

**NORTH FAYETTE TOWNSHIP
ZONING HEARING BOARD**

**THURSDAY, MAY 28, 2015
7:30 P.M.**

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

MEMBERS PRESENT:

George Bartha, Chairman
Jim Bruni, Member
Alyssa Golfieri, Assistant Solicitor
Cheryl Cherico, Secretary

MEMBERS ABSENT:

Chip McCarthy, Vice Chairman
John Scott, Alternate Member

OTHERS PRESENT:

Laura Ludwig, Community Development Director
Patrick Conners, North Fayette Township Summer Intern
Bill Miller, Signstat
Pittsburgh Reporting Service Reporter

ADMINISTRATIVE:

Mr. Bartha asked for a motion to approve the minutes from the April 23, 2015, meeting.

A motion was made by Mr. Jim Bruni, seconded by Mr. George Bartha, to approve the minutes from the April 23, 2015, meeting. Motion carried.

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

Mr. Bartha asked the court reporter to swear in witnesses and any members of the public wishing to comment during the hearing.

The court reporter swore in the witnesses.

NEW BUSINESS:

1. Imperial Industrial Park LLC Sign Variance Request

Imperial Industrial Park LLC is requesting a variance from the maximum number of business identification wall signs restriction of Section 27-1007.1.A and Table 27-11 of the Zoning Ordinance to permit the installation of three additional business identification wall signs for Imperial Industrial Park LLC on the existing building located on property known as 450 Imperial Industrial Park Drive in the I-1 Light Industrial and PNRD Planned Nonresidential Development Overlay Districts, currently designated as Allegheny County Block/Lot No. 690-N-40.

Mr. Bartha announced that notice of tonight's hearing was advertised and the subject property posted pursuant to the requirements of the PA Municipalities Planning Code.

Mr. Bartha entered Exhibits 1 through 14 referenced on the Exhibit List 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.

Exhibits Entered at the May 28, 2015, Hearing Included:

1. Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended.
2. Application to Zoning Hearing Board dated April 21, 2015, along with the following attachments:
 - a. Allegheny County Property Assessment Office webpages dated April 21, 2015 for property designated as Allegheny County Block/Lot No. 690-N-40 and providing an aerial map showing parcel boundaries with the subject property highlighted (2 pages).
 - b. Corrective Fiduciary Deed dated July 26, 2013 between Beverly Stack, Administrator [of] the Estate of Warren Dale Messner, Deceased (Grantor) and Imperial Industrial Park LLC (Grantee).
3. Site plan (undated) showing the footprint of the existing building on the subject property with a handwritten notation of the location of the proposed wall signs on the existing building.
4. Sign installation plan dated July 8, 1999, most recently revised April 17, 2012, prepared by Dualite, Inc. illustrating the dimensions and installation details of the proposed business identification wall signs.
5. Color photograph dated February 3, 2015 of the existing building on the subject property in its current state without the proposed business identification wall signs.
6. Color photograph (undated) of the existing building on the subject property with the proposed business identification wall signs superimposed.

7. Color photograph dated April 22, 2015 of the current business identification wall sign on the existing building located on the subject property.
8. Letter from Lee Gibson, President of Gibson Machinery, LLC, dated April 29, 2015 authorizing SignStat to seek the requested sign variances.
9. Allegheny County Property Assessment Office webpages dated April 29, 2015 for property designated as Allegheny County Block/Lot No. 690-N-40 and providing aerial map showing parcel boundaries with subject property highlighted (4 pages).
10. Public Notice and Proof of Publication for tonight's public hearing.
11. Letter from Board Secretary dated May 12, 2015 to Imperial Industrial Park, LLC regarding notice of hearing.
12. Letter from Board Secretary dated May 12, 2015 to Sign Stat regarding notice of hearing.
13. Letters from Board Secretary dated May 12, 2015 to neighboring property owners regarding notice of hearing (8 letters).
14. Photograph of Notice of Posting (2 pages).
15. Color photograph dated April 20, 2015 of existing conditions of the property from Route 22. (Submitted during hearing).
16. Color photograph dated February 3, 2015 of existing conditions of the property from Bateman Road & Industrial Park Drive. (Submitted during hearing).
17. Two color photographs dated April 30, 2015 of the subject property with existing wall sign. (Submitted during hearing).

Mr. Bartha asked a representative to approach the Board and state their case.

Mr. Miller approached the Board and said he was representing Mr. Gibson for this request and had some additional photographs to submit into the Record. He presented the Board four pages of photographs.

Ms. Golfieri said the pages would need to be entered separately due to different dates noted. She entered a color photograph dated April 20, 2015 of the existing condition of the property from Route 22 as Exhibit 15. As Exhibit 16, she entered a color photograph dated Feb. 3, 2015 of the subject property from the entrance at the intersection of Bateman Road and Industrial Park Drive. She entered Exhibit 17 as two color photographs dated April 30, 2015 of the subject property identifying the existing building with the existing business identification wall sign.

Mr. Miller said when Mr. Gibson purchased the property at the Imperial Industrial Park, the layout of the roads and buildings were as they exist now. The conditions of the property are evident when approaching the Industrial Park through the main entrance. He said that would be depicted in Exhibit 16. He said the United Rentals building is virtually behind and to the left and

the only other building that is clearly visible is addressed 430 for Guardian Construction. He said Gibson Machinery is addressed 450 and at the top of the hill. He said someone would have to drive past Guardian in order to see the small sign on the building that indicates Gibson Machinery (Exhibit 17). He said Mr. Gibson would be willing to remove the existing sign if necessary in order for the variances to be granted. He said the fenced yard where the machinery is staged is on the side of the property closest to Route 22 and the machinery can be seen from the road by traveling eastbound on Route 22 (Exhibit 15). While Mr. Gibson would like to improve the visibility of the industrial park, he said Mr. Gibson would also like to increase the visibility of his onsite business which is to repair and refurbish heavy machinery. To be able to label the building so the labeling could be discernible from the entrance to the park, he said the letters would need to be 5' tall or larger which he is not asking for. He said Mr. Gibson was provided three 4' by 8' wall signs from the three main equipment manufacturers he represents which are Doosan, Genesis and Sennebogen and a layout was submitted as to how they would like to have the signs mounted on the building. Since there isn't any space on the front of the building to mount the signs and to place them on the peaked end of Guardian's portion of the building is not an option, he said the only option left would be put them on the side of the building facing Route 22. He pointed to photographs said he was in front of Guardian Construction's building and the Gibson sign was not visible.

Ms. Golfieri said she wanted to clarify for the record that he was referring to the two photographs entered as Exhibit 17 into the hearing record.

Mr. Miller said the small sign isn't visible until someone would get beyond the entrance to the building. Again, he said Mr. Gibson is willing to remove that sign if it would be required. He said they believe if the variance would be granted to install the three signs on the peaked end of this building, it would not be detrimental to the public welfare due to the fact that there are no homes between the Industrial Park and Route 22. He said they believe the signs could help increase visibility of the business from passing vehicles traveling eastbound on Route 22 which could be viewed as positive because increased business would mean increased tax dollars. He said he hoped they would look upon their request favorably and thanked the Board for their time.

Mr. Bruni asked if the three signs would be illuminated internally with nothing shining out.

Mr. Miller said that was correct. He said the signs would probably be hidden mostly by the machinery in the yard. He said he had zoomed in on the same photograph taken from Route 22 to create the photograph with the signs superimposed on the building.

Mr. Bruni asked if the size was 4' by 8'.

Mr. Miller said correct.

Mr. Bruni said the total square footage would be 128 including the existing signage.

Mr. Miller said the sign on the front of the building is also 4' by 8' and it has no lighting.

Mr. Bartha said there would be no changes to the existing sign.

Mr. Miller said correct, unless the Board asked them to take it down.

Mr. Bartha said he had a general question for Ms. Ludwig since they were looking at four 4' by 8' signs for a total of 128 square feet. He said the zoning ordinance allows up to 200 square feet so they would be under the acceptable total square footage of signage.

Ms. Ludwig said that was correct.

Mr. Bartha asked if Ms. Ludwig had any questions or comments from the Township.

Ms. Ludwig said she had a couple of quick comments. She said there were a couple of housekeeping items that she believed had been addressed such as the revision date on the Dualite Inc. plan and also Lee Gibson did confirm via email that he is the owner of both Gibson Machinery and the Imperial Industrial Park LLC. For the actual request, she said similar requests have been granted. She said one that comes to mind that is sort of similar would be Latitude 40 with the different branding signs for the comedy club, bowling and grill. She said the Township doesn't have any issues with the request.

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. JIM BRUNI, SECONDED BY Mr. GEORGE BARTHA, AND CARRIED, TO CLOSE THE PUBLIC HEARING.

ROLL CALL:	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. GEORGE BARTHA, AND CARRIED, TO APPROVE THE APPLICATION FILED BY IMPERIAL INDUSTRIAL PARK, LLC (THE "APPLICANT") REQUESTING A VARIANCE FROM THE MAXIMUM NUMBER OF BUSINESS IDENTIFICATION WALL SIGNS 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") RELATED TO THE INSTALLATION OF THREE ADDITIONAL BUSINESS IDENTIFICATION WALL SIGNS FOR GIBSON MACHINERY LLC ON THE EXISTING BUILDING LOCATED AT 450 IMPERIAL INDUSTRIAL PARK DRIVE IN THE I-1 LIGHT INDUSTRIAL AND PNRD PLANNED NONRESIDENTIAL DEVELOPMENT OVERLAY DISTRICTS, CURRENTLY DESIGNATED AS ALLEGHENY COUNTY BLOCK/LOT NO. 690-N-40, (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 installation of the proposed wall signs 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 Variance Scope.** The variance from the maximum number of business identification wall signs restriction of §27-1007.1.A and Table 27-11 of the Zoning Ordinance is strictly limited to permitting the installation of three additional business identification wall signs for the Applicant (the “Proposed Wall Signs”) on the existing building located on the Subject Property in accordance with the designs, sizes, and locations shown of the sign installation plan dated July 8, 1999, most recently revised April 17, 2012, prepared by Dualite, Inc. and entered into the hearing record as Exhibit “4” (the “Sign Installation Plan”) and the color photograph showing the Proposed Wall Signs superimposed on the existing building on the Subject Property entered into the hearing record as Exhibit “6” (the “Sign Photograph”).
4. **Sign Location.** The Proposed Wall Signs shall be located on the side wall of the existing building on the Subject Property in the location consistent with the Sign Photograph.
5. **Sign Installation.** The Proposed Wall Signs shall strictly conform to the Sign Installation Plan and the Sign Photograph, except as revisions are necessary to comply with this decision and other necessary Township permits and approvals.
6. **Sign Restriction.** In light of the grant of this variance for the Proposed Wall Signs, no further permanent or temporary signs on the Subject Property shall be installed, applied, or placed that do not comply with all 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 Wall Signs 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 Wall Signs 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 Gibson Machinery LLC 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 variance being rendered null and void.

ROLL CALL:

**JIM BUNI
GEORGE BARTHA**

**YES
YES**

COMMENTS:

Mr. Bartha asked if there were any comments or questions about anything.

There were none.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. JIM BRUNI, SECONDED BY Mr. GEORGE BARTHA, TO ADJOURN THE MEETING AT 7:46 P.M. MOTION CARRIED.

Respectfully submitted,

Cheryl Cherico
Zoning Hearing Board Secretary