

**NORTH FAYETTE TOWNSHIP
ZONING HEARING BOARD**

**THURSDAY, JULY 24, 2014
7:30 P.M.**

The meeting was called to order with Mr. George Bartha presiding.

MEMBERS PRESENT:

George Bartha, Chairman
Chip McCarthy, Vice Chairman
Jim Bruni, Member
Tim Bish, Solicitor
Alyssa Golfieri, Assistant Solicitor
Cheryl Cherico, Secretary

MEMBERS ABSENT:

John Scott, Alternate Member

OTHERS PRESENT:

John Frydrych, RA Smith National (Tractor Supply)
Gino Posletti, Garden Ridge
Barry Stein
Pittsburgh Reporting Service Court Reporter

ADMINISTRATIVE:

Mr. Bartha announced that the Board's Alternate John Scott is not in attendance at tonight's meeting because he had a personal medical event that landed him in the hospital. He said the Board has been told that he is recovering well, but that is why he is not in attendance at this evening's meeting.

Mr. Bartha called for a motion to approve minutes from the April 24, 2014 and June 26, 2014 meetings.

A motion was made by Mr. Chip McCarthy, seconded by Mr. Jim Bruni, to approve the minutes from the April 24, 2014, and June 26, 2014, meeting. Motion carried.

Mr. Bartha said prior to this meeting, the Board held an executive session to receive advice of the Solicitor.

Mr. Bartha announced the continued public hearing for the Carr Use Variance Request that was originally scheduled to be held tonight will not be held since the applicant has withdrawn the variance application.

Mr. Bartha asked the Court Reporter to swear in witnesses and any members of the public wishing to comment during tonight's public hearings.

The Court Reporter swore in the witnesses.

UNFINISHED BUSINESS:

1. Cicko Company, LLC Use Variance Request (Continued Hearing).

Cicko Company, LLC is requesting a use variance from Section 27-602.8.C of the Zoning Ordinance in order to permit the use of certain property now or formerly owned by Pittsburgh Penn Center Corp. located on Casteel Drive in the I-2 Heavy Industrial District and FO Floodplain Overlay District, currently designated as a portion of Allegheny County Block/Lot No. 413-L-1, for a "supply yard" for the storage of parts and small equipment on property that may or may not be paved or considered an all-weather parking lot, which is a use that is not permitted in the FO Floodplain Overlay District.

Mr. Bartha said notice of this continued hearing was announced at the initial hearing on June 26, 2014, which was advertised, and the subject property posted, pursuant to the requirements of the Pennsylvania Municipalities Planning Code.

Mr. Bartha announced that the Applicant has notified the Board Secretary and the Solicitor that it needed additional time to prepare reports and documentation in support of its variance request. The Applicant has requested that this hearing be continued until the Board's regular meeting in August.

Mr. Bartha asked for a motion to continue this public hearing until the Board's regular meeting on Thursday, August 28, 2014 at 7:30 p.m. in the Township Building.

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, AND CARRIED, TO CONTINUE THIS PUBLIC HEARING UNTIL THE BOARD'S REGULAR METING ON THURSDAY, AUGUST 28, 2014, AT 7:30 P.M. IN THE TOWNSHIP BUILDING.

ROLL CALL:	CHIP McCARTHY	YES
	JIM BRUNI	YES
	GEORGE BARTHA	YES

Mr. Bartha said he noticed another attendee arrived during the last item. He asked the gentleman if he signed in at the back of the room.

The man said yes.

Mr. Bartha asked the Court Reporter to swear in the new arrival in case he intended to give any testimony.

The Court Reporter swore in the man.

2. Garden Ridge, L.P. Sign Variance Request (Continued Hearing).

Garden Ridge, L.P. is requesting a variance from the maximum number of business identification wall signs per building restriction of Section 27-1007.1.A and Table 27-11 of the Zoning Ordinance in order to permit the installation of a second business identification wall sign for the business on the existing building located at 2000 Casteel Drive in the I-2 Heavy Industrial District and FO Floodplain Overlay District, currently designated as Allegheny County Block/Lot No. 413-P-5.

Mr. Bartha announced that Notice of this continued hearing was announced at the initial hearing on June 26, 2014, which was advertised, and the subject property posted, pursuant to the requirements of the Pennsylvania Municipalities Planning Code.

Mr. Bartha entered Exhibits 10 through 16 referenced on the Exhibit List prepared by the Township Solicitor into the Record of this hearing. He asked the Court Reporter to insert those exhibits into the transcript as if the Exhibit List was read into the Record.

Mr. Bish said he wanted to clarify for the record there were some issues that were discussed at last month's meeting regarding this application. He said the applicant clarified last month that the applicant is in fact Garden Ridge L.P. Since last month's meeting, they have also clarified that the property owner is Rosemary Sullivan. Also since the last meeting, they have provided a signed authorization from Rosemary Sullivan which authorizes Garden Ridge to apply for this variance and as a result, Garden Ridge does have standing to apply. He said the applicant has provided revised sign plans which clearly indicate the proposed second sign where it is supposed to be on the building and also have provided engineer drawings showing the mechanics for that sign. He said those have all been entered into the record as part of the Exhibit List entered tonight.

Mr. Bartha said the previously raised issues and questions have been addressed since the last hearing.

Mr. Bish said yes, they have.

Mr. Bartha asked if there was anything else this evening from the applicant's case.

There was no response.

Mr. Bish said he believed everything has been entered into the record.

Mr. Bartha asked if there were any comments or questions from the Township.

There were none.

Mr. Bartha asked if there were any comments or questions from the public.

There were none.

Mr. Bartha asked for a motion to close the public hearing.

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, AND CARRIED, TO CLOSE THE PUBLIC HEARING.

ROLL CALL:	CHIP McCARTHY	YES
	JIM BRUNI	YES
	GEORGE BARTHA	YES

Mr. Bartha asked for a motion on the application.

A MOTION WAS MADE BY Mr. JIM BRUNI, SECONDED BY Mr. CHIP McCARTHY, AND CARRIED, TO APPROVE THE APPLICATION FILED BY GARDEN RIDGE, L.P. (“THE APPLICANT”) REQUESTING A VARIANCE FROM THE MAXIMUM NUMBER OF BUSINESS IDENTIFICATION WALL SIGNS PER BUILDING RESTRICTION OF SECTION 27-1007.1.A AND TABLE 27-11 OF CHAPTER 27 OF THE NORTH FAYETTE TOWNSHIP CODE OF ORDINANCES, ZONING, AS AMENDED, (THE “ZONING ORDINANCE”) IN ORDER TO PERMIT THE INSTALLATION OF A SECOND BUSINESS IDENTIFICATION WALL SIGN FOR “THE HOME DÉCOR SUPERSTORE” (THE “PROPOSED SIGNAGE”) ON THE EXISTING BUILDING LOCATED AT 2000 CASTEEL DRIVE IN THE I-2 HEAVY INDUSTRIAL DISTRICT AND FLOODPLAIN OVERLAY DISTRICT, CURRENTLY DESIGNED AS ALLEGHENY COUNTY BLOCK/LOT NO. 413-P-5, (THE “SUBJECT PROPERTY”) IN ACCORDANCE WITH THE APPLICATION MATERIALS, PLANS, AND TESTIMONY ACCEPTED INTO THE HEARING RECORD BY THE BOARD AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Compliance with Laws.** The Applicant and the use and development of the Subject Property shall comply with all applicable Federal, State, County, and Township laws, statutes, ordinances, resolutions, and regulations, including but not limited to the Zoning Ordinance.
2. **Permits and Approvals.** The Applicant shall apply for and obtain any and all necessary Federal, State, County, and Township permits and approvals for the Proposed Signage on the Subject Property. The Applicant and the use and development of the Subject Property shall comply with all such Federal, State, County, and Township permits and approvals.

3. **Sign Installation.** The Proposed Signage shall strictly conform to the representational photograph of the Proposed Sign entered into the hearing record by the Board as Exhibit “14” and the Sign Plans dated June 3, 2014 prepared by Architectural Graphics Incorporated (3 pages) entered into the record by the Board as Exhibit “15”, except as revisions are necessary to comply with this decision and other necessary Township permits and approvals. Exhibit “14” and Exhibit “15” are collectively referred to herein as the “Signage Plans”.
4. **Sign Location.** The Proposed Signage shall be located on the front wall of the existing building located on the Subject Property in a location consistent with the representational photograph of the Proposed Sign entered into the hearing record by the Board as Exhibit “14”.
5. **Sign Size.** The size of the Proposed Signage shall strictly conform to the Signage Plans.
6. **Sign Restriction.** In light of the grant of this variance for the Proposed Signage, no further permanent or temporary signs for the business on the Subject Property shall be installed, applied, or placed which do not comply with applicable Federal, State, County, and Township laws, statutes, ordinances, resolutions, and regulations, including but not limited to the Zoning Ordinance.
7. **Installation Deadline.** The installation of the Proposed Signage shall be completed no later than six (6) months from the date of this decision.
8. **Variance Termination.** The variance granted by this decision is specific to the Proposed Signage as referenced in the exhibits and testimony entered into the hearing record by the Board. The variance granted by this decision shall automatically expire and terminate immediately upon “at Home” and/or Garden Ridge, L.P. ceasing to operate within the existing building located on the Subject Property.
9. **Failure to Comply.** Failure to comply with the above referenced terms and conditions of this decision shall result in the variances being rendered null and void.

ROLL CALL:	CHIP McCARTHY	YES
	JIM BRUNI	YES
	GEORGE BARTHA	YES

3. **3PP North Fayette, LLC Variance Requests (Continued Hearing).**

3PP North Fayette, LLC is requesting variances from the following requirements of the Zoning Ordinance to permit the construction of a Tractor Supply Company retail store, related appurtenances and the erection of two business identification pole signs on certain property owned now or formerly by Laura Page and Marie Page located at 125 and 127 West Steuben

Street in the B-1 Neighborhood Commercial District and the subject of a current rezoning request to change the zoning district designation to B-2 General Business District and PNRD Planned Nonresidential Development Overlay District, currently designated as Allegheny County Block/Lot Nos. 799-B-2 and 799-B-3:

- (1) a variance from the bufferyard requirements of Section 27-206.1 of the Zoning Ordinance in order to eliminate the requirement to install bufferyards along all lot lines and boundaries of the subject property;
- (2) a variance from the surface parking area interior landscape island requirements of Section 27-207.2.B(2) of the Zoning Ordinance;
- (3) a variance from the outdoor display and storage restrictions and requirements of Section 27-211 of the Zoning Ordinance;
- (4) a variance from the maximum fence height restriction of Section 27-205.6.B(4) of the Zoning Ordinance;
- (5) a variance from the minimum parking space requirement of Section 27-302.D and Table 27-6 of the Zoning Ordinance;
- (6) a variance from the maximum lane and access drive width restriction of Section 27-306.1 of the Zoning Ordinance;
- (7) a variance from the maximum number and type restrictions for business identification ground signs and/or pole signs under Section 27-1007.1.A and Table 27-11 of the Zoning Ordinance;
- (8) a variance(s) from the maximum height restrictions for business identification ground signs and/or pole signs under Section 27-1007.1.A and Table 27-11 of the Zoning Ordinance; and

Mr. Bartha said at this point he wanted to interject to the solicitor that his understanding is this one has been withdrawn subsequent to the last hearing by the applicant by what the applicant has provided to the Board in writing. He asked if that was correct.

Mr. Bish said yes, that is correct. He said there is a letter that will be entered into the record of tonight's hearing dated July 22, 2014, which withdraws that variance request.

Mr. Bartha said from the original nine variances being requested, No. 8 is being removed and now No. 9 will become No. 8.

Mr. Bish said that was correct.

Mr. Bartha said he will now read No. 9 which is now No. 8.

(9/8) a variance(s) from the maximum size restrictions for business identification ground signs and/or pole signs under Section 27-1007.1.A and Table 27-11 of the Zoning Ordinance.

Mr. Bartha said there are eight total variances being requested.

Mr. Bartha said Notice of this continued hearing and the initial hearing on June 26, 2014, were advertised, and the subject property posted, pursuant to the requirements of the Pennsylvania Municipalities Planning Code.

Mr. Bartha entered Exhibits 13 through 22 referenced on the Exhibit List prepared by the Township Solicitor into the Record of this hearing. He asked the Court Reporter to insert those exhibits into the transcript as if the Exhibit List was read into the Record.

Mr. Bish said he had one clarification. He said there were a couple of blanks for Exhibit 21 and those blanks will be filled in as Township Ordinance No. 420, enacted on July 17, 2014. He said that is the ordinance which rezoned the subject property to B-2 General Business District and PNRD Overlay District. He said that was enacted. He said what Mr. Bartha just read was part of the public notice that was run before that Board of Supervisor's action.

Mr. Bartha said that was so noted as a change from what was previously provided.

Mr. Bartha said he needed to have the applicant confirm (1) that the list of variances requested and shown on the previous exhibits confirms their understanding of the requested variances with the amendments identified above and (2) the applicant amends their application on the record of the hearing so that the variances requested by such application are consistent with the list of variances requested shown on the Board meeting Agenda with the amendments identified above.

Mr. John Frydrych of R.A. Smith National approached the Board.

Mr. Bish asked Mr. Frydrych to clarify that the variances listed on the agenda which was just read are in fact the variances that are being requested by the applicant with the removal of the pole sign height variance request.

Mr. Frydrych said yes, they are correct as listed.

Mr. Bish asked if Mr. Frydrych could also clarify that the application is therefore amended to reference those specific variance requests.

Mr. Frydrych said he can offer yes to that as well.

Mr. Bish said all of the Board members have been provided with a transcript from last month's hearing and have been provided with copies of all documents for the record and so he did not believe that the Board would need any kind of presentation tonight unless the Board would have any questions.

Mr. Frydrych said he wanted to offer a letter of authorization to the Board as well.

Mr. Bish said that was already ready entered into the record as Exhibit No. 22. For clarification, he said that authorizes Mr. Frydrych to act as the agent of 3PP North Fayette, LLC.

Mr. Bartha said they are not looking for any additional information from the applicant at this time that he was aware of.

Mr. Bruni said that was correct, the applicant was very thorough last month.

Mr. Bartha asked Mr. McCarthy an open ended question for both he and Mr. McCarthy if he had reviewed what was submitted in the transcript of the previous meeting.

Mr. McCarthy said he did and had no questions.

Mr. Bartha said the same goes for him that he reviewed the information that was provided and he also has no additional questions this evening.

Mr. Bartha asked if the Township had any questions or comments on tonight's application as read into the record.

Mr. Grimm said yes. He said Township staff has had extensive discussions with David Howicz and Mr. Frydrych concerning the variance for No. 7, the maximum number and type restrictions for business identification ground signs and/or pole signs. He said the Township and 3PP have reached an understanding that 3PP would install in lieu of two pole signs that they originally requested, they would be installing a pole sign and a ground sign at the site. The applicant requested the flexibility to make a determination based on their overall plan where the ground sign would be located and where the pole sign would be located at a date subsequent to this night. He said the Township was comfortable with that providing that the signs are located along the frontage meaning the frontage of West Steuben Street and the frontage of Route 22. He said he would like those locations to be subject to final approval from the Community Development Director and Township Manager. Any deviation from that stipulation would require an amended approval if the Board grants the approval in the first place. He said the Township is comfortable with this arrangement and actually offered other alternatives beyond this one to the applicant and they were able to work the details out over the course of the last week or so. He said if the Board had any questions for him to feel free to ask and he would do what he could to answer them.

Mr. McCarthy asked if the ground sign would conform to the Township requirements.

Mr. Grimm said yes, the ground sign would conform to Township requirements. He said he believed this ground sign was slightly smaller in square footage.

Mr. Bish said under the zoning ordinance, they would be permitted up to 125 square feet.

Mr. Grimm said he believed the ground sign they proposed is 108 square feet.

Mr. Bish said that is the size of the pole sign.

Mr. Grimm said the height of the pole sign now would conform to the 25 foot maximum height and the ground sign would also conform so there would be no need for any consideration of the sign size. He said the Township and the applicant would work together in terms of the overall site plan, grading plan for the installation to ensure they would comply with all other associated regulations for the signage.

Mr. Bartha asked if there was any public comment or questions.

A gentleman stood up to ask a question.

Mr. Bartha said he would need to be sworn in since he came in late and was not sworn in yet. He asked the man to sign the sign-up sheet in the back of the room and asked the Court Reporter to swear in the man.

The Court Reporter swore him in.

Mr. Stein said he was asked to appear on behalf of James & Christine Sorbara who own Shop N Save to ensure storm water management issues would be addressed in regard to the water running toward their property.

Mr. Bish said this body does not deal with storm water issues. He said that would be directed to the Township staff and the Board of Supervisors.

Mr. Stein said okay, he had been asked at 3 p.m. today to come to the meeting to investigate.

Mr. Bish asked if he was the Sorbara's attorney.

Mr. Stein said no, he is a real estate agent.

Mr. Bish said he can offer public comment, but he could not represent them because he is not an attorney.

Mr. Stein said he was representing them as their real estate agent and handles leasing property for the Sorbaras.

Mr. Bish said he cannot represent them before this body under Pennsylvania law, that would be a felony for acting as their attorney.

Mr. Stein said he did not present himself as their attorney.

Mr. Bish said okay.

Mr. Bartha said he wanted to make sure Mr. Stein understood the request that he was making is not before the right body with the Township. He said the Zoning Hearing Board could not help

him as it relates to that matter with tonight’s hearing. He asked Mr. Grimm if he could comment from the Township.

Mr. Grimm said the only comment he would offer is that at the meeting on July 17, the Board of Supervisors approved the land development plan that the applicant had submitted and that plan had gone through thorough review by the township’s engineer including storm water management review and met with their approval. Knowing that stormwater management is a major issue not only with that area, but throughout the township and the county, the staff and the Township engineers will remain vigilant to ensure that not only is that property developed in accordance with the site plan but Township staff will continue to work with this applicant and the Sorbaras and any other applicant in North Fayette Township to address storm water issues if and when they occur.

Mr. Bartha thanked Mr. Grimm for the clarification.

Mr. Bartha asked if there were any further public comments or questions. There were none.

Mr. Bartha announced that the board would go into Executive Session at 8:01 p.m.

The Board reconvened at 8:05 p.m.

Mr. Bartha asked for a motion to close the public hearing.

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY MR. JIM BRUNI, AND CARRIED, TO CLOSE THE PUBLIC HEARING.

ROLL CALL:	CHIP McCARTHY	YES
	JIM BRUNI	YES
	GEORGE BARTHA	YES

Mr. Bartha asked for a motion on the application.

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, AND CARRIED, TO APPROVE THE APPLICATION FILED BY 3PP NORTH FAYETTE, LLC (THE “APPLICANT”) REQUESTING VARIANCES FROM THE BUFFERYARD, SURFACE PARKING AREA INTERIOR LANDSCAPE ISLAND, OUTDOOR DISPLAY AND STORAGE, MAXIMUM FENCE HEIGHT, MINIMUM PARKING SPACE, MAXIMUM LANE AND ACCESS DRIVE WIDTH, MAXIMUM NUMBER AND TYPE OF BUSINESS IDENTIFICATION GROUND SIGNS AND/OR POLE SIGNS, AND MAXIMUM SIZE OF BUSINESS IDENTIFICATION GROUND SIGN AND/OR POLE SIGN REQUIREMENTS OF CHAPTER 27 OF THE NORTH FAYETTE TOWNSHIP CODE OF ORDINANCES, ZONING, AS AMMENDED, (THE “ZONING ORDINANCE”) AS RELATED TO THE CONSTRUCTION OF A TRACTOR SUPPLY COMPANY RETAIL STORE AND RELATED SIGNAGE AND

APPURTENANCES (THE “PROPOSED BUSINESS”) ON CERTAIN PROPERTY OWNED NOW OR FORMERLY BY LAURA PAGE AND MARIE PAGE LOCATED AT 125 AND 127 WEST STEUBEN STREET IN THE B-2 GENERAL BUSINESS DISTRICT AND PNRD PLANNED NONRESIDENTIAL DEVELOPMENT OVERLAY DISTRICT, CURRENTLY DESIGNATED AS ALLEGHENY COUNTRY BLOCK/LOT NOS 799-B-2 AND 799-B-3, (THE “SUBJECT PROPERTY”) IN ACCORDANCE WITH THE APPLICATION MATERIALS, PLANS, AND TESTIMONY ACCEPTED INTO THE HEARING RECORD BY THE BOARD AND SUBJECT TO THE FOLLOWING CONDITIONS.

1. **Compliance with Laws.** The Applicant and the use and development of the Subject Property shall comply with all applicable Federal, State, County, and Township laws, statutes, ordinances, resolutions, and regulations, including but not limited to the Zoning Ordinance.
2. **Permits and Approvals.** The Applicant shall apply for and obtain any and all necessary Federal, State, County, and Township permits and approvals, including but not limited to conditional use approval, for the Proposed Business on the Subject Property. The Applicant and the use and development of the Subject Property shall comply with all such Federal, State, County, and Township permits and approvals.
3. **Bufferyard Variance.** The variance from the bufferyard requirements of § 27-206.1 of the Zoning Ordinance relieves the Applicant of the requirement to install bufferyards along all lot lines and boundaries of the Subject Property.
 - No earth disturbance, logging, grubbing, grading and/or construction activities shall occur within the following areas of the Subject Property, except as shown on the Grading Plan prepared by SE3, LLC (identified as Sheet No. C-5) dated May 22, 2014 and most recently revised June 16, 2014 and entered into the hearing record by the Board as Exhibit “11”, the Landscape Plan prepared by SE3, LLC (identified as Sheet No. C-18) with a revision date of June 4, 2014 and entered into the hearing record by the Board as Exhibit “2.e.”, as necessary to permit the Applicant to comply with the terms of Condition 9 below related to the location of the Proposed Pole Sign and Proposed Ground Sign (as such terms are defined below), and as otherwise permitted by §27-206.3 of the Zoning Ordinance: (a) within 100 feet of the southern lot line of the Subject Property that is contiguous with Route 22; (b) within 10 feet of the northern lot line of the Subject Property that is contiguous with Steubenville Pike and West Steuben Street; and (c) within 25 feet of the eastern and western lot lines of the Subject Property.
4. **Surface Parking Area Interior Landscape Island Variance.** The variance from the minimum surface parking area interior landscape island requirement under §§ 27-207.2.B(2) of the Zoning Ordinance relieves the Applicant of the requirement to locate landscape islands within the proposed surface parking areas. The Applicant shall install and maintain the required landscape island plantings (trees, shrubs,

perennials, and turf grass) in alternative locations on the Subject Property, such as the ends of parking area aisles and around the perimeter of the parking areas. The required plantings shall be placed in locations acceptable to the Township and shown on a landscape plan approved by the Township Manager and Township Community Development Director.

5. **Outdoor Display and Storage Variance.** The variance from the outdoor display and storage restrictions and requirements under §27-211 of the Zoning Ordinance relieves the Applicant of the requirement to: (a) provide 100 percent opaque screening within the fence enclosure of the 15,000 square foot “Fenced Outdoor Display Area” for the Proposed Business shown on the Site Plan prepared by SE3, LLC (identified as Sheet No. C-3) dated May 22, 2014, and most recently revised June 16, 2014, entered into the hearing record by the Board as Exhibit “13” (the “Site Plan”); (b) completely enclose the areas of the Subject Property marked as “Permanent Sidewalk Display Area” and “Permanent Trailer and Equipment Display Area” on the Site Plan with a security fence and to screen such areas by fence or hedge; and (c) comply with the restrictions of §27-211.3 for any material or equipment offered for sale or rent by the Proposed Business that is stored outside in the “Permanent Sidewalk Display Areas” and “Permanent Trailer and Equipment Display Area” shown on the Site Plan.
6. **Fence Height Variance.** The variance from the 6-foot maximum fence height restriction under §27-205.6.B(4) of the Zoning Ordinance permits the Applicant to install a fence no more than 8 feet in height enclosing the 15,000 square foot “Fenced Outdoor Display Area” on the Subject Property shown on the Site Plan.
7. **Off-Street Parking Variance.** The variance from the off-street parking requirement under §27-302.D and Table 27-6 of the Zoning Ordinance relieves the Applicant of the requirement to provide one (1) parking space for each 200 square feet of gross floor area for the Proposed Business on the Subject Property. The Applicant shall provide and maintain a minimum of 70 off-street parking spaces for the Proposed Business on the Subject Property as shown on the Site Plan.
8. **Lane and Access Drive Width Variance.** The variance from the 24-foot maximum lane and access drive width restriction under §27-306.1 of the Zoning Ordinance permits the Applicant to construct and maintain two lane and access drives on the Subject Property of such width shown on the Site Plan.
9. **Ground Sign and Pole Sign Variance.** The variance from the maximum number and type of business identification ground sign and pole sign restriction of §27-1007.1.A and Table 27-11 of the Zoning Ordinance permits the Applicant to install one (1) business identification pole sign (the “Proposed Pole Sign”) and one (1) business identification ground sign (the “Proposed Ground Sign”) on the Subject Property. One such sign shall be placed along the Route 22 frontage of the Subject Property, and the other such sign shall be placed along the West Steuben Street frontage of the Subject Property. The Proposed Pole Sign and Proposed Ground

Sign shall be located on the Subject Property in specific locations acceptable to the Township Manager and the Township Community Development Director. Prior to construction and installation of the Proposed Pole Sign and the Proposed Ground Sign, and prior to the Township's issuance of any permits related to such signs, the Applicant shall prepare a revised site plan showing the specific locations of the Proposed Pole Sign and Proposed Ground Sign which comply with the requirements of this decision and otherwise comply with the requirements of the Zoning Ordinance.

10. **Pole Sign Size Variance.** The variance from the 60 square foot maximum business identification pole sign size restriction of §27-1007.1.A and Table 27-11 of the Zoning Ordinance permits the Applicant to install the Proposed Pole Sign with a maximum size of 108 square feet.
11. **Proposed Pole Sign Design.** The Proposed Pole Sign shall be designed and constructed in a manner consistent with the Sign Plan prepared by I.D. Associates dated May 27, 2011 entered into the hearing record as Exhibit "12" (the "Sign Plan"), except as modifications are necessary to comply with this decision and other necessary Township permits and approvals.
12. **Proposed Pole Sign Landscaping.** The base of the Proposed Pole Sign shall be landscaped in accordance with §27-1008.13.B and 27-703.OO of the Zoning Ordinance.
13. **Sign Restriction.** In light of the grant of the signage variances under this decision, no further temporary or permanent signs for the business on the Subject Property shall be installed, applied or placed which do not comply with applicable Federal, State, County, and Township laws, statutes, ordinances, resolutions, and regulations, including but not limited to the Zoning Ordinance.
14. **Construction Deadline.** The construction of the Proposed Business shall be completed within two (2) years of the date of this decision.
15. **Variance Scope.** The variances granted by this decision are specific to the Proposed Business as referenced in the exhibits and testimony entered into the hearing record by the Board. This decision shall have no precedential value for similar applications by the Applicant or any other applicant at any location in the Township. The variance granted by this decision shall automatically expire and terminate immediately upon the Applicant ceasing to operate on the Subject Property. No modification or change in the terms of this decision shall be effective unless approved by the Board through an amended variance.
16. **Failure to Comply.** Failure to comply with the above referenced terms and conditions of this decision shall result in the variances granted by this decision being rendered null and void.

ROLL CALL:

CHIP McCARTHY	YES
JIM BRUNI	YES
GEORGE BARTHA	YES

NEW BUSINESS:

None

COMMENTS:

Mr. Bartha asked if anyone had any questions or comments about anything.

There were none.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, AND CARRIED, TO ADJOURN THE MEETING AT 8:19 P.M.

Respectfully submitted,

Cheryl Cherico
Zoning Hearing Board Secretary