the time of the application.

7. Testifying on behalf of the Applicant was Jennifer Peters, Sr. Director of Real Estate for St. Luke's and Edmond Reed of the Reed Sign Company who designed the proposed signs for the site.

8. Section 185-38H(4) permits signs in an AFHBD District as permitted in Section 185.19. The proposed property being located in an Employment District Section 185-19D(3) is applicable. This Section permits one sign for each building to be free-standing. However, the Applicant has

chosen not to propose as part of its sign package a free-standing sign and instead proposes wall signs that are of greater number and considerably larger than what is permitted in Subsection (C) [1] through [4]. These Subsections only allow one wall mounted sign, whereas the Applicant is proposing six. In addition, these Subsections limit the size of the sign to an area not exceeding sixteen square feet and to a letter size of no more than eight inches high. In addition, the sign is required to be located four to ten feet above grade and on or near the user's door. Finally, all signs on the property are required to be similar to one another.

9. The specific details of the Applicant's sign proposed on the subject premises are set forth in the exhibits.

10. In addition, the Applicant proposes an off-premises sign which under the ordinance would either be considered an advertising and/or a billboard sign. This sign would have three sides with each sign face being fifty-five square feet and a height of twelve feet ten inches together with an electronic message center. According to testimony, the sign would not be advertising products or services except those offered on the main site.

11. Section 185-12 of the ordinance sets forth definitions of certain signs. A "Billboard" is defined as an advertising sign with the total sign area greater than thirty square feet. And the "Advertisement Sign" is defined as a sign offering goods and services produced or available somewhere other than the lot on which the sign is located. It is acknowledged in the present case that the proposed sign is for services not on the lot where the sign will be located.



12. It is the conclusion of the Zoning Hearing Board therefore that the sign is a billboard which pursuant to Section 185-19A is only permitted by conditional use in a Planned Industrial Business District.

13. In addition, the Sections of 185-54 concerning conditional uses indicate in Subsection (d)[1] that a billboard should only be permitted within five hundred feet of an existing right-of-way of an expressway, as defined by the Township.

14. Even if the Zoning Hearing Board were not to consider the subject sign as a billboard, it is still considerably larger than a free-standing signs as permitted under Section 185-19B(4)(b), which indicates that free-standing signs shall not be greater than thirty square feet with the exceptions not applicable in the present situation.

15. Moreover, the Zoning Hearing Board is of the opinion that the aforesaid free-standing sign regardless of whether it would be classified as billboard or advertising is signage that is beyond the minimum relief necessary for the proposed use, and therefore denies the variance for this proposed sign.

16. With respect to the signs that are on the premises, the Zoning Hearing Board recognize that the proposed sign regulations in employment districts are very restrictive in a relationship to some of the uses that are permitted and that would include a medical facility as in the present case.

17. In addition, the Zoning Board takes into consideration that the Applicant has not proposed an on premises free-standing sign of any size as part of its sign package.

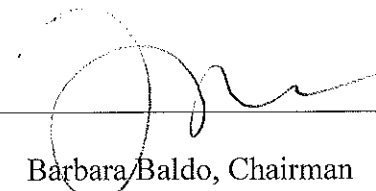
18. Based on these considerations, the Zoning Hearing Board grants the proposed variances as to the sign package on the subject premises.

WHEREFORE, the Zoning Hearing Board grants variances for the proposed on-premises signs in lieu of any additional signs including a free-standing sign being requested and denies the variance for the off-premise sign.

HANOVER TOWNSHIP

ZONING HEARING BOARD

By: \_\_\_\_\_

  
Barbara Baldo, Chairman

Dated: \_\_\_\_\_

9/29/23

THEODORE R. LEWIS  
THOMAS L. WALTERS

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1928-1986

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NAZARETH, PA. 18064

September 21, 2023


William and Emily Papp  
5804 Monocacy Drive  
Bethlehem, Pennsylvania 18017-8241

Re: Hanover Township Zoning Hearing Board – William and Emily Papp  
5804 Monocacy Drive

Dear Mr. and Mrs. Papp:

Enclosed herewith please find a true and correct copy of the Decision of the  
Hanover Township Zoning Board.

Very truly yours,

  
\_\_\_\_\_  
Theodore R. Lewis, Esquire

TRL/lc

cc: Yvonne D. Kutz, Zoning Officer (via email)

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

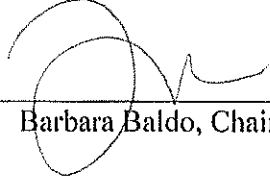
**DECISION**

Application of : William and Emily Papp  
Application Received : July 14, 2023  
Property : 5804 Monocacy Drive

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, August 17, 2023, hereby grants a variance to permit the proposed deck, as per the plans submitted and marked at the hearing as being A-1.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By: \_\_\_\_\_

  
Barbara Baldo, Chairperson

Dated: \_\_\_\_\_

September 21, 2023

THEODORE R. LEWIS  
THOMAS L. WALTERS

MAILING ADDRESS:  
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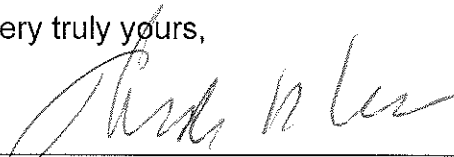
Mary Kathryn Lopresti  
1310 Woodland Circle  
Bethlehem, Pennsylvania 18017-1637

Re: Hanover Township Zoning Hearing Board – Mary Kathryn Lopresti  
1310 Woodland Circle

Dear Ms. Lopresti:

Enclosed herewith please find a true and correct copy of the Decision of the  
Hanover Township Zoning Board.

Very truly yours,



Theodore R. Lewis, Esquire

TRL/lc

cc: Yvonne D. Kutz, Zoning Officer (via email)

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

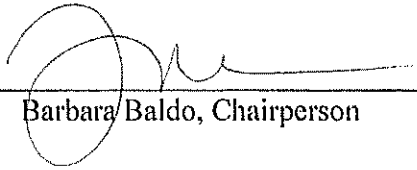
**DECISION**

Application of : Mary Kathryn Lopresti  
Application Received : July 17, 2023  
Property : 1310 Woodland Circle

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, August 17, 2023, hereby grants the variance to permit the construction of the proposed deck, as depicted on the drawings attached to the application presented at the hearing.

HANOVER TOWNSHIP  
ZONING HEARING BOARD

By: \_\_\_\_\_

  
Barbara Baldo, Chairperson

Dated: September 21, 2023