NORTH FAYETTE TOWNSHIP
ZONING HEARING BOARD

THURSDAY, AUGUST 27, 2015
7:30 P.M.

The meeting was called to order by Chairman George Bartha.

MEMBERS PRESENT:

George Bartha, Chairman
James "Chip" McCarthy, Vice Chairman
Jim Bruni, Member
Tim Bish, Solicitor
Cheryl Cherico, Secretary

MEMBERS ABSENT:

John Scott, Alternate Member

OTHERS PRESENT:

Laura Ludwig, Community Development Director
Leah Attanucci, Pittsburgh Reporting Service
Ed & Joyce Bashioum, 7402 Steubenville Pike
John Kreutzman, 7411 Steubenville Pike
Tim Lucas, Crossroads United Methodist Church
Joe Pecora, 110 Village Circle

ADMINISTRATIVE:

Mr. Bartha called for a motion to appoint Timothy J. Bish, Esquire and the law firm of Dillon McCandless King Coulter & Graham L.L.P. as Board Solicitor at the rates referenced in the firm's letter dated August 7, 2015.

> **A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, AND CARRIED, TO APPOINT TIMOTHY J. BISH, ESQUIRE AND THE LAW FIRM OF DILLON McCANDLESS KING COULTER & GRAHAM L.L.P. AS BOARD SOLICITOR AT THE RATES REFERENCED IN THE FIRM'S LETTER DATED AUGUST 7, 2015.**

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

Mr. Bartha called for a motion to approve the minutes from the July 23, 2015, meeting.

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, AND CARRIED, TO APPROVE THE MINUTES FROM THE JULY 23, 2015, MEETING.

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

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.

UNFINISHED BUSINESS:

Crossroads United Methodist Church Sign Variance Request (Continued Hearing).

Crossroads United Methodist Church is requesting a variance from the maximum number of business identification ground 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, in order to permit the installation of two (2) additional business identification ground signs for "Crossroads United Methodist Church" on property located at 1000 Crossroads Drive, Oakdale, PA 15071 in the B-2 General Business and PRD Planned Residential Development Overlay Districts, currently designated as Allegheny County Block/Lot No. 496-B-3.

Mr. Bartha said notice of tonight's hearing was announced at the initial hearing on July 23, 2015, which was advertised and the subject property posted pursuant to the requirements of the PA Municipalities Planning Code.

Mr. Bartha entered Exhibits 17 through 22 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 1 through 16 were entered into the record during the July 23, 2015, hearing.

Exhibits Entered at the August 27, 2015 Hearing:

17. Letter from Board Secretary dated August 13, 2015 to Crossroads United Methodist Church regarding notice of hearing.

18. Letter from Board Secretary dated August 13, 2015 to neighboring property owners regarding notice of hearing (6 letters).

19. Photograph dated August 13, 2015 illustrating the location of the proposed signs on the subject property.

20. Two (2) Photographs dated August 13, 2015 illustrating the design of proposed sign on McKee Road.

21. Two (2) Photographs dated August 13, 2015 illustrating the design of proposed sign on Route 22/30.

22. Applicant Narrative dated August 19, 2015.

Mr. Bartha asked a representative to approach the Board. He asked whenever anyone wanted to speak this evening if they would please stand and state and spell their name for the accuracy of the Court Reporter's record.

Mr. Lucas approached the Board.

Mr. Bartha said the Board had a few questions before Mr. Lucas continued with presenting his case.

Mr. Bish said the Board had requested that the applicant provide additional materials indicating what the signs would look like with the foundation bases. He said the requests were provided and those are in the Exhibits 17 through 22 that were entered into the record tonight. He said the applicant also provided as part of those new exhibits, an application narrative outlining the reason for their application and justifications for the application.

Mr. Bartha asked the applicant to explain what he had done since the Board last met.

Mr. Lucas said since the last meeting, the additional documents requested were provided. He gave members of the public a copy of the packet that he had provided to the Board. He said in the packet there are photos of the signs. He said the first one would be located on McKee Road and the reason for that sign would be because the traffic flow and visibility going in any other direction other than Steubenville Pike and turning onto McKee Road, does not allow someone to see the entrance to the church. He said they don't want to alter any of the greenspace or the topography, they only want to add an additional sign on the other side of the entrance drive.

Mr. Bartha said for clarification that would be one sign at a size of 78" x 62" at the entrance and across from where the existing sign is located.

Mr. Lucas said yes.

Mr. Bish said that is depicted on Exhibit 20 with two photos.

Mr. Lucas said the second two pictures are of the larger proposed sign that would be visible from Route 22/30. He said the reason for that sign is because the building sits back on the property and the topography and greenspace there doesn't allow people driving down the highway to easily identify their building. He said they would like to have a large sign making it easily recognizable and noticeable for people traveling on Route 22/30. He said to be very honest, the main reason for these signs is for visibility so people know where the church building is located. He said one of the things the church has tried to do over the last year and a half is increase the

amount they do for the community. He said they want people in the community to know that if they want help or need help, the church is a place they can get that help. He said they have a lot of interaction with people through service project and things like that and many of these people don't know where the church building is located. He said in the last year, they've had members of Crossroads run the West Allegheny Work Camp and a Focus Day on a Saturday in May where members went out into the community and helped out in some of the trailer parks and other areas. He said that is the main reason for the signs for visibility so people know where to go if they need help.

Mr. Bartha said those are the signs in Exhibit 21.

Mr. Bish said correct.

Mr. Bartha said there are two pictures of the sign on that Exhibit and it would be a 20' by 6' sign located away from the church near Route 22/30.

Mr. Lucas said he also provided some details as to materials that would be used. He said he can go through those.

Mr. McCarthy said Mr. Lucas may answer his question when going through the materials, but he had originally indicated that the sign on Route 22/30 would be illuminated.

Mr. Lucas said that was correct, but the church decided not to illuminate that sign.

Mr. McCarthy said okay.

Mr. Bish asked if either one of the proposed signs would be illuminated.

Mr. Lucas said neither of the proposed signs would be illuminated. He said the bases for both of the proposed signs would be built with split faced, open block and held up by two wooden posts. He said the signs would be vinyl. He said the reason they chose the split faced, open block was to match and stay consistent with the material used on the church building. As far as landscaping is concerned, he said they would plant gold thread cypress bushes and burning bushes surrounded by mulch for each of the signs that are proposed. He said it would be the same landscaping that they have at their existing sign at the entrance.

Mr. Bruni said they did confirm that the existing sign is technically a pole sign. He asked if this would be considered a pole sign as well.

Mr. Bish said no, the proposed sign would be a ground sign.

Mr. Bruni asked if that was because of the base.

Mr. Bish said yes.

Mr. Bartha said from that conversation, the proposed sign at the entrance to the church would be a ground sign and not a pole sign.

Mr. Bish said correct, the existing sign at the entrance is a pole sign but it was pre-authorized by the Township several years ago so that issue is not before this Board. He said Mr. Lucas mentioned the proposed signs would be vinyl but at the last hearing he said they would be white aluminum background with vinyl lettering.

Mr. Lucas said it would be exactly like the existing sign with an aluminum background and the lettering would be vinyl.

Mr. Bish okay.

Mr. Bartha said the letter dated August 17, 2015, addressed to him as Chairman of the Zoning Hearing Board is the evidence tonight for the . . .

Mr. McCarthy said he believed that was revised on August 19.

Mr. Bartha said Mr. McCarthy was correct, the letter was dated August 19, 2015, and that letter was the basis for the description of the hardships and why the application was submitted.

Mr. Lucas said correct.

Mr. Bish said that was entered into the record as Exhibit 22.

Mr. McCarthy asked if there was a reason why they could not put a wall sign on the church building.

Mr. Lucas said he wasn't sure of an answer to that question. He said it was something that had been explored previously and decided not to do that. He said it may have been because a building sign wouldn't be visible from Route 22/30.

Mr. McCarthy said so it was due to the nature of the location of the building. He asked if Mr. Lucas knew why the building was located where it is on the property.

Mr. Lucas said he was sorry but he didn't know.

Mr. McCarthy asked if they had ever discussed placing the building closer to Route 22/30.

Mr. Lucas said he had no idea because he had only been around for the last six years.

Mr. McCarthy said he was just curious.

Mr. Bartha asked if Mr. Lucas had anything else to present to the Board.

Mr. Lucas said no.

Mr. Bartha asked if the Board had any further questions.

There were none.

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

Ms. Ludwig said she had a couple of questions. She asked if they had any plans to alter anything along that bufferyard along Route 22/30.

Mr. Lucas said no.

Ms. Ludwig said she realized the sign would be placed outside of that bufferyard but asked Mr. Lucas to keep in mind that none of the trees could be trimmed back or anything so people could see the sign better. She said nothing could be touched in the bufferyard.

Mr. Lucas said that has been made very clear to them.

Ms. Ludwig asked if they had any plans to try to make that existing sign match the two others that would be going up. For instance, she said by putting a permanent foundation on that existing sign so they would all be consistent.

Mr. Lucas said they hadn't talked about any plans to make it consistent with the other ones yet. He said he would assume that they would eventually want everything to match.

Ms. Ludwig said she also wanted to note for the members of the public in attendance that the next step if Crossroads would get approval for the signs would be to apply for the actual sign permit from the Township. She said part of that submittal would be a landscape plan and another survey showing exactly where the signs would be located. She said those would be reviewed by one of Township's Code Enforcement Officials. She said she wanted them to know that there would still be more to this process and everything would be verified.

Mr. McCarthy asked if they would place a sign on the building, would they need a variance.

Ms. Ludwig said no, they would not need a variance for a building sign. She said they do not currently have a building sign and would be permitted by right to put a wall sign on the building. She said the ordinance allows for one per business or building up to 200 square feet.

Mr. McCarthy said they could actually have a wall sign larger than the one they are requesting a variance for.

Ms. Ludwig said yes.

Mr. Bartha asked if the Township had any further questions or comments.

Ms. Ludwig said no, that was all she had.

Mr. Bartha said at this time, he would open the hearing to the public. He asked that anyone wishing to speak, to please stand and state and spell their name for the accuracy of the court reporter's record.

Mr. Bashioum asked if at some point the church decided they wanted to illuminate the signs, would they have to come back to another public meeting like this.

Mr. Bish said it would be kind of an "it depends" answer to that question. If the Board approved the application and conditioned the approval on no illumination, he said the process would be that they would have to come back to the Zoning Hearing Board and have another hearing in order to amend that variance. He said that would only apply for the two proposed signs. He said they still have the existing sign on McKee Road not under the variance. He asked Ms. Ludwig what the process would be for changing the existing McKee Road sign.

Ms. Ludwig said there are certain illumination provisions under the general sign provisions of the ordinance so the Township would want to review any changes. She said they would probably issue some sort of permit for that because the illumination can't move, it would have to be stationery, can't flash and would only be allowed to shine on the sign. She said it would have to meet certain requirements.

Mr. Kreutzman asked if the church ever thought about actually putting a cross on the building. He said that would allow it to be identifiable as a church. He said there is one on the old sanctuary but there isn't one on the new sanctuary. He said the cross isn't visible from either of the sides that are noticeable from Route 22/30.

Mr. Lucas said he didn't know.

Mr. Kreutzman said he drives down that part of the road periodically and he understands that they want the sign for visibility, but he didn't believe a sign would make it any more visible. He said vehicles are going 60 mph there. He said he gets it that they want to be identified, but thought the church was spending money on something that wasn't really going to help it be identified. He said especially since they aren't going to be lighting it, which is probably making the neighbors happy, but not really helping it any. He said another comment he had was Mr. Lucas mentioned they are going to make the new entrance sign like the existing sign. He didn't know if they realized it or not, the existing sign has two solar lights on it. He said he walks the church property periodically with his dog and passes that sign. He said he never goes by there at night so he didn't know whether the solar lights were actually working, but Mr. Lucas might want to check that out. He said lights would make it easier to see on that road.

Mr. McCarthy asked if a cross would be considered a steeple.

Mr. Bish said a lot of times a cross and other religious symbols are not considered signs under the code.

Mr. McCarthy asked if it would be considered a steeple.

Mr. Bartha asked if a cross would be considered part of the structure.

Mr. Bish said it would depend on what the sign ordinance states. He said usually those types of emblems are not considered signs.

Mr. Bartha asked if there were any other questions or comments from the public. Hearing none, he announced the Board would go into executive session at 7:51 p.m.

The hearing resumed at 7:57 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. JIM BRUNI, SECONDED BY Mr. CHIP McCARTHY, AND CARRIED, TO APPROVE THE APPLICATION FILED BY CROSSROADS UNITED METHODIST CHURCH (THE "APPLICANT") REQUESTING A VARIANCE FROM THE MAXIMUM NUMBER OF BUSINESS IDENTIFICATION GROUND SIGNS RESTRICTIONS OF § 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 TWO (2) ADDITIONAL BUSINESS IDENTIFICATION GROUND SIGNS FOR CROSSROADS UNITED METHODIST CHURCH ON PROPERTY LOCATED AT 1000 CROSSROADS DRIVE, OAKDALE PA 15071 IN THE B-2 GENERAL BUSINESS AND PRD PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICTS, CURRENTLY DESIGNATED AS ALLEGHENY COUNTY BLOCK/LOT NO. 496-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 for the installation of the proposed ground 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 ground signs restriction of § 27-1007.1.A and Table 27-11 of the Zoning Ordinance permits the Applicant to install two (2) additional business identification ground signs for Crossroads United Methodist Church on the Subject Property (the "Proposed Ground Signs"). One such sign shall be located along the Route 22/30 frontage on the Subject Property, and the other such sign shall be located along the

McKee Road frontage of the Subject Property as shown on the photographs dated August 13, 2015 entered into the hearing record Exhibits “19”, “20” and “21”.

4. **Sign Designs.** The Proposed Ground Signs shall be designed and constructed in strict conformity with the narrative dated August 19, 2015 entered into the hearing record as Exhibit “22” and the photographic representations dated August 13, 2015 entered into the hearing record as Exhibits “20” and “21”, except as modifications are necessary to comply with this decision and other necessary Township permits and approvals.

5. **Sign Size.** The size of each of the Proposed Ground Signs shall not exceed the corresponding measurements shown on the photographic representations dated August 13, 2015 entered into the hearing record as Exhibits “20” and “21”.

6. **Sign Landscaping.** The Proposed Ground Signs shall be landscaped pursuant to the requirements of § 27-1008.13.A. of the Zoning Ordinance.

7. **Sign Illumination**. The Proposed Ground Signs shall not be illuminated.

8. **Sign Restriction**. In light of the grant of this variance for the Proposed Ground Signs, no further permanent or temporary signs 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.

9. **Installation Deadline**. The installation of the Proposed Ground Signs shall be completed no later than six (6) months from the date of this decision.

10. **Variance Termination**. The variance granted by this decision is specific to the Proposed Ground 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 Crossroads United Methodist Church ceasing to operate within the existing building located on the Subject Property.

11. **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:	**CHIP McCARTHY**	**YES**
	JIM BRUNI	**YES**
	GEORGE BARTHA	**YES**

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, TO ADJOURN THE MEETING AT 8:03 P.M. MOTION CARRIED.

Respectfully submitted,

Cheryl Cherico
Zoning Hearing Board Secretary