

5-031
COUNCIL
KAW

MAY 16, 2011

The Plymouth Township Zoning Board held a public meeting at the Plymouth Township Building on Monday, May 16, 2011.

The meeting was called to order at 7:10 PM.

The following were present:

Vincent Frangiosa	Chairman
Robert Esposito	Vice Chairman
James Saring	Member
Michael Mattioni	Member
Robert Sassi	Member
Joseph McGrory	Solicitor
David Conroy	Zoning Officer
Paula Meszaros	Court Reporter

The Pledge of Allegiance was recited.

STUART KESSLER: Chairman Frangiosa advised that the Board will make a motion concerning the settlement of the Kessler Application.

Member Esposito made a motion that the Zoning Board Solicitor sign the agreement for the Kessler Application. Member Mattioni seconded the motion. Members Esposito, Mattioni, Sassi, and Frangiosa voted in favor of the motion. Member Saring voted against the motion. The motion passed by the vote of 4-1.

The Board heard the following:

KEVIN BISCH: On an application for a Variance from Plymouth Township Zoning Ordinance No. 342, as amended, Article XIX, Sections 1908.G.1 and 1908.1.

The Variances requested are as follows: To allow a 10' X 14' shed to be built in side yard.

The property is located at 1010 Plymouth Road in an "A" Residential Zoning District.

Mr. Kevin Bisch was sworn-in to testify.

Mr. Bisch advised that he is seeking to have a shed built in his side yard as opposed to his rear yard. Mr. Bisch stated that his property is on a hill, and the rear yard has a large stormwater easement. Mr. Bisch advised that he felt that the best place for the shed is in the side yard adjoining the garage.

Mr. Bisch advised that neighbors are in favor of his proposal.

Submitted for inclusion into the record was the following:

A1) Letter From Ms. Lydia Wilson, 1008 Plymouth Road, supporting the application.

Mr. Bisch advised that he seeks the 10' X 14' shed because this size will fit on his property, and not encroach within 5' of Ms. Wilson's property. Mr. Bisch stated that this size will be less than the size recommended by Plymouth Township.

Member Mattioni commented that the elevation variation in the rear yard does not seem to be that great. Member Mattioni stated that the side yard seems to have about the same elevation. Mr. Bisch advised that the side yard is relatively more flat, and the side yard elevation lines on the drawing are not accurate.

Member Mattioni asked why a shed is needed since the applicant seems to have a lot of storage already. Mr. Bisch advised that a shed is needed for his riding tractor, snow blower, and snow plow. Mr. Bisch stated that he desires to keep three cars in his garage, and he does not want to keep gasoline in his house.

Member Esposito asked if the sketch plan is not accurate where did it come from. Mr. Bisch advised that this plan came from the previous owner. Member Esposito stated that it seems the rear would be better for the shed because of all of the room in the back. Mr. Bisch stated that the stormwater easement and many trees are in the rear of the property, and he does not desire the shed to be in the middle of the back yard.

Mr. Conroy asked how high will the shed be. Mr. Bisch advised that the peak of the shed will be 12'.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

KEVIN BISCH: Member Saring made a motion that the variances requested be approved. Member Sassi seconded the motion. Members Saring, Sassi, and Frangiosa voted in favor of the motion. Members Esposito and Mattioni voted against the motion. The motion passed by the vote of 3-2.

CHRIS PRICE On an application for a Variance from Plymouth Township Zoning Ordinance No. 342, as amended, Article VII, Section 702.F.

The Variance requested is as follows: To construct a shed that increases the impervious coverage to 47% where 35% is the maximum.

The property is located at 1802 Harmon Road in a "C" Residential Zoning District.

Mr. Chris Price was sworn-in to testify.

Mr. Price advised that he is seeking to have a 12' X 12' shed immediately behind his garage. Mr. Price stated that he would go beyond the allowable impervious coverage.

Chairman Frangiosa asked what would be the applicant's hardship. Mr. Price advised that storage is needed for his garden tools and gasoline. Mr. Price stated that these items would be too dirty for the garage. Mr. Price advised that he desires to keep the shed away from the play area for the kids in the back.

Member Sassi asked how many tools would be stored in the shed. Mr. Price advised that there would be 2 riding mowers, weed wacker, blower, shovels, and seasonal decorations stored in this shed. Member Sassi asked if there is any alternative storage for these items. Mr. Price stated that there is not enough room in the garage for these items.

Member Mattioni commented that the applicant seems to have a large garage. Mr. Price advised that despite its size his truck does not fit in the garage. Mr. Price stated that a work bench and cabinets were built inside of the garage. Member Mattioni asked how tall will the shed be. Mr. Price advised that the shed will be about 10' high. Mr. Price stated that the garage is not attached to the house.

Member Saring asked if the applicant is in the landscaping business. Mr. Price advised that he is not in that business, however he desires his land to look very nice. Member Saring asked if the applicant has discuss the proposal with his neighbors. Mr. Price stated that discussion has taken place, and the neighbors are all in favor.

Member Esposito asked if the applicant could go with a smaller footprint. Mr. Price advised that he would not be able to fit all items in nicely if the footprint is smaller. Member Esposito expressed concern that impervious coverage is being doubled. Mr. Price stated that he will collect rainwater off of the garage, and then recycle the water. Mr. Price advised that the rainwater will be collected with buckets.

Mr. Conroy commented that the Township would have to look at what is being done concerning the collection of rainwater.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

CHRIS PRICE: Member Esposito made a motion that the Variance requested be denied. Member Mattioni seconded the motion. Members Esposito, Mattioni, Sassi, and Frangiosa voted in favor of the motion. Member Saring voted against the motion. The motion passed by the vote of 4-1.

SO FUN! FROZEN YOGURT (PLYMOUTH SQUARE SHOPPING CENTER):
On an application for a Variance from Plymouth Township Zoning Ordinance No. 342, as amended, Article XVI, Section 1601.D.1.

The Variance requested is as follows: To allow two signs where one sign is permitted, and to have a total of 102 square feet where 42 square feet is permitted.

The property is located at 200 Ridge Pike in a "Shopping Center" Zoning District.

Carrie Nase, Esq. was present to represent the applicant in presenting their application.

Ms. Nase advised that the property in question is a 1,600 square foot space within the Plymouth Square Shopping Center. Ms. Nase stated that the applicant proposes to install two signs for the proposed use. Ms. Nase advised that one sign would be directly above the store frontage, and the other sign would be on a tower.

Mr. Richard Oelbaum was sworn-in to testify.

Mr. Oelbaum advised that he is President of So Fun! Frozen Yogurt. Mr. Oelbaum stated that they sell 16 flavors of frozen yogurt in a cup. Mr. Oelbaum advised that their other store is in Lower Nazareth Township. Mr. Oelbaum stated they are now seeking another location in a commercial area located at Plymouth Square.

Submitted for inclusion into the record was the following:

A1) Leasing Plan

Mr. Oelbaum advised that their location on the leasing plan would be where Blockbuster Video formerly had their store. Mr. Oelbaum stated that 5 Guys took up most of the Blockbuster space, and the applicant will take up the rest of the space.

Mr. Oelbaum advised that the variance is requested from Section 1601.D.1. Mr. Oelbaum stated that they are seeking to have two signs at the site. Mr. Oelbaum stated that the first sign would be above the store, and the second sign would be on the tower.

Submitted for inclusion into the record were the following:

A2) Rendering Of Sign Above Store

A3) Rendering Of Sign On Tower

Mr. Oelbaum advised that the tower in question is on the right side of the shopping center facing Ridge Pike. Mr. Oelbaum stated that this is the corner where Five Guys is currently located.

Mr. Oelbaum advised that the sign above the store is proposed to be 41.5 square feet. Mr. Oelbaum stated that this sign was revised from the sign that was submitted with the application. Mr. Oelbaum advised that by reducing the size of this sign the sign will comply with what is permitted under the Zoning Ordinance.

Submitted for inclusion into the record was the following:

A4) Revised Sign

Mr. Oelbaum advised that the size of the tower sign is proposed to be 59.5 square feet. Mr. Oelbaum stated that total square footage for both signs would then be 101. Mr. Oelbaum advised that both signs are needed because exposure is needed for both Ridge Pike and Butler Pike.

Mr. Oelbaum advised that there is a monument sign in the front of the shopping center. Mr. Oelbaum stated that there is no room on this monument sign for the applicant to advertise their business.

Mr. Oelbaum advised that the applicant has a hardship in that there presently is no visibility for their business from the two roadways. Mr. Oelbaum stated that there is also a traffic hazard because people will have difficulty finding the store. Mr. Oelbaum advised that the proposed signage will not be contrary to public interest.

Member Sassi expressed concern that other stores in the site will desire to have signage facing Ridge Pike if the applicant is granted their proposal. Mr. Oelbaum advised that the landlord will not permit this increase in signage for their other tenants.

Member Mattioni noted that other tenants in the shopping center seem to get by with not having a second sign. Member Mattioni asked what makes the applicant different from the other tenants. Mr. Oelbaum advised that he does not know the needs of the other tenants. Mr. Oelbaum stated that the proposed signage was approved by the landlord, and the tower exists already. Mr. Oelbaum advised that they believe the signage will help with the traffic situation.

Member Mattioni asked if a traffic expert is present this evening. Mr. Oelbaum advised that they presently do not have a traffic expert.

Member Mattioni stated that he can not tell where the Five Guys Sign and Game Stop Sign are located. Ms. Nase advised that this information can be obtained, and then presented before the Zoning Board.

Member Mattioni stated that there is the concern that other tenants may want signage on the tower in the future. Mr. Oelbaum advised that the applicant has stated that the other tenants will not be allowed to have signage on the tower. Member Mattioni stated that other tenants may end up before the Zoning Board.

Member Saring asked if any tenant in the shopping center has ever advertised by putting a sign on the tower. Ms. Nase advised that she is not aware of signage being on the tower. Ms. Nase stated that Five Guys does have a sign on the Butler Pike side.

Member Esposito asked why is the applicant being denied space on the monument sign in the front. Mr. Oelbaum advised that there is no more room on this sign. Member Esposito stated that he does not understand this because of the vacancies that exist in the shopping center. Ms. Nase stated that the applicant has indicated that no space exists on the monument sign.

Member Esposito stated that he feels discussion could take place with the landlord to resolve the signage problem. Mr. Oelbaum noted that Five Guys has signage facing both Ridge Pike and Butler Pike. Mr. Oelbaum stated that drivers may have trouble finding the applicant's place, and this would cause a traffic problem.

Chairman Frangiosa stated that the presentation of the signage could cause confusion at the site. Chairman Frangiosa stated that patrons must walk into the yogurt store from the Butler Pike side, and signage is proposed for the Ridge Pike side.

Ms. Nase advised that the applicant desires to go back to the landlord, and discuss possibly getting additional area on the pylon sign. Ms. Nase asked that the application be continued until a future date.

Member Saring made a motion that the application for So Fun! Frozen Yogurt be continued until June 20, 2011. Member Esposito seconded the motion. Members Saring, Esposito, Mattioni, Sassi, and Frangiosa voted in favor of the motion. The motion passed by the vote of 5-0.

SUNOCO/FOREMAN SIGN CO.: Mr. McGrory advised that the Board will continue to hear testimony for the application of Sunoco/Foreman Sign Co.

Mr. Steven Hinde and Ms. Jane Connor were sworn-in at the April 18, 2011 Zoning Board Hearing. Mr. Hinde and Ms. Connor advised that they understand that they are still under oath.

Submitted for inclusion into the record were the following:

A1) Lease Agreement (6-20-03)

A2) Letter From Owner Granting Applicant Permission To Proceed (5-9-11)

Mr. Hinde advised that 511 Germantown Pike Associates, LP is the legal owner of the property, and they have given the applicant permission to come forward with the application.

Submitted for inclusion into the record was the following:

A3) LED Sign Retrofit

Mr. Hinde advised that the property in question is across the street from the Plymouth Meeting Mall. Mr. Hinde stated that LED signage is proposed for two gasoline products.

Mr. Hinde advised that the digital signs proposed make for a more clear view of the prices. Mr. Hinde stated that the digital signage is controlled by remote control. Mr. Hinde advised that there will be no flashing on this signage. Mr. Hinde stated that there will not be an increase in the size of the sign that has been on the site.

Member Saring asked if only regular and ultra gasoline are being offered. Mr. Hinde advised that only regular and ultra are being advertised on both sides of the sign.

Member Esposito asked if the sign is secured so that someone can not change the price for gas. Mr. Hinde advised that the electronic price is changed by remote control. Mr. Hinde stated that brightness for the sign is also controlled electronically.

Member Esposito asked if the applicant would accept as a condition that there be only digits on the sign. Mr. Hinde advised that this is acceptable.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

SUNOCO/FOREMAN SIGN CO.: Member Esposito made a motion that the Variance requested be approved subject to the following:

- 1) There be no flashing or blinking lights on the sign, and there would only be digits.

Member Saring seconded the motion. Members Esposito, Saring, Sassi, Mattioni, and Frangiosa voted in favor of the motion. The motion passed by the vote of 5-0.

The meeting was adjourned at 8:30 PM.

Respectfully Submitted,

Richard Clifford
Richard Clifford