

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – FEBRUARY 15, 2011

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 15, 2011. Chairman Bamburak called the meeting to order at 7:00 p.m.

Those present:

Zoning Hearing Board: Paul Bamburak, Chairman
 Gregory J. Smith, Vice Chairman
 Jerry Gruen, Secretary
 Keith DosSantos, Member
 Anthony Zamparelli, Member

Others: Robert Habgood, Code Enforcement Officer
 James Majewski, Township Engineer (joined meeting in
 progress)
 Barbara Kirk, Zoning Hearing Board Solicitor

Absent: Dan McLaughlin, Supervisor Liaison

APPEAL #10-1574 – REALEN HOMES, L.P.

Ms. Kirk stated Mr. Murphy, attorney for the Applicant, sent a letter dated February 10 indicating that the Applicant is requesting another continuance as they are continuing to work with the owners of the immediately-adjacent property. The letter was marked as Exhibit B-4. Ms. Kirk stated initially Mr. Murphy was requesting a continuance until March 1, but as the Board has no other business that evening, he was asked if the matter could be continued until April 5. Mr. Murphy was present and agreed that this would be acceptable.

Mr. Gruen asked the reason for the delay, and Mr. Murphy stated that he has been meeting regularly with the neighbor, and they are getting close to an agreement. He stated they will not do anything further with the columns until a decision has been reached.

Mr. Gruen moved, Mr. Smith seconded, and it was unanimously carried to continue the matter until April 5, 2011.

APPEAL #11-1581 – FIRST FEDERAL OF BUCKS COUNTY

The Application submitted along with the outline of relief requested was marked as Exhibit A-1. Exhibit A-2 is the Board of Assessment Real Estate Data Sheet which was provided with the Application. Exhibit A-3 is the Site Plan consisting of eight sheets that was provided with the Application. A copy of the publication was marked as Exhibit B-1. Proof of Posting at the property was marked as Exhibit B-2. Exhibit B-3 was marked which was the general notice letter with the list of addresses and tax maps consisting of ten pages collectively.

Mr. Edward Murphy, attorney, was present with Mr. Robert Coffin, Senior Vice President of First Federal of Bucks County who was sworn in. Mr. Murphy stated First Federal is a tenant of the owner of the Edgewood Crossing project within which this branch bank will be a part, and Mr. Coffin agreed. He noted there is a signed, executed Lease going forward.

Mr. Murphy stated the Application this evening focuses on signage which First Federal has identified as being necessary for them to operate the branch bank from this location.

Mr. Murphy stated the Zoning Hearing Board is familiar with the Edgewood Crossing project as they have seen it on at least two occasions during the Land Development process.

Mr. Murphy stated on the first page of the Site Plan which has been marked as Exhibit A-1, in the center of the sheet is the identified location of the one-story bank which is slightly less than 3,000 square feet. Mr. Murphy stated Exhibit A-3 is coded by numbers one through nine, and those numbers and the locations on the first sheet of the Site Plan correspond to specific signs that are identified on the pages of the Site Plan.

Mr. Coffin noted Sign #1 which is the second sheet of Exhibit A-3 is the proposed wall sign that will be over the front door of the branch bank. On page 2 of 8 of the Site Plan, the front of the building is what will face Stony Hill Road. Mr. Coffin stated this wall sign is the identifier for the bank for the public traveling on Stony Hill Road. He stated the size of the wall sign is 27.56 feet. Mr. Murphy stated under the Ordinance they are permitted to have a single wall-mounted sign that does not exceed four square feet, and this is one of the items of relief they are seeking. Mr. Murphy asked if anyone would be able to see this sign from Stony Hill Road if it were four square feet, and Mr. Coffin stated they would not. He stated they discussed this with their sign consultant, and what they are proposing is the smallest sign they felt would be appropriate for the vehicle traffic. Mr. Murphy stated the relief being requested for this sign is from Section 200-38.3.A (10) (d).

Mr. Murphy stated page 3 of 8 identifies Sign #2 which corresponds on Sheet #1 to an area in front of the handicap spaces which is to the right of the second entrance to the Bank. Mr. Coffin stated this sign is located once you enter the complex to identify which building is the bank. He stated there are four buildings on the site, and this sign will identify which building is the bank when you are in the complex. This sign is slightly in excess of 12 square feet. Mr. Murphy stated under the applicable Ordinance, they are allowed to have only one free-standing sign and it cannot exceed four square feet.

Mr. Coffin stated since they are less than 10,000 square feet, they are not permitted to have a free-standing sign. Mr. Murphy stated both 2A and 2B relate to this. He stated 2A discusses not having any signs if you are less than 10,000 square feet; and paragraph 2B indicates that if you do have a sign, it cannot be more than four square feet.

Mr. Coffin stated Sign #2 deals with relief 2A and 2B in the outline.

Mr. Murphy stated Mr. Coffin had advised him that Sign #2 would identify the bank to those in Edgewood Crossing that may be at the proposed deli or ice cream store as they would be coming north from the parking lot and seeing the bank building; and this will identify the building as the bank since it is perpendicular to Stony Hill Road, not parallel.

Mr. Murphy stated Sign #3 is a non-illuminated directional sign of 2.85 square feet.

Mr. Coffin this is a one-way in, one-way out traffic configuration; and this sign will be marking the entrance to get into the facility. It is perpendicular to Stony Hill Road.

Mr. Murphy stated Sign #3's companion is Sign #4 of the same size and is the exit sign.

Mr. Coffin stated this will mark "Exit Only" to stop vehicles from coming in and traveling against the traffic pattern. Mr. Coffin stated it is a one-way in, and one-way out circulation pattern around the bank off of Stony Hill Road.

Mr. Murphy stated Sign #5 was included even though they are not certain that it is a sign.

He stated it is the ATM surround and shown on Page 6 of 8. He stated it had the letters ATM on it. Mr. Coffin stated looking at the building from Stony Hill Road, this sign would be on the left hand side, and it is to designate to the users where the ATM is.

Mr. Murphy stated they applied for this in an abundance of caution because there are letters on it. He stated it is really an integral part of the machine itself. He stated in consultation with Mr. Habgood, they included this to be on the safe side. Mr. Murphy stated it would not be visible to anyone other than the motorist using the drive-up window. Ms. Kirk asked if they are requesting this as a wall-mounted sign.

Mr. Murphy noted Item 2F on the Application, and stated they requested relief to permit the installation of more than one wall-mounted parallel sign per façade. Mr. Habgood stated this sign would also relate to Section 200-38.3A because it is not made of natural materials.

Mr. Majewski joined the meeting at this time.

Mr. Murphy stated this is an applied vinyl surround. Mr. Gruen asked if it is not part of the machine. He stated if they approve it as a separate Variance, the Applicant may decide to put an ATM above the machine on the wall. Mr. Murphy stated they would commit that they would not do anything other than as depicted on the submission.

Mr. Murphy noted page 8 of 8 which refers to a clear plastic stick-on on a window, and it is on the drive-in window itself. He noted Sheet 6 of 8 where the ATM is shown, and he stated this would be to the right of this. He stated they were not sure whether this would be considered a sign, but they included it. He stated it identifies the hours. Mr. Murphy stated because it is a clear vinyl, it is of non-natural materials. He stated it is not painted on the glass.

Mr. Murphy noted page 7 of 8 which is the plaque on the right side of the entrance, and Mr. Coffin stated there is one on the front door on Stony Hill and one at the side door, and these are the courtesy signs to advise consumers of their hours. These are 1.3 square feet each.

Mr. Murphy stated also included in the Application was an issue that has not been presented to the Board previously. He stated this is the first time there has been an Application under the new TND design criteria that were developed by Mr. VanDyke and the Township. Mr. Murphy stated there is a specific reference in the Ordinance that requires signage to be “natural” materials. Mr. Murphy stated before they made Application, he and Mr. Habgood discussed this and they were unsure exactly what this meant. Mr. Murphy stated he therefore consulted with Mr. VanDyke who was the principal drafter of the Ordinance and asked him what he thought it meant. Mr. Murphy noted the Application specifically references the type of material that would be used for the signs which is referred to as a 2 inch thick, high-density, polyurethane foam. Mr. Murphy stated they have brought this evening a sample which was previously shown to Mr. VanDyke and this was shown to the Board this evening. Mr. Murphy stated it is a simulated wood grain sign. Mr. Gruen asked if the letters are removable, and Mr. Murphy stated they are not. Mr. Murphy stated Mr. VanDyke was of the opinion that something made of this material with that type of look without removable letters would meet the spirit if not the intent of the Ordinance. Mr. Murphy stated in an abundance of caution, they have asked for relief in the Application since the material is not necessarily wood.

Mr. Coffin stated they have used this in most of their branch locations for the last six to seven years, and they have not faded or needed re-painting yet.

Mr. Murphy stated they still need to go to HARB to have them review the signage as to colors after they are through the Zoning Hearing Board process.

Ms. Kirk asked if they would also need relief from Section 200-38.3A(10)(I) in that the plastic vinyl sign showing hours that will be posted on the drive-through teller window, does not meet the requirement of that Section which indicates the sign shall not cover moldings, windows, doorways, etc. Mr. Murphy stated he felt he covered this in Section 200-38(10) (A). Mr. Habgood stated this is the first-time this Section is being applied, and he was unsure about the signs going in some of the windows. Ms. Kirk stated she would recommend that if they take a literal reading of this Section, and there is going to be a vinyl placard placed on windows, relief should be given under that Section as well. Mr. Murphy stated he would not object if they want to supplement the request for relief to add the other Section.

Mr. DosSantos stated since they are less than 10,000 square feet, they are not permitted any free-standing signs; and they are proposing three including the two directional signs which are free-standing. Mr. Habgood stated the Code does allow directional signs under Subsection J, but they need relief because of the size of the signs. Mr. DosSantos asked if there are directional arrows proposed on the asphalt, and Mr. Majewski stated he believes there are. Mr. Gruen asked if there will be a PennDOT sign that indicates “Do Not Enter” at the one driveway, and Mr. Majewski stated he does believe there will be such a sign.

Mr. Zamparelli stated they indicated the sign consultant recommended the size of the sign on the wall above the doors proposed to be viewed from the street was the minimum size they should have. Mr. Zamparelli stated he feels Sign #2 on page 3 of 8 seems very large for a sign that will be viewed from the parking lot. He asked if the sign consultant recommended that size sign at that location, and Mr. Coffin stated he does not feel they discussed this sign with the sign consultant. Mr. Zamparelli stated he feels that the sign may even be unnecessary. Mr. DosSantos stated this sign is strictly for those already in the parking lot to recognize that this is a bank, and Mr. Coffin agreed. Mr. DosSantos asked if there are any signs on the façade of the building to indicate that this is a bank on the parking-lot side or any doorways. Mr. Coffin stated there is a doorway there that will have the hours sign. Signs 8A and 8B were shown on the Plan.

Mr. Gruen stated he has a problem with the size of Sign #3 and feels it could be made smaller. Mr. Gruen stated he feels people traveling internally will understand that this building is the bank.

Ms. Kirk asked if any of the signs will be internally illuminated, and Mr. Murphy stated there will not be any signs internally illuminated, and they would agree to this as a Condition of relief.

Mr. DosSantos asked how far Sign #1 is from the roadbed of Stony Hill Road, and Mr. Majewski stated it is approximately 36’.

It was noted that the Township is not participating in this matter. There was no one present in the audience to speak to this matter, and the testimony was closed.

Mr. Gruen asked if they could vote on each sign individually. Mr. Bamburak stated they could vote on each of the Variances requested. Mr. Gruen stated he would prefer not to deny the request entirely, but would like to discuss each of the signs and agree to something different. Ms. Kirk stated they could vote on each of the individual Variances as requested, but they are not voting on whether or not each of the signs is being permitted. She stated they would have to deal with the Variances as set out in the statement of relief. She stated some of the signs overlap with the Variance requests.

Mr. Smith asked Mr. Gruen which sign he has a problem with, and Mr. Gruen stated Sign #2. Mr. Smith stated he does not see where Sign #2 is related to any single Variance request, and Ms. Kirk agreed and stated that would overlap with two Variance requests – paragraph 2A with respect to a free-standing sign where the total gross area is less than 10,000 square feet as well as the Variance to permit a free-standing sign with the area of 12.09 square feet.

Mr. Murphy suggested they discuss the issues the Board members have with the signs before they vote. Mr. Gruen stated he has a problem with Sign #2. Mr. Zamparelli agreed and stated he feels it is too large and may even be unnecessary. Mr. DosSantos stated he too questions the necessity of this sign given the other signs and the structure itself and feels people will recognize that this is the bank.

Mr. Murphy asked if the Applicant would agree to withdraw the request to install Sign #2 in its entirety, would this be sufficient to enable the Board to move forward and vote; and Mr. DosSantos and Mr. Zamparelli agreed. Mr. Coffin agreed to withdraw the request for Sign #2 and delete Page 3 of 8 from the Sign package. Mr. Murphy agreed to amend the Application.

Mr. Gruen moved, Mr. DosSantos seconded and it was unanimously carried to approve the Variance relief as requested by the Applicant with the additional Variance from Section 200-38.2A10(I) concerning a sign on a window with the understanding that Sign #2 as depicted on the Site Plan is eliminated in its entirety. Also conditioned that the Applicant shall only use the simulated wood grain material as depicted without any removable lettering.

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OTHER BUSINESS

Mr. Gruen moved, Mr. DosSantos seconded and it was unanimously carried to cancel the meeting of March 1, 2011.

There being no further business, Mr. DosSantos moved, Mr. Zamparelli seconded and it was unanimously carried to adjourn the meeting at 7:45 p.m.

Respectfully Submitted,

Jerry Gruen, Secretary