

MUNICIPALITY OF MONROEVILLE

ZONING HEARING BOARD

AUGUST 2, 2023

MINUTES

The meeting was called to order at 7:30 p.m. by Chairman Gary Grysiak.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Pledge of Allegiance was recited and a moment of silence was observed. Mr. Grysiak requested everyone remember the eleven victims from the Synagogue shooting and the recent verdict.

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Gary Grysiak, Larry D'Agostino, Heather Wilkins, Michael Gaydos, Robert Hutchison, Bruce Dice and Paul Whealdon.

APPROVAL OF MINUTES

There being no questions, additions or deletions to the minutes of the July 5, 2023 meeting, a motion was duly made by Mr. Gaydos to approve them, as submitted and Mr. D'Agostino seconded it. Upon a voice vote, the motion carried unanimously.

Mr. Grysiak amended the agenda so that the new business was considered before the old business.

NEW BUSINESS

23-26-A

JOHN CONNORS

The applicant is requesting a Dimensional Variance from Section 207.3(a), Lot and Yard Requirements, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install a 40 by 40-foot storage building in the front yards of the property that faces Center Road and My Way. The property address is 274 Center Road, Tax Parcel 743-D-041, in the C-2, Business/Commercial Zoning District and is a corner lot.

Mr. John Connors, the applicant, came forward to explain his request. He reported he just purchased the property and he is using it as storage for race cars. He explained it is an odd shaped parcel and originally had 15-foot setbacks then amended to 40-foot setbacks. He wanted to build a building at the other end of the property so they are requesting an amendment to the setback to get it closer to the street. He pointed out the existing building is within the 40-foot setback. He submitted 3D images to reflect where the building would be located. He explained the site distances and stated the traffic coming down Center Road comes over a hill so you cannot exit the property without going all the way to the end at the street and stopping.

Mr. Grysiak inquired about the height of the proposed building and Mr. Connors answered it is a one-story garage with a roof. Mr. Grysiak asserted it would just be used for storage and working on the cars. Mr. Connors answered storage of vehicles. Mr. Grysiak questioned whether there would be full utilities within the building and Mr. Connors answered affirmatively. He added it would be a one-story garage with a roof and he estimated it to be a 20-foot building.

Mr. Gaydos inquired when the detailed engineering drawings would be provided. Mr. Connors explained he did not want to go too far without getting approval for the variance. Mr. Whealdon added it would be part of the building permit process once the variance is obtained.

There being no further discussion, Mr. D'Agostino duly made a motion to approve Application No. 23-26-A and Mr. Gaydos seconded it. Upon a voice vote, the motion carried unanimously.

23-27-A

ANDREW AND EILEEN SORBIE

The applicant is requesting a dimensional variance from Section 207.3, Lot and Yard Requirements, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install an above ground pool in the front yard of the property that faces Miller Alley. The property address is 1729 Miller Alley, Tax Parcel 640-A-009, in the R-2, Single-Family Residential Zoning District and is a through lot that has two front yards.

Mr. Andrew Sorbie, the applicant, came forward to explain the request. He reported this would replace a pool that was removed. He estimated it to be a 18-foot, round pool in the back-front yard.

Mr. Grysiak inquired whether it would be located behind the fence and Mr. Sorbie answered affirmatively. He added there is a four-foot fence all the way around the whole area.

Mr. Gaydos inquired whether it would be an above-ground pool and Mr. Sorbie answered affirmatively.

After further discussion, Mrs. Wilkins duly made a motion to approve Application No. 23-27-A and Mr. Hutchison seconded it. Upon a voice vote, the motion carried unanimously.

23-15-A

OWPH DEVCO, LLC

The applicant is requesting a Dimensional Variance from Section 307.14(a)(1), Billboards: Location, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install a billboard that will encroach approximately eight feet into the required 10-foot Front Yard Setback. The property is a vacant lot on Old William Penn Highway, Tax Parcel 638-D-312, in the C-2, Business/Commercial Zoning District and is a lot with two front yards.

Mr. Whealdon reported all of these items were tabled last month at the request of the applicant.

23-16-A

OWPH DEVCO, LLC

The applicant is requesting a Dimensional Variance from Section 307.14(b), Billboards: Size and Height, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install a billboard that will exceed the 150 square foot maximum size of a billboard by 522 square feet per side for a total of 672 square feet per side. The property is a vacant lot on Old William Penn Highway, Tax Parcel 638-D-312, in the C-2, Business/Commercial Zoning District and is a lot with two front yards.

23-17-A

OWPH DEVCO, LLC

The applicant is requesting a Dimensional Variance from Section 307.14(b)(2), Billboards: Size and Height, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install a billboard that will exceed the 10 by 15-foot maximum dimensions of a billboard by 4 feet and 33 feet, respectively, for total dimensions of 14 by 48 feet per side. The property is a vacant lot on Old William Penn Highway, Tax Parcel 638-D-312, in the C-2, Business/Commercial Zoning District and is a lot with two front yards.

23-18-A

OWPH DEVCO, LLC

The applicant is requesting a Dimensional Variance from Section 307.14(b)(3), Billboards: Size and Height, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install a billboard that will exceed the maximum height requirement of 24 feet above a roadway by 15 feet for a total height of 39 feet per side. The property is a vacant lot on Old William Penn Highway, Tax Parcel 638-D-312, in the C-2, Business/Commercial Zoning District and is a lot with two front yards.

23-19-A

OWPH DEVCO, LLC

The applicant is requesting a Dimensional Variance from Section 307.14(c)(1), Billboards: Construction Methods, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install a billboard that will exceed the 3.0-foot maximum diameter of a single vertical support by 0.5 feet for a total diameter of 3.5 feet. The property is a vacant lot on Old William Penn Highway, Tax Parcel 638-D-312, in the C-2, Business/Commercial Zoning District and is a lot with two front yards.

Mr. Stuart Gaul, Attorney, came forward representing the applicant who are contracted to purchase the two lots that they are proposing to place the billboards. He reported he had a number of exhibits and a bound exhibit book to distribute to the board. He stated there are a few more additional exhibits which have been blown up and they have a PDF of the exhibit book. Mr. Gaul explained they are proposing to submit an aerial that imposes the survey on top of an aerial image of the site, a larger copy of the survey, copy of the site plan, CDs for the expert witnesses, a study of the speed on I-376, an analysis of the buildable area of the lots both in terms of the slope and the waterways that are located on the property and in terms of the yard requirements under the zoning ordinance, a site line analysis that has been prepared by the civil and structural engineer, a report from the traffic engineer about the speed on the highway and the safety in the proximity of a static billboard that is also on Route 376 in Monroeville, and a report on the anticipated safety in proximity of this billboard.

Mr. Dice stated the booklet would be marked as Exhibit No. 1.

Mr. Gaul explained there are copies for some of the exhibits that started out in larger formats then put on letter paper. He stated they have copies of the survey, site plan, the hardship analysis and the sight line study. He submitted Exhibits West 3, 4, 6 and 8. Further discussion ensued concerning the exhibits. Mr. Gaul reviewed there would be an Exhibit No. 6, the hardship analysis and No. 8, the sight line analysis and briefly explained what they would show.

Mr. Grysiak questioned the west sign and east sign and Mr. Gaul explained the west sign is the signs that are located relative to Route 376. He stated both signs are located on the north side of the Parkway. He added Exhibit No. 2 is a copy of the agreement to purchase both of the parcels on behalf OWPH with the economic terms of the agreement redacted.

Mr. Gaul came forward along with Mr. Patrick Wolfington and Mr. Tim Earle, the Principles of OWPH, Mr. Michael Tantala, Structural and Civil Engineer, Mr. Josh Haydo, Traffic Engineer and Mr. Andrew Schwartz, Certified Land Planner.

Mr. Gaul reported the original application package included seven variances and a protest appeal but after discussion with the municipal staff and solicitor, they do not need to proceed with them. He asserted they are at the meeting on the first five dimensional variances.

Mr. Gaul mentioned the five-factor test in order to meet a dimensional variance and explained they intend to prove they are entitled to each of them because the parcel is very difficult to develop. He reported it has been idle for years and the billboards are a conditional use within the C-2 district but the restrictions by the municipality and the zoning code placed on billboards are too restrictive for anyone to actually build one in any commercially viable way on the site. He added the site is not useable for any of the other uses permitted by right or as conditional uses in the C-2 district.

Mr. Michael Tantala came forward representing the applicant. Mr. Gaul questioned him about the application and location of a proposed sign on property between Old William Penn Highway and the Parkway to be viewed from the Parkway. Mr. Tantala reviewed what he did to prepare for this testimony. Mr. Gaul inquired when he visited the site and Mr. Tantala reported he has been involved with the site since February and visited the site that day. He reviewed what he did to familiarize himself with the site. Mr. Gaul inquired whether he reviewed any information concerning a speed study for the property. Mr. Tantala indicated the traffic engineer would present that information. He reported he reviewed the speed study which is Exhibit No. 5 in the booklet.

Mr. Gaul referred to Exhibit No. 6.

Mr. Dice inquired about the number of exhibits and Mr. Gaul answered there are 14. Mr. Dice stated inside Exhibit No. 1 are 14 exhibits. Mr. Gaul agreed and clarified that they are marked West 1, West 2, West 3, and West 4.

Mr. Gaul again referred to Exhibit West 6, Hardship Analysis. Mr. Tantala reviewed how the report used the survey to establish constraints and challenges with the site in terms of hardship for development relative to slopes, flood way, flood plain and setback requirements. Mr. Gaul referred to Exhibit No. 7 and Mr. Tantala explained his professional qualifications and experience. Mr. Gaul inquired whether he regularly engineers and designs off premises advertising signs and Mr. Tantala

answered affirmatively. He gave a lengthy review of his experience of over 20 years with the structural, technical, site civil and transportation aspects relating to engineering of the development of these types of signs. Mr. Gaul inquired whether his work involves consideration of the zoning ordinance and Mr. Tantara answered affirmatively. Mr. Gaul questioned whether this experience helps him to determine the height and sign area necessary for a billboard to be safely viewable by a motorist and Mr. Tantara answered affirmatively. He gave a lengthy explanation of how it is done which relates to sign visibility, legibility and how it is noticed at a distance. He mentioned speed, setback, size, topography and surrounding environment. Mr. Gaul inquired whether he published anything concerning the development and engineering of signs and Mr. Tantara answered affirmatively. He gave a brief overview of them.

Mr. Gaul referred to Exhibit West 3, the survey dated March 13, 2023. He inquired whether there was anything about the parcel that was unusual and Mr. Tantara answered affirmatively. He explained it is an oddly shaped parcel and measures approximately 100 feet on one side and 600 feet on the other and is located north of I-376 and the parcel has two frontages along I-376 and along Old William Penn Highway and bisects the Leek Run. He added it includes the FEMA Regulatory Floodway of approximately 4.97 acres or 37 percent and the FEMA Flood Plain occupies about half of 1.672 acres. He reported it has extreme topography with steep slopes. He mentioned the PennDOT slope easements which accommodate the right-of-way of I-376 and explained how they are restrictions on the property by PennDOT and they constitute 18.8 percent of the property or 2.25 acres. He pointed out there are stormwater features on the site. He reported I-376 discharges stormwater directly onto the property and there is a sanitary easement at the west end and there is no access from the southside of the property. He stated there is no access from the north side of the property along Old William Penn Highway and the elevation and topography change significantly. Mr. Gaul inquired whether these features present obstacles to the development of this property and Mr. Tantara answered affirmatively. He explained how the easements restrict the development of the site and the steep slopes are an issue, the floodway has regulatory controls and cannot be developed. He stated the significant changes in elevation limit the development of the site and the utilities along Old William Penn Highway are physical and easement constraints that limit it because it restricts the area to development.

Mr. Gaul referred to Exhibit No. 6 the last page. Mr. Tantara explained the first three pages represent some of the controls he previously mentioned, the steep slopes, the flood plain, the floodway, the body of water, and includes the survey as a base but the areas were further clarified by color. He explained it includes new information about available areas for development and imposes the limits set forth by the minimum yard requirements and building setback requirements. Mr. Gaul inquired how this parcel took its current form. Mr. Tantara explained it was formed from the 1960 condemnation of portions of the parcel to accommodate Route I-376. He reported it abuts and is adjacent to Route I-376 which is identify by Penn DOT Condemnation Records, Penn DOT Right-of-Ways Drawings, other similar references and the survey which documents it. Mr. Gaul inquired whether this is a lot that anyone would plan and Mr. Tantara answered negatively.

Mr. Gaul referred to OWPH's plan to construct a billboard on the property and referred to Exhibit West 4 which is the site plan. Mr. Tantara pointed out the location of the proposed billboard and Route I-376 to the south, and Old William Penn Highway to the north. He explained it showed the billboard relative to the property lines and the stream area and references it at the south point at a distance of approximately 187.1 feet east of the west property line. Mr. Gaul questioned whether there

was anything else on the site plan that OWPH was proposing to construct on the parcel. Mr. Tantara answered affirmatively that they are also proposing to build a culvert stream cross with a permanent crossing and a temporary crossing and some minor grading to accommodate those access points. He stated there would also be access from Old William Penn Highway to the north to get across Leak Run to access, build and maintain the sign.

Mr. Gaul questioned how the property is currently zoned and Mr. Tantara answered C-2, Business Use per the zoning site plan and map. Mr. Gaul inquired whether a billboard is a permitted use in the C-2 District and Mr. Tantara answered affirmatively. He explained it is a conditional use under Section 359-11, Table 201, C, Permits, Boards, by conditional use in C-2 District.

Mr. Gaul inquired whether he was familiar with the dimensional requirements for the C-2 District under the zoning ordinance. Mr. Tantara answered affirmatively and referred to Section 359-14, Table 201, C, which contains the minimum yard and setback requirements for a use in the C-2 District. Mr. Gaul inquired whether he was aware of the section of the zoning code that provides the regulations for the conditional use of billboards and Mr. Tantara answer affirmatively. Mr. Gaul referred to Section 359-270.

Mr. Gaul referred to Exhibit West 6, the hardship analysis, Page 4. Mr. Tantara reported it shows the area of the minimum yard requirement, the building setback requirement lines and it identifies the area contained within them of the lot or the area that satisfies yard requirements and the area that satisfies building and yard requirements. He explained it defines the area relative to the controls in the ordinance and pointed out there is a smaller area on the inside that satisfies both requirements and the area outside that is yard requirements.

Mr. Gaul referred to Page 5 of Exhibit West 6. Mr. Tantara explained when they combined the areas relative to the physical constraints of the site with the ordinance requirements for setback they can look at the common areas that overlap and it demonstrates the area that satisfy requirements and natural limitations and areas remaining that satisfy both building setback and natural limitations.

Mr. Dice questioned whether that is the pink areas and Mr. Tantara answered affirmatively. He added the areas are tabulated with a table and are the pinks areas with two areas of different pinks

Mr. Grysiak questioned whether No. 6 satisfies it and Mr. Tantara answered affirmatively. He explained that is the only darker pink which has an area of 87.83 square feet and is approximately .15 percent of the total property area available that satisfies both of those requirements that are part of the overlay of what is remaining when both the physical constraints are taken away.

Mr. Dice inquired about the other pink areas and Mr. Tantara explained the first one has a combined area of 4,900 square feet that is the remaining area that satisfies yard requirements and natural limitations. He mentioned the previous page that it is not just the yard requirements but the building setback requirements. He stated it shows both kinds of limitations. He mentioned there is a yard requirement and a setback requirement for building setback so if they took those areas that are available and subtract out all the prior physical features, the flood plain, the slope and the easements, those would be the areas that would remain. Mr. Dice questioned whether that meant they could build something on it and Mr. Tantara explained they are open areas that are available based on those constraints. Mr. Dice inquired whether that meant something could be built on the areas that are

located in pink and Mr. Gaul stated Mr. Schwartz would explain it further. Mr. Dice questioned whether the pink areas are on there to demonstrate that something could be built there. Mr. Tantala answered they are to demonstrate areas that are remaining that satisfy the requirements listed whether it is buildable or not. He felt they were not buildable because it is such a small area but that is for the planner to discuss.

Mr. Gaul inquired whether he understood the relief that OWPH is seeking from the C-2 requirements and the billboard regulations and Mr. Tantala answered affirmatively. Mr. Gaul reviewed the requirements individually. Mr. Gaul inquired about the request for the minimum front yard requirement. Mr. Tantala explained Section 359-14 for a C-2 District, the minimum front yard, ten feet is required and they are proposing two feet. Mr. Dice clarified what is proposed is ten feet to two feet and Mr. Tantala concurred. Mr. Gaul referred to Section 359-27.0 which includes requirements for billboards size and height. Mr. Tantala explained 150 square feet is permitted and 672 square feet is proposed. Mr. Dice clarified what is proposed is to take it from 150 square feet to 672 square feet and Mr. Tantala concurred. He added for the sign face dimensions, height and width are limited to a 10 by 15 feet sign permitted and they are proposing a 14 by 48-foot sign. He stated it would be 14 feet wide by 48 feet high. He reported the height is limited to 24 feet above the roadway and what is proposed is 39 feet. Mr. Gaul referred to the construction of the billboard Section 359-27.03 and Mr. Tantala explained the maximum diameter of a single-vertical support is limited to three feet permitted and they are proposing is 3.5 feet.

Mr. Gaul referred to Exhibit West 8 and questioned how it was prepared. Mr. Tantala explained he prepared it from photographs, using information from the survey, point cloud information, information from Penn DOT about the route, calculations determining distances, travel times, angles and line of sight sections. Mr. Gaul inquired whether he used the speed study and Mr. Tantala stated he used the Wooster Speed Study with the posted speed limit in the are of 55 miles per hour but the study identified higher than posted speeds observed for the site of 71 miles per hour. Mr. Tantala reviewed the information page by page. He explained the first page shows the site in each direction, the west bound view at the top at a distance of approximately 800 feet in advance of the proposed location of the sign. He stated the photograph reflects westbound travel with the sign to the north of I-376. He explained the bottom photograph shows an eastbound view, 800 feet west of the sign and it is referred to as a cross read because drivers traveling eastbound on I-376 that would look over across travel. He pointed out there is a directional sign at a distance and a PennDOT variable message digital displace sign at a distance and the elevations have been identified. He stated other pages show where the sign is proposed and its elevation relative to other features in the vicinity.

Mr. Gaydos inquired about the approximate location of the light pole and Mr. Tantala pointed out the locations.

Mr. Grysiak inquired when the photographs were taken and Mr. Tantala answered they are Google Earth photographs. He stated they were taken within the last three years.

Mr. Whealdon reported the billboards would be located directly across from the old water authority building shown in the lower photograph on the left. Mr. Tantala agreed but added it is located further down.

Mr. Tantala referred to W-2 of Exhibit 8 and reported as part of an analysis where a sign is sited and explained the middle part of the exhibit is horizontal or a planned view and the sign is shown at the center. He stated when he does an analysis to determine if a sign falls within a good cone of vision from west or eastbound traffic, he determines the center of the three lanes in each direction then determines distances in advance of them and how far a driver would have to look over. He explained they are just points along I-376 for the westbound and for the cross read for the eastbound of the approximate distances and times to read the sign.

Mr. Whealdon questioned whether those distances are for the 70 miles per hour or the posted 55 miles per hour. Mr. Tantala stated it was calculated for the 71 miles for hour. He reported he originally did it for the posted speed limit then they were adjusted. He explained it demonstrates horizontally how far over a driver has to look and the line of sight angles horizontally in each direction and vertically. He reported the sign is located at a low point relative to the road and drivers have to look between 1.5 to 3.7 degrees depending on direction. He stated from a traffic perspective they try to site the signs so they do not have to look too far over or up and they want to be within the 10 to 15-degree range horizontally and 10-degree range vertically. He added the analysis satisfies that criteria and they are recapped for each direction in terms of those angles, a motorists reactions, distances and reaction times as listed.

Mr. Gaydos referred to the graph looking towards the right-hand side, and inquired whether the dotted line is the roadway going westbound and eastbound; Mr. Tantala answered affirmatively.

Mr. Tantala continued to explain this is part of a traffic analysis to site it accurately so they can see it at a distance and decide whether to read it and if it is legible to read with enough time to read it at the posted speeds. He referred to the next page of W-3 of Exhibit 8 which is line-of-sight analysis relative to any obstructions. He explained this exhibit is concerning the west sign, the top portion is an orthographic view of a point cloud. He stated the point cloud records elevations of topography, grade, trees, guardrails and is a fine resolution and it gives information about every elevation of every features along that stretch of I-376 plus. He further explained the analysis. He reported they just clear the directional sign by setting the billboard face at the proposed height. He stated any less a portion of the billboard face would be blocked and any more there would be some clear distance between the bottom of the face. He explained it is optimally designed to accommodate the approach and elevations. He reviewed some of the other features in that section that are higher but it does not obstruct the view.

Mr. Tantala reported he developed a profile along the west sign that gives all the elevations of all the feature along I-376. He pointed out Old William Penn Highway is at a lower elevation and there are a number of large trees on either side. He explained he took it to extremes to give relative elevations along Sunnyfield Drive and Eagleridge Drive. He mentioned it is a low point and the proposed location of the sign falls into a valley both topographically and relative to the various tree heights. He stated there are tree heights of 1,100 feet and the top of face is at 968 and the other side the trees are 1,048.

Mr. Grysiak asserted these are ideals that the applicant is seeking and questioned how they would propose to set the height and size of the sign for maximum exposure. Mr. Tantala explained it is relative to the engineering analysis so he sighted them and determined a good height relative to all the things in the area. He explained the clients do not always have the information of the topography or the relative elevation of directional signage and other things that could be an obstruction. He reported he

does a site visit and reviews videos and photographs and develops a 3-D model with the collected data to calculate the minimal height to clear the directional sign for the line of sight. Mr. Grysiak asserted the study came first then it was determined using the height of the sign to request the 39 feet for the proposed sign. Mr. Tantara explained he did the study earlier in the year and the applicant inquired whether the sign would be blocked if it is set at a certain height. He reported to answer that he used the math and collected survey data to set it precisely.

Mr. Gaul referred to Exhibit W-8 pertaining to the context for the variances. He inquired whether he was familiar with the variance standards under the Pennsylvania Municipalities Planning Code and Mr. Tantara answered affirmatively. Mr. Gaul questioned whether they were the same as the standards for the variance under the Monroeville Code and Mr. Tantara answered affirmatively.

Mr. Gaul referred to the setback and reported they are requesting a variance from ten feet to two. He inquired whether zoning ordinances typically contain different setback requirements for buildings as opposed to other improvements on a property. Mr. Tantara answered affirmatively and added that is why there are building line setbacks. Mr. Gaul questioned whether placing the sign two feet away from the property line would give affective relief to OWPH and whether it would make the sign viable on the parcel. Mr. Tantara answered affirmatively and stated two feet would make the sign viable. He stated a good sign is one that can be easily read by the drivers so they do not have to take their eyes off the road. He explained it has to fall in a central cone of vision for the speeds and distances and the topography and elevation to set the sign relative to the grade. Again, he stated two feet is appropriate because it sets that sign closer to the road and closer to their central cone of vision.

Mr. Gaul questioned whether there would be shortcomings that would prevent building the sign with ten feet or a setback larger than two feet and Mr. Tantara answered affirmatively. He explained the driver notices it at a distance as they get closer there are fewer glances and they want to minimize the glance time for eyes off the road. He reported if it is placed further back ,to be able to be seen and read and afford more time to the driver, the sign would have to be larger or higher. He explained as a driver goes further out of the cone of vision or further out of central view, it means more time to look at the sign. He reported to compensate if they went further back the sign would have to be larger to accommodate its larger setback from the road. He stated at this location the sign is already set back by the nature of the road and the property line is approximately 44 feet from the edge of the road. He reported it has a generous setback but to go further from that would increase the requirements for the size of the sign for a good driver experience which includes safety and is appropriate.

Mr. Gaul mentioned the two-dimensional issues. He inquired whether this site would be appropriate for a billboard that was 10 by 15 feet or 150 square feet and Mr. Tantara answered negatively. He explained I-376 is three lanes in each direction, with additional demands on drivers, it is a high posted speed of 55 miles per hour, and a higher measured speed that drivers drive over the speed limit. He reported faster moving drivers in a complex road environment, from a traffic engineering perspective, they want enough time for that driver to be able to read those signs. He further explained how a lower speed traveled on a road would allow more time to engage with the sign which is why PennDOT allows the signs to be up to 1,200 square feet for higher speeds. He reported in determining their regulation speed is a central focus because it relates to travel time, travel distance, viewer reaction time, and viewer reaction distances. He explained they calculate whether they have enough time to read the sign in addition to looking over and up to see it.

Mr. Gaul asserted 150 square feet would not work. He inquired why they need 672 square or 14 by 48. Mr. Tantara explained it is a higher speed road than the speed limit. He reported implicit with that speed is drivers noticing it at a distance so they plan for it 10 seconds out, the elevations and the clear line of sight then they calculate the amount of time they approach. He stated that is a reason to have that sign that size. He pointed out PennDOT permits almost double that size for higher speeds and interstates.

Mr. Gaul inquired whether the sign could be 24 feet above the roadway and Mr. Tantara answered negatively. He explained the lot has extreme topography, the sign has to be a certain height to get at road elevation then it has to be higher to overcome the heights of cross traffic, overcome the directional sign in the way and to be high enough to be read at a distance further up eastbound and westbound. He stated when those distances are considered the sign has to be a certain height to get above or at grade level which is still inadequate because motorists have to see over other cars and it has to be high enough to be read at distances. Mr. Gaul questioned why does it need to be 39 feet high rather than some other height between 24 and 39 feet. Mr. Tantara stated it has to overcome the lower topography of where it is sighted and the basin is within a larger area that is a valley and has to overcome vegetation, directional signage, be at an appropriate height to be read along the way and be effective and safe so it is not obstructed. He suggested this is the minimal height that would accommodate that.

Mr. Gaul inquired why they need to have a monopole that is three and a half feet in diameter. Mr. Tantara indicated there are two main reasons that are tied together, the setback, the size, and the height which stems into the up right. He explained it is a single pole sign structure and it is a monopole and its height is determined by lines of sight and traffic analysis. He reported there are other constraints that make sense to make it a three-and-a-half-foot diameter pole. He stated because it reaches a certain height it is proposed to be 39 feet above I-376 and the sign relative to its local grade is proposed to be 53 feet to the top. He reported the difference is to overcome the lower topography where the pole meets the ground. He further explained when there is sign height of that length, the poles are often sleeved in or spliced together so they cannot transport large poles without having sections to telescope up to that height. He stated another reason is because of the height of the sign and its size, and there are load requirements that it is designed. He explained like any structure, it has to meet building codes and load requirements which are established by the American Society of Civil Engineer's Standard Seven which set minimum load requirements for wind, earthquake, dead load, self-weight and other things. He stated for the size of this height, three-and-a-half-foot diameter would be the minimum diameter to meet those requirements in addition to the fact that it is sleeving in another pole that is an appropriate diameter for structural reasons and for visibility reasons of how it is built.

Mr. Gaul referred to the other variance requirements. He stated the first and second variance requirements refers to whether there are unique physical circumstances or conditions on the property that create a hardship not generated by the zoning code. He inquired whether that was satisfied for the variance requests and Mr. Tantara answered affirmatively. He explained as he testified and demonstrated with the exhibits there is a hardship. Mr. Gaul requested an explanation. Mr. Tantara answered the developable area, the extreme topography, the frontages on two roads that require setbacks, the flood plain, floodway, the steep slope requirements, the various easements on the site, the utilities that discharge storm water from I-376 as well as the aerial utility easements that are further set back are constraints that constitute a hardship. He suggested the planner will further clarify it

through their analysis. Mr. Gaul inquired whether those circumstances prevent building a billboard in compliance with zoning code and Mr. Tantara answered affirmatively. He added that is why the variance is requested.

Mr. Tantara summarized the variances for the lot and yard requirements and stated it has to be close to the road and two feet is provided. He stated the maximum area of the sign has to be appropriate for this high-speed road and 672 square feet is requested. He reported the face dimensions have to have a size large enough to be read at those distances and speeds. He added the heights above the roadway have to compensate for the low location of the proposed sign to be read. He mentioned how the maximum diameter is related to the height and the elevations and the driver's experience.

Mr. Gaul referred to the third requirement for a variance. He inquired whether any of the hardships have been created by OWPH and Mr. Tantara answered negatively. He added they were created based on the topography, the condemnation of I-376 and other features previously detailed. Mr. Gaul questioned whether all the relief being requested is dimensional rather than a use variance and Mr. Tantara answered affirmatively.

Mr. Gaul referred to the fourth requirement is that the variance will not alter the character of the neighborhood, impair the use of development of adjacent property and is not detrimental to the public welfare. He questioned whether he has been familiarized with the neighborhood and area of the proposed sign and Mr. Tantara answered affirmatively. He summarized as part of his analysis, he drove I-376, did site visits developments to the north which included Sunnyfield and Firethorn Drives and to the south, Eagleridge to determine any visibility. He reported he has also done calculations to show the sign is located at a low point relative to the elevation and it is well buffered, and the topography and other features. He added the sign is oriented to advertise to I-376 and is a V-shaped sign so the faces can be seen from the road. He explained there are other features that will be protection and it is a digital display, it displays a static message proposed for eight seconds, it meets the controls of PennDOT, its brightness and illumination is strictly controlled, and there is a photo cell on the sign to adjust the ambient light with the static message. He reported this proposed digital face is more restrictive than typical digital faces because it cuts off any spillage of light and he gave a brief explanation.

Mr. Gaul inquired whether this sign controls the flow of light above the sign and Mr. Tantara answered affirmatively. He gave a description. Mr. Dice explained a lot of this information goes to whether or not the applicant will get a conditional use approved by the municipality and the zoning hearing board is not involved with that. He asserted a lot of the information concerns whether or not a conditional use should be granted and the conditions. He suggested they focus on the five aspects of variances. Mr. Gaul stated it was addressed because they were just concerned with the board's potential concern about impact on the community.

Mr. Gaul pointed out the variance is for the minimal relief necessary. Mr. Tantara agreed the relief requested is for the minimum amount to permit a billboard safely and visibly at this location for these speeds. He explained the sign face, height, setback and column size are all related by the math, his experience and the references.

Mr. Dice inquired about the meaning of the areas in pink on Exhibit No. 6 and Mr. Tantara stated they were identified in the table. He explained that is the remaining area left over after all the yard requirements, natural limitations and building setbacks are met. Mr. Dice inquired whether he reviewed

the zoning ordinance and the C-2 uses and Mr. Tantara answered affirmatively. Mr. Dice questioned whether or not a C-2 use can be put in one of those pink areas and Mr. Tantara referred that to the planner. He felt the areas are too small to accommodate it and there is no access and for all the other reasons previously mentioned. Mr. Dice inquired whether the future owner is aware of all of this information and Mr. Tantara answered affirmatively. Mr. Dice questioned whether the property is under an agreement of sale and Mr. Gaul stated it would be clarified later. Mr. Dice asserted the new owner is aware of the limitations and Mr. Tantara concurred. He added all the documents have been provided to the new owner. Mr. Dice inquired whether he is testifying that there is no C-2 use in the zoning ordinance that can be put on this property and Mr. Tantara answered affirmatively. He added the planner would clarify it.

(A brief break was taken at 9:06 p.m.)

When the meeting reconvened Mr. Dice explained the board would continue the meeting until 10 p.m. then the rest of the applications would be considered next month. Mr. Gaul reported they have four witnesses on both sets of applications.

Mr. Grysiak inquired whether there were any interested residents in attendance that wanted to voice their concerns. No one came forward.

Mr. Whealdon questioned given all the testimony, whether it would be possible to build a billboard on this site in compliance with the ordinance. Mr. Dice inquired whether it could be done physically and Mr. Tantara stated it is not appropriate to that the smaller sized area for a sign with these speeds. He asserted he would not design or build it. Mr. Whealdon clarified it could be built but he does not recommend it and Mr. Tantara stated he would not recommend it. Mr. Dice again questioned whether it could physically be done. Mr. Tantara answered anyone can improperly build anything. Mr. Dice inquired whether that was his opinion and Mr. Tantara stated it has all of those site constraints, challenges and obstructions, aside from the area. He added there are also access constraints involved to get to the area to build the sign and that is why part of the application deals with access from Old William Penn Highway and a bridge across the run. Mr. Dice inquired whether they could build a sign in compliance with the ordinance if they are granted access and Mr. Tantara would not recommend it. Mr. Dice questioned whether it can be done physically and Mr. Tantara answered affirmatively but he would not recommend it. Mr. Whealdon pointed out there were no variances for the access for the bridge and Mr. Gaul agreed per the ordinance but PennDOT would require permits to open up to access the run. Mr. Dice asserted that would be true if they were building the proposed sign or a sign that complies with the ordinance. Mr. Whealdon reported that is not within the zoning hearing board's jurisdiction. Mr. Dice stated both cases need the access and Mr. Tantara concurred.

Mr. Gaul inquired whether there would be safety concerns with building a 150 square foot sign, 24 feet above the highway at that location and Mr. Tantara answered affirmatively. He explained a driver would not be able to read it and it would translate to more time for eyes off the road and they would have to read it at a closer distance and at higher speeds. He stated it would pose safety concerns which is why PennDOT permits up to 1,200 square feet for a sign for speeds and number of lanes along the interstates. Mr. Gaul inquired whether he would have concerns about a sign located anywhere on the parcel without regard to what is reflected on Exhibit West 6 and Mr. Tantara answered affirmatively.

Mr. Gaul called the next witness Mr. Joshua Haydo from Wooster and Associates. Mr. Haydo reviewed his professional affiliations and briefly explained his civil engineer firm focuses on traffic and permitting. Mr. Gaul referred to Exhibit 1 and inquired whether it reflected the location of the sign proposed by OWPH and Mr. Haydo answered affirmatively. Mr. Gaul referred to Exhibit West 9 which is a copy of his curriculum vitae and reviewed his education and professional experience. Mr. Haydo briefly explained how he evaluates sites, prepares reports, does analysis and reviews requirements pertaining to traffic and billboards at the municipal and state level. Mr. Gaul offered Mr. Haydo as an expert in traffic engineering and the billboard permitting process.

Mr. Gaul inquired what PennDOT's role will be in permitting and approving the proposed billboard. Mr. Haydo reported they will review all relevant plans in accordance with their criteria and if everything complies they will issue the necessary permit to construct and maintain the billboard.

Mr. Gaul referred to Exhibit No. 10 which is Chapter 445 of 67 Pennsylvania Code and requested an explanation. Mr. Haydo explained it pertains to outdoor advertising devices and contains the department of transportation's requirements concerning size, spacing, lighting and access to outdoor advertising devices, and billboards. Mr. Gaul inquired whether the proposed billboard on this site complies with all of PennDOT's regulations for outdoor advertising devices and Mr. Haydo answered affirmatively.

Mr. Gaul referred to Exhibit No. 5 which is a speed study relative to speeds on the Parkway in the vicinity of the proposed billboard. Mr. Haydo briefly explained the methodology for doing the study. He reported he drove to the site evaluating sight lines from previous exhibits, coordinated the data collection, evaluated the data and produced the report of his findings and conclusions. Mr. Gaul referred to the last page of the exhibit to a table and inquired what the table shows and how the information is collected. Mr. Haydo explained they are the results of a radar speed study that was conducted on the June 13, 2023 at 11 a.m. in sunny, warm conditions with a radar speed gun. He reported they selected 50 data points, free flowing traffic and identified average speeds and the 85th percentile speeds. He asserted 71 miles per hour was identified. Mr. Gaul asserted that means approximately 15 percent of the traffic is traveling faster and 85 percent of the traffic is traveling at that speed or slower and Mr. Haydo agreed. Mr. Gaul inquired whether he ever performed a study like this for a proposed billboard and Mr. Haydo answered negatively. He explained he identifies speeds on roadways in nearly all of their traffic studies for the evaluation of sight distance and site lines. He asserted the posted speed limit is not always adhered to so they do not design sight lines or anything visual assuming motorists are going the posted speed limit. He stated they do speed studies to see how fast people are going and design to that standard. Mr. Gaul inquired whether there were previous drafts of this report and whether they have the same conclusions as to the speed on that section of Parkway; Mr. Haydo answered affirmatively. Mr. Gaul questioned whether he analyzed the installation of the proposed billboard at this location that would have any adverse impact on traffic safety and prepared a report and Mr. Haydo answered affirmatively. Mr. Gaul referred to West 12 which is a separate evaluation Mr. Haydo prepared relative to crash rates on that segment of the Parkway. Mr. Haydo briefly reviewed the methodology for that kind of report. He reported they obtain data from PennDOT for five years, the number of accidents in that segment of roadway, formulas are used considering the number of lanes, and the volume of the traffic on the roadway. He reported that segment of the Parkway carries almost 63,000 vehicles per day, and with the posted speed and the observed 85th percentile speed they develop a calculated crash rate. He explained PennDOT based on

classification of roadway and the limited access, the crash rate at this location is lower than the expected crash rate. He stated this area does not experiences higher than normal number of accidents.

Mr. Gaul questioned whether he studied other areas along the Parkway around Monroeville and Mr. Haydo answered. Mr. Gaul referred to Exhibit West 11.

Mr. Grysiak inquired about Mr. Wolfington of Wolfgate Development. Mr. Gaul answered he is one of the principles of the company and will testify later and Wolfgate Development is sort of an umbrella.

Mr. Gaul requested a description of Exhibit West 11 and Mr. Haydo explained it is a similar evaluation that he prepared concerning crash rates at a location a half a mile west of this location at an existing billboard of the same approximate size of height and dimensions. He stated it is on the border of Monroeville and Penn Hills and traveling westbound it would be located on the right-hand side. He briefly reviewed the information and stated the presence of that sign did not cause crash rates in that segment of roadway to be any higher than those elsewhere on the Parkway.

Mr. Gaul referred to the speed and relative safety of that stretch of the Parkway in the area of the sign and elsewhere. He inquired whether he held those opinions to a reasonable degree of professional certainty and Mr. Haydo answered affirmatively.

Mr. Dice inquired whether he reviewed the Monroeville Zoning Ordinance with respect to this application and Mr. Haydo answered affirmatively. Mr. Dice questioned whether he testified anywhere concerning variances in municipalities and Mr. Haydo answered affirmatively. Mr. Dice inquired whether he offered any opinions concerning variances regarding what does and does not create a hardship. Mr. Haydo answered negatively concerning the hardships. Mr. Dice questioned whether he determines the speed on the highway. Mr. Haydo explained common criteria that he sees in municipal ordinances pertaining to billboards are issues about whether it obstructs sight lines for motorists or obstructs traffic control devices. Mr. Dice inquired whether he offers any testimony concerning whether or not the applicant has made out a variance or he only testifies concerning the traffic., Mr. Haydo stated he only testifies to the traffic safety and whether it will not be detrimental to the health, safety and welfare, not whether or not there is a hardship.

Mr. Gaul called Mr. Andrew Schwartz forward from Environmental Planning and Design. He referred to Exhibit West 1 which is the location of the proposed sign. He inquired whether he was going to testify concerning the suitability of that parcel for other uses that are allowed in C-2 districts and the need for the variances that OWPH has requested and Mr. Schwartz concurred. Mr. Gaul referred to Exhibit West 12 and Mr. Schwartz identified it as his curriculum vitae and gave a brief overview of his education, professional experience and certifications Mr. Gaul offered Mr. Schwartz as an expert in land planning and land use planning.

Mr. Gaul referred to Exhibit West 6 and inquired whether he helped prepared it and Mr. Schwartz answered affirmatively. Mr. Gaul inquired how it was prepared and Mr. Schwartz explained using the topographic and property survey and the Monroeville Ordinance, their requirements, FEMA information related to flood plain/flood ways and the site plan concerning the billboard location. He reported the graphic in terms of the tiled maps in the packet for West 6 were built off of the survey and everything is built off of the survey. Mr. Gaul referred to the last page of the exhibit, and inquired

whether he understood the differences between the two shades of pink and Mr. Schwartz answered affirmatively. He referred to the previous map because they used the regulatory requirements that were in the municipal ordinance for the front yard setback and the building setback in terms of the 10 feet and the 40 feet. He explained when he applied that to all the other restrictions the last map was produced. He referred the two shades of color, and reported the brick red shade is land that can be used for parking, storm water or landscaping because it is the area that is sandwiched between the front yard setback and the building setback. He explained the only place a structure could be built is in the purplish colored area which has the little No. 6 in it. He pointed out that it equates to 50 square feet and is three quarters of a foot wide. He reported a building could be built in the purplish area but not in the red area which can only be used for parking, stormwater or landscaping.

Mr. Gaul inquired whether he examined the other uses that are permitted in the C-2 Districts of Monroeville and Mr. Schwartz answered affirmatively. Mr. Gaul questioned whether any of the permitted uses in the C-2 District are feasible on this property without variances and he read them as follows: Amusement Use, Auditorium, Banks, Business College, Business Services, Club, Convention Center, Department Store, Food Services, Forestry Activities and Timber Harvesting, Funeral Home, Medical Clinic, Nurseries, Offices, Personal Services, Restaurant Bar, Retail Stores, Shopping Center, Studio, Theater, Vehicle Salesroom, Veterinary Clinic and Accessory Uses. He inquired whether this parcel could be developed for any of those uses consistent with the requirements of the zoning ordinance. Mr. Schwartz explained each of those uses have a building attached to them and he did not feel 58 feet was large enough for those uses. He suggested maybe forestry would be one of the only uses that could be done but 95 percent of them could not be reasonably developed given the lay of the land. He explained a C-2 District is like Business Route 22 with all those uses and the 58 feet would not accommodate those uses. Mr. Gaul questioned whether the stream and the slope impair any forestry use of the parcel and Mr. Schwartz answered affirmatively. He explained that is kind of residual land and there is no marketable timber in the area. He asserted the municipal ordinance follows the MPC which is forestry has to be permitted by right in all districts not that there is any feasibility to forestry. He stated that it is not feasible to the area.

Mr. Gaul referred to the Conditional Uses in the C-2 District as follows: billboards, church, commercial communication tower, commercial communication antenna, commercial commuter lot, drive-in restaurant, drive-in theater, gas station, heliport, hotel major exaction, public use, utility substation, vehicle sales area and vehicle services. He inquired whether any of those would be developable on this parcel in strict compliance with the zoning code and Mr. Schwartz answered the vast majority of those uses usually have a building connected to it. He felt the 58 square foot area would not accommodate those conditional uses. He mentioned the commercial communication tower could potentially get the tower but that location is in a valley and the tower requirement if it wants to exceed the 45-foot building height that is permitted in C-2, to go up one foot extra elevation there would have to be a one foot setback. He estimated a tower of approximately 75-85 feet in height and it would get pushed down over the hill which would render it useless because the tower would need to be above the ridge to shoot the beams outside of the Parkway Corridor. He suggested it may not be practical for the parcels along that stretch of Old William Highway that it can be done. Mr. Gaul inquired whether he agreed with the previous witness that OWPB met the variance standards under the zoning code and Mr. Schwartz answered affirmatively. He reported a billboard could be built in the No. 6 area shown on the map to the standards. He referred back to the site plan and pointed out the No. 6 area

goes down over a hill and because of the size face and the height of the tower, the top of the sign would be at road level rendering it invisible. He stressed the billboard could be placed there but it is not practical. He stated the standards in the ordinance were designed for Business Route 22 but it does not work on those sections on Old William Penn. He felt the solutions to remedy the hardships is the best approach because it is trying to balance the public safety, the visibility, property owners use and enjoyment of the property and the spirit of what the municipality is trying to accomplish in the ordinance.

Further discussion ensued and Mr. Dice suggested this item be tabled, leave the record open and the last witness can be held next month. He explained the applicant will have 45 days from the date the testimony is closed.

Mr. Whealdon inquired whether the applicant intended to have all the same testimony for the second set of five applications. Mr. Gaul answered affirmative but added he wanted to stipulate to certain things like qualifications and say the witness would testify as they testified previously for the west site. He stated there are some differences including the site plan and survey and the work of the EPD but if the board agrees they could cut down. Mr. Whealdon suggested the next meeting would be similar to this one and Mr. Gaul agreed. He stated they would cover some of the details.

Mrs. Wilkins inquired whether the applicant could provide a graphic of where the sign is located in reference to the direction sign and the PennDOT sign. She pointed out they were kind of in the same area. Mr. Gaul answered they would try to develop it. Mr. Whealdon suggested it be added to Exhibit West 8 and a similar one for the east. Mr. Gaul asserted it might be prepared by Mr. Tantala but if not, it would be marked as an original exhibit.

Whereupon, Mr. Gaydos duly made a motion to table all ten items and leave the record open. Mr. D'Agostino seconded it. Upon a voice vote, the motion carried unanimously.

ADJOURNMENT

There being no further business to come before the zoning hearing board, at this time, a motion was duly made by Mrs. Wilkins to adjourn the meeting at 9:55 p.m. and Mr. Hutchison seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Gary Grysiak
Chairman

GG/sam