

**ZONING HEARING BOARD MEETING**  
**October 17, 2011 MINUTES**

**Members Present:**

P. Andrew Diamond  
Allan Tedesco  
Mark Veon  
Glenn Geisel

**Township Staff Present:**

Jeffrey Musher, Supervisor Code Administration  
Joe Shafer, Community Planner

**Members Absent:**

Charles Hawkins

**Court Stenographer:**

Leaette Cavaliere

Mr. Diamond called the meeting to order at 7:36 p.m.

Roll call was taken and it was noted that Mr. Charles Hawkins was not in attendance.

**Old Business:**

None

**New Business:**

**AP # 31449** – An appeal on behalf of Rocco Viola, Jr. The request is for an appeal from any order, requirement, decision, or determination made by the Zoning Officer, and the applicant is also requesting a variance for a changeable copy sign for property located at 8001 Rowan Road, Cranberry Township, PA 16066 (Map & parcel no. 130.4F108.11B).

All parties to be involved in the hearing were sworn in by the stenographer. Mr. Diamond read the application into the record. It was noted that a narrative was attached to the application. Mr. Diamond confirmed with the applicant and staff that the appeal was for a non-conforming sign and that the sign was non-conforming due to the fact that it was established prior to the current zoning code.

Mr. Diamond asked for clarification of what relief was being sought by the applicant. Mr. Musher stated that though the application cited that it was asking for relief from Section 27-602.5.F, the part of ordinance that the applicant was really in need of relief from was Section 27-1005.G. Mr. Diamond asked if this was an interpretive appeal and Mr. Musher stated it was. Mr. Diamond stated that this was not a variance but rather an administrative review, noting that, as the ordinance reads, what is proposed is not allowed.

Mr. Diamond confirmed that the application submission was complete and in good order and that Mr. Michael Wetzel of Victor-Wetzel Associates was a legal representative of the applicant. It was established that Mr. Wetzel is partners with Steve Victor, the agent for the owner who signed the application.

Mr. Diamond asked if the applicant was agreeable to amend the application to clarify that the relief being sought was as clarified between himself and Mr. Musher and Mr. Wetzel said yes.

Motion made by Mr. Tedesco to accept the aforementioned amendments.

Motion seconded by Mr. Veon.

Motion passed 4-0.

Mr. Wetzel presented the applicant's case stating that the request was to modify and modernize the existing non-conforming sign. An image of the existing sign was projected to illustrate the existing conditions. He stated that the sign was approximately 22 ½' in height and had a total sign area of approximately 352 sq. ft. Mr. Wetzel indicated that they wished to remove the 'MARKET' lettering at the top of the sign and replace it with sign boards. The applicant claimed that this proposed change would reduce the existing sign from 352 sq. ft. down to approximately 284 sq. ft., a reduction of 68 sq. ft. Mr. Wetzel also stated that they wished to replace the existing 4' x 17' manual changeable copy sign with a 4' x 17' electronic changeable copy sign, noting that the text of the electronic sign would remain constant for most of the day and that the sign would not flash, display animations, or utilize any type of word movement, citing that the intention was to install an electronic sign similar to what St. Ferdinand's Catholic Church (2535 Rochester Road) currently has. Mr. Wetzel stated that the reason the applicant wished to switch from a manual changeable copy sign to an electronic changeable copy sign was that manual signs are hazardous to change, especially in high winds, as they require a ladder to access. He also stated that over time letters for the sign tend to become lost forcing them to utilize letters on the sign that don't match and that the manual sign itself was dated. He concluded that his proposed changes were a viable update and a reasonable use and again clarifying that the size of the changeable copy sign would not change.

Mr. Tedesco asked how the applicant ended up appearing in front of the Zoning Hearing Board. Mr. Musher stated that the original request was to change the marquee (changeable copy sign) and that the request to replace the 'MARKET' portion of the sign came later. He explained that when Ms. Laura Viola requested to reduce the area of the sign and update the marquee staff had determined that, by ordinance, all she could do was repair or replace the existing sign and that altering the existing non-conforming sign was not permissible. Mr. Musher challenged Mr. Wetzel's claim that the sign was 352 sq. ft. in size, citing that the existing sign was permitted in 1985 at a size of 225 sq. ft. and that the proposed panel boards would be consistent with the size of the existing sign. Mr. Musher clarified to the Zoning Hearing Board how the sign was measured and noted that the structure itself would have to be altered to accommodate the proposed panels.

Mr. Diamond asked if the letters 'M' & 'T' would be removed from the existing 'MARKET' sign and Mr. Musher answered that they would.

Mr. Wetzel said that he had measured to sign per the Township's regulations. Mr. Musher said the sign appeared to have been measured differently at the time it was originally approved, noting that each letter of the 'MARKET' sign was measured individually as opposed to measuring the general sign area. He clarified that the 'MARKET' sign was non-conforming and that the proposed marquee would also be non-conforming.

Mr. Diamond asked if the marquee contained static lettering, if it would be allowable and Mr. Musher said that it would if it was a panel sign, noting that changing to electronic sign is viewed as a significant change and not permitted by ordinance.

Mr. Diamond stated that the proposed change was from an existing non-conforming manual changeable copy sign to an electronic changeable copy sign which would also be non-conforming. Mr. Musher replied that was correct.

Mr. Veon stated that the existing sign was significantly different from what is allowable now.

Mr. Diamond noted that the Zoning Ordinance does not define what a poster panel sign is. He called for a common sense approach to the matter as things have significantly changed since the ordinance for signs was written.

Mr. Wetzel stated that the applicant was considering adding brick to the sign.

Mr. Diamond asked staff if a new sign would have to be a monument sign and Mr. Musher answered yes.

Mr. Tedesco asked the applicant if there would be any removal of structural elements and Mr. Wetzel answered that the existing poles would have to be extended to accommodate the proposed additional panels.

Mr. Tedesco stated that extending the poles was permitted but that the marquee sign was not and asked staff if this was correct. Mr. Musher stated that this was correct and noted that staff was not opposing the application. Mr. Tedesco said that the Township was in fact opposing the application based on the ordinance. Mr. Musher clarified that the Township was not opposing the application but does not have the authority to grant the change that has been requested.

Mr. Geisel asked if electronic signs were allowed or cited in the ordinance. Mr. Wetzel cited section 27-602.5.F and Mr. Geisel replied that this section does not cite electronic signs. Mr. Musher read the definition of changeable copy sign which cites electronic signs, noting that they are only allowable for gas stations and religious establishments. Mr. Geisel stated that if there are no provisions for electronic signs outside of gas stations and religious establishments, how does the applicant expect the Zoning Hearing Board to allow this? Mr. Wetzel replied that the applicant was willing to forego the electronic sign.

Mr. Geisel noted that no site plan was provided and asked if the sign was located in the Route 19 or Rowan Road right-of-ways. Mr. Wetzel replied that he wasn't sure. Mr. Musher stated that the sign appeared to be located outside of the right-of-way.

Mr. Tedesco reviewed the definition of changeable copy sign and stated that, by definition, what the applicant was proposing was compliant. Mr. Musher confirmed this. Mr. Tedesco asked if churches were allowed electronic copy signs and Mr. Musher stated that the ordinance states that they are.

Mr. Diamond stated that the Township had an electronic sign at the corner of Freedom/Route 228 and Route 19. He also suggested that the code may need an update and that the ordinance should read in favor of property owners except in instances where it poses a threat to the health, safety, or welfare of the community. He then asked the applicant if the sign would go higher or lower. Mr. Wetzel replied the sign would not go higher but would go slightly lower.

Mr. Diamond asked if the sign could be adjusted so that it maintained its existing size of 225 sq. ft. Mr. Wetzel replied that it could. Mr. Diamond then asked if the only issue was whether or not to permit the electronic sign. This was confirmed by Mr. Musher. Mr. Diamond stated that he would entertain a motion to restrict the size of the proposed sign to 225 square feet.

Mr. Musher requested that if the Zoning Hearing Board ruled to allow the electronic copy sign that they add the stipulation that the size of it of the changeable copy sign not increase from its existing size.

Mr. Diamond asked what the size of the existing changeable copy sign was. Mr. Wetzel replied that he did not know. Mr. Musher stated that it was approximately 4 x 15+ feet. Mr. Diamond stated that there was no further discussion on the matter and opened the meeting up to public comment.

Mr. Dan Page of 1184 Freedom Road spoke and asked the applicant if the panels would be internally lit to which Mr. Wetzel responded yes. Mr. Page continued stating that he believed changing signs (electronic) were a safety issue, citing the Township's sign at Freedom/Route 228 & Route 19, and are a distraction to drivers. He also stated that he did not mind the updating of the non-conforming sign and requested that the bottom of the sign remain open to maintain sight clearance and closed by noting

that he approved of the overall plan except for the electronic sign.

Mr. Diamond sought a motion.

Mr. Geisel asked the applicant if the shopping center had a name and if it would be on the sign. Mr. Wetzel replied that the center's name was Market House Center but that this name would not appear on the sign. Mr. Geisel clarified the appeal, noting the differences between Sections 27-602.5.F & 27-1005.G.

Motion made by Mr. Geisel to grant the non-conforming use changes (panel boards) and maintain the current sign size but to deny the request for the use of an electronic sign, allowing continued use of the manual changeable copy sign with the provided narrative dated September 26, 2011 serving as the defining document regarding size, shape, etc.

Motion was seconded by Mr. Tedesco and requested further discussion.

Mr. Tedesco suggested adding the following stipulations; that the refurbished sign be no taller than the existing sign, that the same poles and super structure be used, and that it be confirmed that the sign is not located within the right-of-way. He also requested to amend the motion to allow the electronic sign as long as messages don't change less than every 24 hours.

Mr. Diamond stated the he preferred that the size of the sign be no more than 225 sq. ft. and that the electronic sign be allowed.

Motion by Mr. Veon to close discussion.

Motion seconded by Mr. Tedesco.

Motion proposed by Mr. Geisel failed 1-3 (Yay: Mr. Geisel; Nay: Mr. Diamond, Mr. Tedesco, Mr. Veon)

Motion made by Mr. Veon to granted the proposed changes with the stipulation that the sign not exceed 225 sq. ft. in total sign area and that the electronic changeable copy sign not exceed the size of the existing manual changeable copy sign.

Motion was seconded by Mr. Tedesco with the request to add the following stipulations; that the overall height of the sign not increase, that the same poles are used, that the electronic changeable copy sign only display 1 message per 24 hours and not feature any flashing or motion, and that it be confirmed that the sign is not located within the right-of-way and should it be found to be in the right-of-way that granting of the proposed changes would be void.

Motion to amend the request to include the aforementioned stipulations was made by Mr. Tedesco.

Motion was seconded by Mr. Diamond.

Motion to amend passed 4-0.

Motion to grant the proposed changes with the stipulations stated by Mr. Veon as amended by Mr. Tedesco passed 4-0.

**Correspondence:**

None

**Approval of Minutes:**

Motion to approve the minutes of August 15, 2011 was made by Mr. Geisel.

Motion was seconded by Mr. Veon.

Motion passed 4-0.

Motion to approve the minutes from September 19, 2011 by Mr. Geisel with an amendment to remove the reference to 'Old Business' and cite that the meeting was a continuation of items A through N on the agenda.

Motion seconded by Mr. Veon.

Motion passed 4-0.

**Adjournment:**

Motion to adjourn made by Mr. Veon.

Motion seconded by Mr. Tedesco.

Motion passed 4-0.

Meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Jeffrey Musher  
Supervisor, Code Administration