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PROCEEDINGS HELD IN WEST MANHEIM TOWNSHIP,
YORK COUNTY, PENNSYLVANIA

WEST MANHEIM TOWNSHIP ZONING HEARING BOARD

BEFORE: Jeffrey Garvick, Chairman
Holly Zumbrum, Secretary
Ronald Wentz
David Appleby

DATE: Tuesday, February 25, 2020

PLACE: West Manheim Township
272 Mummerts Church Road
Hanover, PA 17331

RE: 01-01-02-2020 - Brunswick MOB LLC

APPEARANCES:

JOSEPH KALASNIK, Esquire
For Zoning Hearing Board

JEREMY FREY, Esquire
For the Applicant

TRANSCRIPT OF PROCEEDINGS

Reported by:
Christine M. Myers, RPR

PROCEEDINGS HELD ON TUESDAY, FEBRUARY 25, 2020

* * *

19:00:12 4 CHAIRMAN GARVICK: We will call to order
19:00:12 5 this meeting of the West Manheim Township Zoning
19:00:17 6 Hearing Board. Let the record reflect we have one
19:00:20 7 absentee tonight. We have four. So, we good. We have
19:00:25 8 a quorum.

19:00:28 9 I think the first thing we need to do
19:00:33 10 according to our agenda is re-organization for the next
19:00:37 11 year.

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19:00:37 13 (Whereupon, reorganization of the Zoning
19:00:37 14 Hearing Board for 2020.)

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19:03:21 16 CHAIRMAN GARVICK: And so, Mr. Zoning
19:03:22 17 Officer, would you present the first case.

19:03:24 18 ZONING OFFICER WOERNER: Certainly.
19:03:30 19 Case SE and VA 01-01-02-2020. Applicant, Brunswick MOB
19:03:38 20 LLC - application for a special exception from the West
19:03:42 21 Manheim Township Zoning Ordinance, Article 1 General
19:03:45 22 and Legal Provision, 270-7 uses not regulated and a
19:03:48 23 variance from Article XIX, I guess that's 19, sign
19:03:53 24 regulations and requirements 270-186S.

19:03:57 25 Applicant represents a new medical

19:03:59 1 facility seeking relief from the above sections of the
19:04:03 2 Zoning Ordinance regarding (1) entrance door and window
19:04:06 3 signs and (2) a sign proposed to be attached on top of
19:04:11 4 a canopy at the entrance of the facility. The
19:04:13 5 Applicant requests relief regarding the nature, size,
19:04:15 6 and placement of proposed signs.

19:04:17 7 This particular property is located at
19:04:19 8 2201 Brunswick Drive, Hanover, PA, West Manheim
19:04:24 9 Township.

19:04:25 10 Also, I add the property has been posted
19:04:27 11 and the hearing tonight has been legally advertised.

19:04:31 12 CHAIRMAN GARVICK: All right. Thank
19:04:32 13 you, Marc.

19:04:33 14 Are the Applicants here this evening?

19:04:38 15 ATTORNEY FREY: Yes.

19:04:38 16 CHAIRMAN GARVICK: Who all is going to
19:04:39 17 be providing testimony?

19:04:40 18 ATTORNEY FREY: I'm going to provide an
19:04:42 19 overview, Mr. Chairman. And Mr. Stough will be here to
19:04:46 20 answer any additional questions.

19:04:48 21 CHAIRMAN GARVICK: I'll swear you both
19:04:49 22 in. Please raise your right hand.

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JEREMY FREY,

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called as a witness on behalf of the Applicant,

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having been duly sworn according to law,
testified as follows:

* * *

JEFFREY STOUGH,
called as a witness on behalf of the Applicant,
having been duly sworn according to law,
testified as follows:

* * *

CHAIRMAN GARVICK: Please give your name
and address to the stenographer please.

ATTORNEY FREY: Jeremy Frey, 14 Center
Square, Hanover, Pennsylvania.

MR. JEFFREY STOUGH: Jeff Stough, 207
Third Street, Hanover, Pennsylvania.

And these papers will be what's up there
as well.

CHAIRMAN GARVICK: Okay. Thank you.

MEMBER WENTZ: I was going to say, I
thought we had that.

MR. JEFFREY STOUGH: Now, you have got
two.

ATTORNEY FREY: All right. Are you
ready?

CHAIRMAN GARVICK: Yes.

ATTORNEY FREY: I told our stenographer

19:05:41 1 I would speak loudly so that she can hear me.

19:05:44 2 CHAIRMAN GARVICK: You don't want to get
19:05:46 3 her mad.

19:05:47 4 ATTORNEY FREY: No. Rule Number 1, you
19:05:48 5 have got to keep her happy.

19:05:50 6 The Applicant this evening is Brunswick
19:05:54 7 MOB LLC. The property is located 2201 Brunswick Drive
19:06:00 8 in the CI Zoning District. This is the property where
19:06:04 9 they are constructing a new medical office facility for
19:06:07 10 UPMC. The request that we have this evening is rather
19:06:13 11 lengthy. I'm going to try to boil it down for you a
19:06:16 12 little bit.

19:06:16 13 It really has to do with approval of
19:06:19 14 signage. There are two signs at issue that we need the
19:06:22 15 Zoning Hearing Board's approval for.

19:06:25 16 The first is a sign which you can see on
19:06:30 17 the drawing that we have here on display -- go back to
19:06:33 18 the one you were on there -- is the outpatient center.
19:06:38 19 What we were referring to a canopy sign. If you go to
19:06:42 20 the picture of the entire building, you can see where
19:06:45 21 that sits over the canopy at the entrance of the
19:06:49 22 building.

19:06:49 23 The purpose obviously of the outpatient
19:06:50 24 center sign is to identify the location of the
19:06:53 25 outpatient center for vehicles coming to the building

19:06:58 1 whether they be emergency vehicles, whether they be
19:07:00 2 patients coming in on their own or visitors, whatever
19:07:04 3 it might be.

19:07:05 4 But they are not advertisements, but
19:07:07 5 rather directional signs and identification signs so
19:07:10 6 the people know where to go when they come to the
19:07:13 7 building.

19:07:13 8 The second sign that's at issue today is
19:07:19 9 located on the door and is a building information
19:07:21 10 panel, which provides information. I think you can see
19:07:26 11 it hopefully in the drawings that you have there.

19:07:31 12 Trying to zoom in on it a little bit now. Information
19:07:39 13 as far as handicap accessibility. The fact there is
19:07:47 14 surveillance on the property and the fact that you are
19:07:48 15 not supposed to bring weapons into the building.

19:07:51 16 Again, the information that will be on
19:07:53 17 this sign is to help people as they approach the
19:07:56 18 building.

19:07:56 19 The first request that we have this
19:07:59 20 evening is for the canopy sign, which identifies the
19:08:04 21 outpatient center. That sign -- a canopy sign is
19:08:08 22 actually not identified. That specific type of sign is
19:08:12 23 not identified anywhere in the zoning ordinance.

19:08:15 24 In consultation with the township staff
19:08:18 25 and review of the ordinance, we are seeking a special

19:08:20 1 exception under Section 270-7 for a use that is not
19:08:28 2 otherwise regulated. When a use is not provided
19:08:30 3 anywhere in the ordinance, you can obtain a special
19:08:33 4 exception with the Zoning Hearing Board's approval in a
19:08:36 5 district where similar uses are permitted, provided
19:08:39 6 that you meet the criteria for that special exception.

19:08:43 7 We believe that we do satisfy that
19:08:45 8 criteria as follows:

19:08:47 9 The first criteria -- the proposed use
19:08:52 10 is equal or less than the uses that are permitted in
19:08:57 11 terms of the intensity of that use.

19:09:00 12 Here in this zoning district other signs
19:09:05 13 are permitted and approximately 28 square feet. This
19:09:08 14 sign is actually smaller than permitted signs. It
19:09:11 15 actually could be larger. So, we believe it is less
19:09:13 16 intense than -- less intensive than other permitted
19:09:19 17 uses. Canopy signs are signs that are customary uses
19:09:22 18 for this type use for a medical facility where you have
19:09:24 19 a canopy that people are going to be coming in under.
19:09:27 20 It is common to have that use or that sign above it.

19:09:31 21 And the sign is really there for
19:09:33 22 identification. It is not a commercial use or
19:09:36 23 commercial purpose. It is there for identification to
19:09:38 24 help with traffic flow and for people to identify when
19:09:42 25 they come in. I point out that it is interesting that

19:09:44 1 a canopy sign like this isn't identified anywhere in
19:09:48 2 the ordinance. When we have one on this building here
19:09:50 3 actually on the roof is a sign just like that.

19:09:53 4 But it isn't identified specifically
19:09:58 5 anywhere in the ordinance.

19:09:59 6 So, the second criteria is that uses
19:10:02 7 closely similar in external impact in character to the
19:10:06 8 permitted use are allowed in the zoning district. Here
19:10:10 9 the property sits within the CI District and permits
19:10:15 10 high intensity uses. A canopy sign is similar to other
19:10:18 11 identifying signs that are used for commercial centers
19:10:20 12 or structures, except its location on a canopy makes it
19:10:25 13 a sign that is not expressly provided for in the
19:10:28 14 ordinance.

19:10:28 15 Specifically, the canopy sign in keeping
19:10:30 16 with the pertinent standards contained in Section
19:10:33 17 270-180 as the canopy sign will not create any
19:10:36 18 nonconformities with respect to the use or dimensions
19:10:39 19 of the property. The canopy will be located within the
19:10:42 20 existing setback line. The canopy sign does not
19:10:45 21 require any expansion of total building floor area to
19:10:50 22 accommodate the canopy sign.

19:10:52 23 The canopy sign will be placed directly
19:10:54 24 on the canopy and will not require any new structural
19:10:58 25 components to accommodate a sign that we are already

19:10:59 1 approved with respect to land development plan in Phase
19:11:02 2 I of this building.

19:11:03 3 CHAIRMAN GARVICK: Mr. Frey, just to
19:11:05 4 interrupt for a second. The handout that Mr. Stough
19:11:08 5 gave to us, does this contain any information or any
19:11:12 6 changes other than that we received earlier? Are they
19:11:20 7 the same?

19:11:22 8 MR. JEFFREY STOUGH: They are the same.

19:11:22 9 CHAIRMAN GARVICK: Nothing different on
19:11:23 10 this one?

19:11:26 11 MR. JEFFREY STOUGH: No.

19:11:26 12 CHAIRMAN GARVICK: Thank you.

19:11:27 13 ATTORNEY FREY: I see why you are asking
19:11:28 14 that because the one you have is larger than the one we
19:11:32 15 just gave you.

19:11:33 16 MR. JEFFREY STOUGH: And color.

19:11:34 17 ATTORNEY FREY: The proposed use will
19:11:35 18 also meet the standards that apply for special
19:11:38 19 exception uses. Those standards set forth in Section
19:11:41 20 270-233 of the ordinance and are as follows:

19:11:44 21 The proposed use shall be consistent
19:11:46 22 with the purpose of the zoning district and intent of
19:11:49 23 the chapter. The canopy sign, although not
19:11:51 24 contemplated in the zoning ordinance, is a sign, as I
19:11:54 25 said before, customary for a medical office building,

19:11:58 1 which is a use permitted by right in the CI District.

19:12:02 2 In other words, the use is permitted in
19:12:04 3 that district for the medical office building. It is
19:12:07 4 common that a sign like this would go with the
19:12:09 5 building. Therefore, it does fit within the district.

19:12:13 6 The canopy sign will meet the noise and
19:12:16 7 lighting requirements of the zoning ordinance to
19:12:17 8 prevent noise, glare, vibrations, and other
19:12:21 9 disturbances to the surrounding neighborhood.

19:12:24 10 The proposed use shall not detract from
19:12:26 11 the use of adjoining and abutting adjacent and nearby
19:12:27 12 properties. The canopy sign aligns with the commercial
19:12:30 13 neighbor -- I am sorry, the nature of the surrounding
19:12:32 14 area and will not detract from the use or enjoyment of
19:12:37 15 neighboring properties.

19:12:37 16 In fact, the canopy sign will assists
19:12:39 17 motorist and emergency vehicles in identifying the main
19:12:43 18 entrance of the building during the medical emergencies
19:12:45 19 and, therefore, facilitating the flow of traffic and
19:12:48 20 enhances public safety.

19:12:50 21 The third criteria, the proposed use
19:12:52 22 will not substantially change the character of the
19:12:52 23 subject property's neighborhood. Here the property is
19:12:56 24 located in a commercial area. The canopy sign is
19:12:58 25 typical for a medical office building in a commercial

19:13:01 1 area. It will not create conditions that will change
19:13:04 2 the character of the surrounding neighborhood.

19:13:06 3 And the next criteria, is it adequate
19:13:08 4 public facilities are available to serve the proposed
19:13:11 5 use. The canopy sign is not required the type of
19:13:15 6 facilities that are contemplated by that requirement.
19:13:18 7 And it is not located in the flood plane. So, those
19:13:21 8 sections don't apply either.

19:13:22 9 So, we believe we satisfy the criteria
19:13:27 10 for the special exception set forth in the ordinance.

19:13:30 11 The final one being that the proposed
19:13:32 12 use is not specifically prohibited in that zoning
19:13:34 13 district and the canopy sign is not specifically
19:13:37 14 prohibited in the CI District. It is neither expressly
19:13:40 15 prohibited or permitted. Therefore, we believe the
19:13:43 16 special exception should be granted to allow the canopy
19:13:45 17 sign.

19:13:46 18 Now, our next request pertains to that
19:13:51 19 canopy sign as well. What I would propose and I did
19:13:55 20 discuss with your solicitor and he can elaborate on
19:13:59 21 this. Is that I know the Board would typically ask
19:14:05 22 that we provide all of our request at one time and you
19:14:08 23 can render your decision then. Some of our other
19:14:10 24 request won't be necessary if the special exception
19:14:13 25 isn't granted.

19:14:14 1 So, for everyone's benefit I think it
19:14:17 2 would be make sense, if the Board is willing, to issue
19:14:20 3 a decision ask whatever questions you may need of Mr.
19:14:24 4 Stough on the special exception request, and then move
19:14:27 5 to the other criteria that we will the other requests
19:14:29 6 that we will for the variance and interpretation as
19:14:29 7 well.

19:14:37 8 And to further explain what I am saying,
19:14:39 9 then the next request we would have is an
19:14:41 10 interpretation that the ordinance has language in it --
19:14:46 11 the sign ordinance has language in it, which
19:14:49 12 prohibits -- doesn't allow signs to extend above the
19:14:53 13 roof of a building.

19:14:54 14 So, we are asking for an interpretation
19:14:59 15 if that doesn't apply here. Because we are getting
19:15:01 16 this pursuant to the special exception section of the
19:15:04 17 ordinance and not the sign ordinance.

19:15:06 18 So, the Board has the ability to attach
19:15:08 19 whatever conditions it might want, which may be all of
19:15:12 20 the criteria that are in the sign ordinance other than
19:15:14 21 that one specific one. If you did determine that the
19:15:20 22 sign ordinance provisions are applicable, and then we
19:15:23 23 would request a variance on that.

19:15:25 24 But all of that is unnecessary if the
19:15:28 25 special exception is not approved.

19:15:34 1 CHAIRMAN GARVICK: All right. Thank
19:15:35 2 you. Thank you very much.

19:15:36 3 I guess I read your addendum regarding
19:15:39 4 the interpretation and in there you had indicated that
19:15:43 5 the zoning ordinance intended the use is not regulated
19:15:47 6 under the Zoning Ordinance be permitted pursuant to
19:15:50 7 Section 270-7. But in my Section 270-7 states that the
19:15:58 8 use clearly is not permitted by right as a special
19:16:01 9 exception or a conditional use. The use is prohibited.

19:16:03 10 You would agree to that?

19:16:10 11 ATTORNEY FREY: Say that again? I don't
19:16:11 12 have the ordinance in front of me actually.

19:16:13 13 CHAIRMAN GARVICK: Your addendum
19:16:15 14 indicates that our ordinance intended that use is not
19:16:18 15 regulated under the Zoning Ordinance be permitted. And
19:16:21 16 I'm reading out of the ordinance that says if a use
19:16:25 17 clearly is not permitted by right as a special
19:16:29 18 exception use or as a conditional use, then the use is
19:16:32 19 prohibited, except that the Zoning Hearing Board could
19:16:35 20 apply a special exception.

19:16:37 21 ATTORNEY FREY: Right. Correct.

19:16:39 22 CHAIRMAN GARVICK: I was just trying to
19:16:40 23 clear up the language in here. If you were under the
19:16:45 24 impression that because specifically spelled out, then
19:16:48 25 it is automatically permitted.

19:16:50 1 ATTORNEY FREY: No. No. We need the
19:16:51 2 special exception.

19:16:52 3 CHAIRMAN GARVICK: Yes. And to me that
19:16:53 4 answers the interpretation question as far as, Jay, you
19:16:58 5 might have something else you want to --

19:17:06 6 ATTORNEY KALASNIK: Well, you are saying
19:17:07 7 that -- well, how do you think that it answers the
19:17:12 8 interpretation?

19:17:13 9 CHAIRMAN GARVICK: I think it definitely
19:17:15 10 needs a special exception in order to get granted.

19:17:17 11 ATTORNEY KALASNIK: If a special
19:17:18 12 exception is granted for this?

19:17:21 13 CHAIRMAN GARVICK: Right.

19:17:22 14 ATTORNEY KALASNIK: Then you move to the
19:17:23 15 interpretation.

19:17:25 16 CHAIRMAN GARVICK: That is what I just
19:17:25 17 want to make sure we are clear on that. That your
19:17:30 18 opinion, I guess, if you don't get the special
19:17:32 19 exception, then you want the interpretation as to why
19:17:36 20 you didn't get it.

19:17:38 21 ATTORNEY FREY: No, if we get the
19:17:39 22 special exception, then we have to get either an
19:17:43 23 interpretation that the language that says we can't
19:17:48 24 have that sign sit above the roof, we would want an
19:17:52 25 interpretation if that doesn't apply because that comes

19:17:55 1 from a different section of the ordinance.

19:17:56 2 CHAIRMAN GARVICK: Okay.

19:17:57 3 ATTORNEY FREY: And if you said, no,
19:17:58 4 that apply and then we request a variance from that
19:18:02 5 section. But all of that is moot if you don't approve
19:18:04 6 the special exception.

19:18:10 7 CHAIRMAN GARVICK: Got you.

19:18:20 8 ATTORNEY FREY: But you are the Board
19:18:21 9 and if you would like me to continue to roll on and you
19:18:25 10 can issue all the rulings at one time, you can do that.

19:18:25 11 CHAIRMAN GARVICK: Well, would the
19:18:26 12 solicitor rather we address them as we go down the
19:18:29 13 line?

19:18:30 14 ATTORNEY KALASNIK: I think it makes
19:18:31 15 sense to deal with the threshold issue. That could
19:18:35 16 potentially save everyone a lot of time and effort. I
19:18:38 17 think that's an important threshold. I think it is
19:18:42 18 worthwhile to decide the initial special exception
19:18:46 19 request first. And it is certainly permissible to do
19:18:49 20 it that way.

19:18:55 21 CHAIRMAN GARVICK: Well, I for one think
19:18:56 22 the canopy sign is probably a good idea because I have
19:19:00 23 driven around the Hillside Medical Center two or three
19:19:03 24 times trying to find out what is where and it is very
19:19:06 25 poorly marked.

19:19:07 1 So, I agree with you the importance --

19:19:10 2 ATTORNEY FREY: That's why we are trying

19:19:11 3 to fix it.

19:19:12 4 CHAIRMAN GARVICK: -- importance to have

19:19:13 5 facilities like this clearly marked. So, that's

19:19:16 6 just --

19:19:18 7 MEMBER WENTZ: The canopy just went up

19:19:20 8 there recently. It wasn't there when we first got our

19:19:23 9 information. I don't think. Was it?

19:19:25 10 MR. JEFFREY STOUGH: It has been up

19:19:27 11 there several months now the canopy. There is two

19:19:29 12 canopies. So, this directs outpatients to the correct

19:19:34 13 entrance.

19:19:35 14 MEMBER WENTZ: The front?

19:19:37 15 MR. JEFFREY STOUGH: Yes. The one on

19:19:38 16 the left is not supposed to be used for public use.

19:19:40 17 CHAIRMAN GARVICK: I guess I -- the

19:19:42 18 other thing we might want to address on here is the

19:19:44 19 comment on your drawing that the canopy or the assigned

19:19:51 20 is an estimate. Let me find the page. The dimensions

19:20:02 21 of the letters is an estimate.

19:20:06 22 MR. JEFFREY STOUGH: Yes, this is an old

19:20:07 23 drawing.

19:20:07 24 CHAIRMAN GARVICK: So, what you are

19:20:08 25 showing on here 21 feet 4 inches by 16 inches. You are

19:20:12 1 saying that might not be what eventually goes up.

19:20:17 2 MR. JEFFREY STOUGH: This is an old
19:20:18 3 drawing they did several months ago. They are in the
19:20:21 4 process of making all of the signs right now. They are
19:20:24 5 looking to open up in May. So, they are sticking to
19:20:28 6 these sizes.

19:20:30 7 ATTORNEY FREY: So, it is correct?

19:20:31 8 MR. STOUGH: So, it is a correct size.

19:20:31 9 CHAIRMAN GARVICK: So, these are
19:20:32 10 correct?

19:20:34 11 MR. JEFFREY STOUGH: These are correct.

19:20:35 12 CHAIRMAN GARVICK: Okay. Thank you.

19:20:36 13 That answers that.

19:20:45 14 Would that same logic apply to the other
19:20:50 15 request that you are going to be giving us as far as
19:20:51 16 the door signs and things like that because I think --

19:20:54 17 MR. JEFFREY STOUGH: You only have one
19:20:55 18 other sign. That's it. All the rest have been
19:20:59 19 permitted.

19:20:59 20 ATTORNEY FREY: On the informational
19:21:01 21 sign at the time we submitted the application, we
19:21:04 22 weren't sure what sizes.

19:21:05 23 MR. JEFFREY STOUGH: I'll give you that
19:21:06 24 size when we get to that sign. There is only one other
19:21:09 25 sign.

19:21:09 1 CHAIRMAN GARVICK: Okay. Does my Board
19:21:12 2 have any questions?

19:21:13 3 Now, I presume, Jay, we have to ask for
19:21:24 4 public comment for each of these?

19:21:28 5 ATTORNEY KALASNIK: Yes.

19:21:28 6 CHAIRMAN GARVICK: Is there anything
19:21:29 7 else you have to present on this particular issue?

19:21:31 8 ATTORNEY FREY: Not on the special
19:21:33 9 exception for the canopy sign, no.

19:21:37 10 CHAIRMAN GARVICK: Is there anyone in
19:21:38 11 the audience who wishes to come forward and provide any
19:21:41 12 testimony regarding the special exception the canopy
19:21:46 13 sign dimension size?

19:21:48 14 Ma'am, you have to come up and be sworn
19:21:58 15 in. Sorry, that's the procedure.

19:22:04 16 MS. MELINA OBERLANDER: Just for a
19:22:04 17 question, okay.

19:22:05 18 CHAIRMAN GARVICK: Right. Would you
19:22:06 19 please raise your right hand.

19:22:07 20 * * *

21 MELINA OBERLANDER,
22 called as a witness on her own behalf,
23 having been duly sworn according to law,
24 testified as follows:

25 * * *

19:22:13 1 CHAIRMAN GARVICK: Please give your name
19:22:14 2 and address to the stenographer.

19:22:17 3 MS. MELINA OBERLANDER: Melina,
19:22:17 4 M-E-L-I-N-A, Oberlander, 158 Sunset Drive.

19:22:24 5 CHAIRMAN GARVICK: Yes, ma'am.

19:22:26 6 MRS. OBERLANDER: I have a question.
19:22:26 7 When you say the sign is going to go above the
19:22:29 8 building, is it going to be like above the roof or just
19:22:36 9 lots of canopies --

19:22:40 10 ATTORNEY FREY: That a good question.
19:22:40 11 It is going to be above the canopy. Not the roof of
19:22:42 12 the building.

19:22:42 13 MS. MELINA OBERLANDER: That is what I
19:22:45 14 was trying to work out. You said above the roof and
19:22:46 15 that looks really high and bright.

19:22:49 16 ATTORNEY FREY: That's where our next
19:22:50 17 request comes in is that the ordinance has language
19:22:51 18 that says you can't put a sign above the roof. This
19:22:54 19 isn't really what it was designed to be there for. It
19:22:58 20 met like on top of the roof. A giant sign.

19:23:03 21 MRS. OBERLANDER: Okay. That's what I
19:23:03 22 was hoping.

19:23:04 23 ATTORNEY FREY: That's on top of the
19:23:05 24 canopy.

19:23:06 25 MEMBER WENTZ: While she is there, are

19:23:08 1 we within limitations of the building height itself of
19:23:13 2 what the ordinance permits?

19:23:16 3 ZONING OFFICER WOERNER: Yeah, the
19:23:16 4 permit has been permitted.

19:23:24 5 MEMBER WENTZ: Good. That should take
19:23:25 6 that question out of your mind.

19:23:25 7 MS. MELINA OBERLANDER: Yeah, it looks
19:23:25 8 like that right, but when you said above the building.
19:23:25 9 I was like --

19:23:27 10 ATTORNEY FREY: What I was referring to
19:23:28 11 actually that we are not allowed to put it above the
19:23:31 12 building. We will get into that in a little bit.

19:23:35 13 MS. MELINA OBERLANDER: I appreciate
19:23:35 14 that. Thank you.

19:23:36 15 CHAIRMAN GARVICK: You are welcome.

19:23:37 16 Okay. If there is no other discussion
19:23:40 17 on the special exception issue, I'll entertain a
19:23:48 18 motion.

19:23:49 19 MEMBER WENTZ: I move that we approve
19:23:49 20 this particular part of the question that we are here
19:23:52 21 for tonight and what we have been discussing.

19:23:55 22 CHAIRMAN GARVICK: The special exception
19:23:56 23 on the canopy sign?

19:23:57 24 MEMBER WENTZ: Right.

19:24:02 25 CHAIRMAN GARVICK: Okay. I have a

19:24:03 1 motion. Do I have a second?

19:24:04 2 MEMBER APPLEBY: I second.

19:24:05 3 CHAIRMAN GARVICK: We have a motion and

19:24:07 4 a second. All those in favor say aye.

19:24:12 5 Aye.

19:24:12 6 MEMBER WENTZ: Aye.

19:24:12 7 MEMBER ZUMBRUM: Aye.

19:24:12 8 MEMBER APPLEBY: Aye.

19:24:12 9 CHAIRMAN GARVICK: Opposed?

19:24:13 10 None.

19:24:14 11 And the motion carries.

19:24:15 12 ATTORNEY FREY: Okay. Thank you.

19:24:16 13 The next part of our request is that the

19:24:21 14 provisions of the sign ordinance, which are set forth

19:24:25 15 in Section 270-186, okay. They provide that you can't

19:24:31 16 have a sign on a roof.

19:24:37 17 Our request then is an interpretation

19:24:40 18 from this Board that those provisions do not apply to

19:24:43 19 what you just approved because you approved that and

19:24:46 20 authorized that use pursuant to Section 270-7. So that

19:24:54 21 would be our next request is that the provisions that

19:24:56 22 restrict the ability to put a sign on a roof don't

19:24:59 23 apply to this canopy roof that was approved by a

19:25:07 24 special exception under a different section. I know

19:25:09 25 that is a technical argument.

19:25:14 1 MEMBER WENTZ: That's a play on words.

19:25:15 2 CHAIRMAN GARVICK: It is.

19:25:16 3 ATTORNEY KALASNIK: You have to ask
19:25:17 4 yourself the question what was the purpose of that
19:25:19 5 ordinance, which says no signs on a roof. I guess the
19:25:28 6 township doesn't want Utz Potato Chip signs up on top
19:25:34 7 of the building or things like that. If that's the
19:25:36 8 purpose of the ordinance, does this canopy sign fall
19:25:40 9 under that somehow going to be objectionable for that
19:25:44 10 reason.

19:25:45 11 CHAIRMAN GARVICK: Right. Even though
19:25:47 12 it is the sign would be on a roof, it is not on the
19:25:50 13 roof roof.

19:25:52 14 MEMBER WENTZ: It is on the canopy.

19:25:53 15 CHAIRMAN GARVICK: It is on the canopy.

19:25:57 16 MEMBER WENTZ: Keeping rain off the
19:25:58 17 people who are going into the front door.

19:26:00 18 ATTORNEY FREY: Right. And to make it a
19:26:02 19 little -- I don't know if this makes easier or more
19:26:05 20 challenging. If the interpretation were not granted
19:26:11 21 and the alternative we would be seeking a variance.
19:26:13 22 And the variance is that that provision would create an
19:26:17 23 unnecessary hardship because Number 1, when it was
19:26:21 24 written it didn't account for this type of use because
19:26:23 25 a canopy use wasn't accounted for.

19:26:26 1 And Number 2, that type of restriction
19:26:29 2 to her point earlier is to avoid having a sign up on
19:26:33 3 top of a roof that shines out over the property and
19:26:36 4 everyone can see it here. We are done below blocked by
19:26:41 5 the whole building.

19:26:43 6 CHAIRMAN GARVICK: Right.

19:26:45 7 ATTORNEY FREY: Whether you determine
19:26:46 8 that's not applicable because of the request that we
19:26:48 9 made here or you grant the variance, we ultimately
19:26:51 10 don't care. You know, we just need that approved to
19:26:55 11 put it there as requested.

19:27:03 12 CHAIRMAN GARVICK: It is a technicality.
19:27:06 13 Marc, please make a note on the next zoning ordinance
19:27:10 14 make sure it covers every possible and every use
19:27:12 15 imaginable to human beings.

19:27:14 16 ZONING OFFICER WOERNER: We will
19:27:15 17 certainly do our best, sir.

19:27:17 18 MEMBER APPLEBY: In the ordinance here
19:27:18 19 it does not state building and then after that it does
19:27:21 20 say roof, which implies on the building a roof. It
19:27:27 21 applies the --

19:27:28 22 ZONING OFFICER WOERNER: As the zoning
19:27:30 23 officer, I would interpret the building roof not the
19:27:32 24 canopy roof.

19:27:34 25 MEMBER APPLEBY: Exactly.

19:27:36 1 MEMBER WENTZ: That's why I ask the
19:27:37 2 question.

19:27:38 3 CHAIRMAN GARVICK: When you read it, any
19:27:39 4 sign attached to the building shall not be placed on
19:27:41 5 the roof. So, the inference that's the roof of that
19:27:44 6 building. So, I mean, I guess there is a couple of
19:27:46 7 ways you could interpret that. I agree with you.

19:27:50 8 ZONING OFFICER WOERNER: Yeah.

19:27:54 9 MEMBER WENTZ: If you bring people in
19:27:55 10 there for same-day surgery type of thing, which I think
19:27:58 11 you are going to do there, is that correct?

19:28:00 12 ATTORNEY FREY: Uh-hum.

19:28:06 13 MEMBER WENTZ: If a van or hospital type
19:28:08 14 vehicle comes in there and you have a litter, you want
19:28:13 15 them to be out of the weather to get them in the door
19:28:14 16 as quickly without being rained on or snowed on or
19:28:18 17 whatever. I think it is more canopy roof and somebody
19:28:23 18 used the term play on words.

19:28:25 19 CHAIRMAN GARVICK: Right.

19:28:27 20 ATTORNEY FREY: It is not structural.
19:28:29 21 It is there to keep you out of the elements.

19:28:31 22 CHAIRMAN GARVICK: Any other questions
19:28:32 23 regarding variance on the canopy sign location?

19:28:37 24 Is there anyone in the audience who
19:28:39 25 would wish to comment or question the Applicant on the

19:28:46 1 issue of the canopy sign location, which is what we are
19:28:49 2 talking about now for the variance?

19:28:51 3 Okay. I will entertain a motion
19:29:00 4 regarding the canopy sign location.

19:29:07 5 MEMBER APPLEBY: I make a favorable
19:29:08 6 recommendation.

19:29:11 7 MEMBER ZUMBRUM: I'll second it.

19:29:12 8 CHAIRMAN GARVICK: Okay. We have a
19:29:13 9 motion and a second. All those in favor say, aye.

19:29:13 10 Aye.

19:29:18 11 MEMBER WENTZ: Aye.

19:29:18 12 MEMBER ZUMBRUM: Aye.

19:29:18 13 MEMBER APPLEBY: Aye.

19:29:20 14 CHAIRMAN GARVICK: Opposed?

19:29:21 15 None.

19:29:22 16 Okay. Now, you have the canopy use and
19:29:24 17 the canopy sign location. We are getting there.

19:29:26 18 ATTORNEY FREY: I think the canopy sign
19:29:29 19 is okay now. I think we are good with that one. Now
19:29:30 20 we move on to our building information panel. And
19:29:34 21 again, the building information panel is shown there
19:29:38 22 and I believe it is in your drawings that you have in
19:29:40 23 your packet as well.

19:29:42 24 And the information that is on that
19:29:47 25 building information panel is to assist people that are

19:29:50 1 entering the building to provide information about
19:29:53 2 what's going on in the building. Not as advertisement
19:30:01 3 and not promotional materials.

19:30:03 4 There is two issues and two variances we
19:30:07 5 are seeking.

19:30:07 6 Number 1, the ordinance allows only one
19:30:10 7 window sign. So, this is actually our second window
19:30:13 8 sign. If you go back to the prior drawing here, we
19:30:16 9 have Mr. Stough is showing on what is the drawing that
19:30:22 10 shows the entire building.

19:30:28 11 Number 8 is where our building
19:30:30 12 information panel is and there are other signs -- or
19:30:37 13 there are another window sign there as well.

19:30:41 14 Do we have the detail of that window
19:30:41 15 sign?

19:30:45 16 MR. JEFFREY STOUGH: Right there.

19:30:46 17 ATTORNEY FREY: So, these down here.
19:30:47 18 So, in order to get the -- there is a lot of
19:30:51 19 information that needs to be provided. And,
19:30:54 20 accordingly, there is more than one sign there that
19:30:58 21 will be on the windows. So, we require a second window
19:31:01 22 sign. That's the first request.

19:31:03 23 The second request is that the size of
19:31:08 24 the sign and the information that is there. Mr.
19:31:13 25 Stough, can you testify what is the size of the sign

19:31:16 1 there?

19:31:17 2 MR. JEFFREY STOUGH: The width is 1
19:31:20 3 foot, 4 inches and the height 2 feet, 9 inches. On
19:31:24 4 your paper it says 20X. So, that's 2 feet, 9 inches.
19:31:31 5 That's the height. And again, these plans were done in
19:31:34 6 December.

19:31:36 7 ATTORNEY FREY: What's the square
19:31:38 8 footage?

19:32:04 9 So, those dimensions exceed what it is
19:32:06 10 allowed. The ordinance has a square footage permitted
19:32:11 11 would be 2 square feet. So, this is larger than that.

19:32:16 12 And then the ordinance also has it only
19:32:20 13 20 percent of the window area can be covered with a
19:32:22 14 sign. And we are going to exceed that as well based on
19:32:29 15 the information that -- I'm trying to see. You don't
19:32:36 16 have the -- does this have the updated information?

19:32:44 17 MR. JEFFREY STOUGH: That drawing is on
19:32:46 18 the wall there. Not glass. There is two walls on it
19:32:50 19 instead of two windows.

19:32:54 20 ATTORNEY FREY: That was changed, too.

19:32:56 21 MR. JEFFREY STOUGH: Yeah, this one and
19:33:04 22 that one.

19:33:05 23 ATTORNEY FREY: Okay. Mr. Stough
19:33:13 24 informs me that our sign is actually now as it turns
19:33:16 25 out on a wall not on the window. This building

19:33:21 1 information panel. So, now we have two wall signs not
19:33:25 2 two window signs and would need approval to have the
19:33:30 3 second window sign -- or wall sign.

19:33:35 4 Thank you. Rather than a second window
19:33:37 5 sign.

19:33:39 6 MEMBER WENTZ: So, they are not on the
19:33:41 7 window. They are on the wall.

19:33:44 8 ATTORNEY FREY: On the wall outside.

19:33:47 9 MR. JEFFREY STOUGH: These panels look
19:33:48 10 like door panels, but it is not. It is a wall. It
19:33:53 11 almost looks like a door opens, but it is a wall.

19:33:56 12 MEMBER WENTZ: The doors are in the
19:33:57 13 center opens and closes.

19:33:57 14 MR. JEFFREY STOUGH: Correct. They have
19:34:00 15 the window signs on them. This is your other wall sign
19:34:00 16 here. UPMC. And this would be a wall here and the
19:34:04 17 wall panel on the side.

19:34:05 18 MEMBER ZUMBRUM: Two wall signs and not
19:34:09 19 any window sign?

19:34:11 20 MEMBER WENTZ: I think this is what he
19:34:13 21 is talking about.

19:34:15 22 CHAIRMAN GARVICK: This would be this?

19:34:17 23 MEMBER WENTZ: Correct.

19:34:17 24 CHAIRMAN GARVICK: Yes, okay.

19:34:19 25 ATTORNEY FREY: So, we would need to

19:34:20 1 amend our application to allow for the second wall sign
19:34:24 2 rather than window sign.

19:34:26 3 ATTORNEY KALASNIK: Yes, you could do
19:34:27 4 that and risk technically that wasn't advertised and
19:34:37 5 someone could after the fact say well --

19:34:44 6 MR. JEFFREY STOUGH: We could put a
19:34:46 7 piece of window behind it and mount it on that wall.

19:34:49 8 CHAIRMAN GARVICK: Now, you know who you
19:34:52 9 sound like now? The old Jeff.

19:34:55 10 MEMBER WENTZ: You don't want anybody
19:34:56 11 walking into that and breaking their nose.

19:35:26 12 ATTORNEY FREY: Okay. So then back to
19:35:27 13 where we started here. We are requesting two wall
19:35:31 14 signs and then the wall signs will exceed the -- we
19:35:36 15 will need a variance to allow the wall sign in the size
19:35:39 16 that Mr. Stough just testified and to allow the wall
19:35:46 17 signs to exceed -- well, now do you have -- I'm not
19:35:53 18 sure if we need the second part.

19:35:58 19 CHAIRMAN GARVICK: Can we do that on one
19:36:00 20 variance?

19:36:01 21 ATTORNEY FREY: Bear with me.

19:36:46 22 It looks like going from a window to a
19:36:50 23 wall we have addressed a couple of things.

19:36:51 24 We now have the size appears to be okay.

19:37:02 25 MR. JEFFREY STOUGH: That's what I

19:37:03 1 thought.

19:37:04 2 ATTORNEY FREY: We are definitely clear
19:37:05 3 with that wall then with what we have. So, you said it
19:37:08 4 is about less than 4 square feet, right?

19:37:14 5 ZONING OFFICER WOERNER: You are allow
19:37:15 6 one square foot per foot of the exterior wall which the
19:37:18 7 sign is attached the maximum of 50.

19:37:21 8 ATTORNEY FREY: So, I think we are good
19:37:22 9 there. We have more than 4 feet of square feet on. I
19:37:27 10 think we are all right with that.

19:37:29 11 I think now all we are looking at is the
19:37:31 12 variance to allow two wall signs.

19:37:38 13 So, with all of that said and circling
19:37:41 14 around there our variance request would be for a second
19:37:44 15 wall sign. Again, just like with the canopy sign,
19:37:48 16 these signs are for informational purposes. They are
19:37:50 17 designed to provide public benefit actually and to make
19:37:55 18 sure that the signage at the building is adequate.

19:37:59 19 So that, as the Chairman indicated
19:38:02 20 earlier, some other facilities where it may not be
19:38:05 21 adequate. Here we have signage so everyone knows where
19:38:09 22 to go, what the rules are before they get into the
19:38:12 23 building, and everything is clearly marked.

19:38:15 24 We would request a variance then to
19:38:17 25 allow a second wall sign.

19:38:19 1 CHAIRMAN GARVICK: Okay. And the two
19:38:20 2 wall signs specifically would be the information sign?
19:38:27 3 ATTORNEY FREY: And then the UPMC sign.
19:38:30 4 CHAIRMAN GARVICK: And then the UPMC
19:38:31 5 sign. Okay.
19:38:32 6 MEMBER WENTZ: That would be on the
19:38:33 7 left?
19:38:33 8 CHAIRMAN GARVICK: Right. Right.
19:38:47 9 MEMBER WENTZ: Just be sure the two
19:38:48 10 doors in the center is marked exit and entrance.
19:38:53 11 ATTORNEY FREY: I don't know if it is an
19:38:53 12 entrance or exit or double door. I don't know a
19:38:57 13 button.
19:38:57 14 MEMBER WENTZ: They would have a button
19:38:59 15 to push on it from the outside to get in and on the
19:39:02 16 inside. You need to be careful they are marked that
19:39:06 17 the door comes toward you or away from you. That's
19:39:09 18 where you will get in trouble.
19:39:12 19 MR. JEFFREY STOUGH: We may not need
19:39:14 20 another ordinance because the size requirement of the
19:39:16 21 window sign is very small and I would request the Board
19:39:22 22 to review the sign ordinance. It is very dated and it
19:39:25 23 is not adequate to other townships I have been at. So,
19:39:28 24 it is very complicated. This is probably the 5th
19:39:32 25 meeting we met with Marc.

19:39:33 1 MEMBER WENTZ: That's why I said it is
19:39:35 2 important be marked they are entrance door and exit.

19:39:43 3 CHAIRMAN GARVICK: Does the Board have
19:39:44 4 any other questions regarding this variance request the
19:39:47 5 two window signs?

19:39:51 6 ZONING OFFICER WOERNER: Wall.

19:39:52 7 CHAIRMAN GARVICK: I am sorry, the wall
19:39:54 8 signs?

19:39:54 9 Is there anyone in the audience who
19:39:58 10 would wish to comment or inquire or ask any questions
19:40:02 11 of the Applicant regarding these two wall signs?

19:40:04 12 Then if not, I'll entertain a motion.

19:40:13 13 MEMBER ZUMBRUM: I make a motion to
19:40:14 14 approve the ordinance for the two wall signs.

19:40:18 15 MEMBER APPLEBY: I'll second that.

19:40:19 16 CHAIRMAN GARVICK: Okay. We have a
19:40:20 17 motion and a second. All those in favor say, aye.

19:40:20 18 Aye.

19:40:20 19 MEMBER WENTZ: Aye.

19:40:20 20 MEMBER ZUMBRUM: Aye.

19:40:20 21 MEMBER APPLEBY: Aye.

19:40:25 22 CHAIRMAN GARVICK: Opposed?

19:40:26 23 None. The motion is granted.

19:40:28 24 ATTORNEY FREY: All right. Thank you.

19:40:30 25 I think that's it.

19:40:34 1 CHAIRMAN GARVICK: That's enough.

19:40:36 2 ATTORNEY FREY: That simple. All of
19:40:37 3 that for two signs. Thank you for your time.

19:40:41 4 As always congratulate you on your
19:40:44 5 reappointment as Chairman of the Zoning Hearing Board.

19:40:50 6 CHAIRMAN GARVICK: Okay.

19:41:16 7 Is there any other business this evening
19:41:25 8 to come before the Zoning Hearing Board?

19:41:27 9 ZONING OFFICER WOERNER: I have nothing
19:41:29 10 to bring as Zoning Officer. I would like Mr. Stough's
19:41:33 11 comments as to the zoning ordinance is very problematic
19:41:36 12 when it comes to certain uses for signs. There is a
19:41:38 13 lot to be designed in the sign ordinance. And if that
19:41:42 14 is an undertaken by the Zoning Hearing Board would want
19:41:45 15 to review the sign ordinance, we certainly would be
19:41:47 16 open for that.

19:41:49 17 MEMBER WENTZ: Are you up to date with
19:41:50 18 the rest of the ordinance?

19:41:52 19 ZONING OFFICER WOERNER: I think the
19:41:54 20 rest of the ordinance we can deal with it.

19:41:57 21 MEMBER WENTZ: If we are working on
19:41:59 22 something, we have a timetable.

19:42:00 23 ZONING OFFICER WOERNER: I think the
19:42:01 24 sign ordinance is probably the most problematic part of
19:42:06 25 the ordinance overall.

19:42:07 1 CHAIRMAN GARVICK: Okay. Very good.
19:42:11 2 Anybody on the Board have anything?
19:42:13 3 Mr. Solicitor?
19:42:15 4 ATTORNEY KALASNIK: Nothing, Mr.
19:42:15 5 Chairman.
19:42:16 6 CHAIRMAN GARVICK: Okay. If there is
19:42:17 7 nothing else, I'll entertain a motion to adjourn.
19:42:24 8 MEMBER WENTZ: So do.
19:42:25 9 CHAIRMAN GARVICK: We have a motion.
19:42:27 10 MEMBER APPLEBY: Second.
19:42:28 11 CHAIRMAN GARVICK: All in favor say aye.
19:42:30 12 Aye.
19:42:30 13 MEMBER WENTZ: Aye.
19:42:30 14 MEMBER ZUMBRUM: Aye.
19:42:30 15 MEMBER APPLEBY: Aye.
19:42:31 16 CHAIRMAN GARVICK: We are adjourned.
11:49:45 17 * * *
11:49:45 18 (Whereupon, the Zoning Hearing was concluded.)
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C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the zoning hearing of the above cause, and that this copy is a correct transcript of the same.



Christine M. Myers, RPR

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