

MUNICIPALITY OF MONROEVILLE

ZONING HEARING BOARD

SEPTEMBER 6, 2023

MINUTES

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

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Pledge of Allegiance was recited and a moment of silence was observed.

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 corrections, additions or deletions to the minutes of the August 2, 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 to consider the new business before the old business.

NEW BUSINESS

23-28-A

C.L.A.S.S.

The applicant is requesting a Dimensional Variance from Section 207.8, of the Monroeville Zoning Ordinance No. 1443, as amended, to increase the size of an existing driveway beyond the maximum permissible 25 percent of the front yard. The property is located at 816 Cranberry Drive, Tax Parcel 637-G-179, in the One-Family Residential Zoning District.

Mr. Gene Corona, Director of Facility for Community Living And Support Service (CLASS), came forward representing the applicant. He explained they are a nonprofit that own the house but everyone living there is handicapped, ADA or a different variety of disabilities. He reported three gentlemen live in the house and are cared for by staff, one is in a manual wheelchair and the other two are in motorized wheelchairs. He pointed out they have a need at the entrance way to bring it out towards the street. He stated they currently have a temporary one and are looking to asphalt it and make permanent. He explained they need to bring it closer toward the street away from the house so they can come out because they cannot pull a handicapped loading vehicle far enough up because of the garage door so they can get on so they are currently loading in the street. He mentioned how it is a cul-de-sac which impedes the traffic in the neighborhood. He stated they are looking to widen it.

There being no questions or comments, a motion was duly made by Mr. D'Agostino to approve Application No. 23-28-A and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

23-29-A

ARTIF IMRAN

The applicant is requesting a Dimensional Variance from 207.3, Lot and Yard Requirements, of the Monroeville Zoning Ordinance No. 1443, as amended, to install a deck that will encroach approximately six feet into the required ten-foot side yard setback for Accessory Structures. The property is located at 1317 Knollwood Drive, Tax Parcel 979-R-326 in the R-2, Single-Family Residential Zoning District. Construction of the deck has begun without required permits.

Mr. Whealdon reported he had discussion with the applicant and he has received negative correspondence from the neighbors so the applicant agreed to remove the portion of the deck that encroaches into the side yard. He explained the applicant is going to cover the existing concrete deck with a wooden one and will no longer need the variance. He stated this application can be withdrawn.

Mr. Artif Imran, the applicant, came forward to withdraw the application because he did not want to upset his neighbors. He reported they would cover the existing deck and it will not encroach toward the neighbors.

Whereupon, Mr. D'Agostino duly made a motion to grant the withdrawal of Application No. 23-29-A.

Mr. Ismail Cole came forward to comment concerning the applicant. He felt the withdrawal was considerate and is the best solution for everyone involved. He stated the neighbors have been fantastic and he has not had any issues with them. He asserted he could not ask for better neighbors and has not had any problems with Artif Imran.

Further discussion ensued. Mr. Imran reported how he was unaware of any requirements that they could not go closer to the neighbor's fence. He stated this could have been resolved and the work already been completed. He again explained they would not encroach or hurt any of the neighbors. Further discussion ensued.

Mr. Cole reported his first impression was that the required permits were obtained and they were hoping to make a deal with the applicant. He stated then he received the letter from the municipality where the permits had not been obtained and no variance had been requested. Mr. Imran explained they started the construction not knowing it would not be permitted and they stopped work as soon as they were notified.

Whereupon, Mr. D'Agostino duly a motion to approve the withdrawal of Application No. 23-29-A and Mr. Gaydos seconded it. Upon a voice vote, the motion carried unanimously.

OLD BUSINESS

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.

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. Whealdon reported these five applications were tabled last month until this meeting and the board heard the testimony. He stated the next five applications would be considered at this time.

Mr. Dice explained how the zoning hearing board will incorporate the testimony from last month into this next Application Nos. 6 through 10 which are substantially the same issues and same kind of testimony. He suggested the applicant does not need to go through it all again. He ruled that that testimony will be incorporated in Items 6 through 10 of the applications.

Mr. Gaul agreed and added they have a few witnesses left and they need to briefly recall one of the witnesses from the previous meeting. He stated they also have two new witnesses. Mr. David Lamberger and Mr. Patrick Wolfington came forward.

Mr. Gaul distributed additional exhibits. He reported Exhibit 15 is a rendering of the site, Exhibit 16 is the site plan with the mile markers of Route 376. He explained Exhibit 17 was requested by the zoning hearing board which is an aerial view of the stretch of the Parkway from Mile Marker 82.5 through Mile Marker 83 with the location of the two proposed billboards. He stated Exhibit 18 is Mr. Lamberger's curriculum vitae

Mr. Gaul referred to Exhibit No. 15 and recalled Mr. Schwartz to discuss how this exhibit was prepared.

Mr. Grysiak explained no additional credentials were needed from any of the witnesses that were accepted as experts at the last meeting and does not need to be reviewed. Mr. Gaul agreed.

Mr. Gaul inquired whether he was involved in the preparation of the documents included in Exhibit No. 15. Mr. Schwartz reported the zoning hearing board wanted some sort of illustration to show what is in the plan and get it into a photograph. He explained they built a 3-Dimensional terrain model using the topography from the survey and components of the billboard then draped it over a photograph so they could import those elements into the photograph or mashed them together. He stated it is to give the zoning hearing board two views of the current ordinance in comparison to the requested variance. He explained they do this type of analysis for existing conditions and proposed conditions so that there is a before and after. He reported they are trying to demonstrate the impact of the current standards that are in the ordinance relative to visibility and safety compared to the proposed variances. He referred to the upper left corner showing West Site with 700 feet dimension. He explained they try to capture a view that was based on the previous meeting's testimony in terms of travel time. He further explained they try to simulate this to show where the bill board could be seen by a motorist. He referred to the first photograph traveling towards Pittsburgh under the current ordinance and there is only a tiny triangle that can be seen because of the topography which is based on a ten-foot setback and a 24-foot high structure and it is counted from the top of road. He asserted it is not just the contour along the side slope falling down the hillside, the height is measured from the road surface so they use the elevation of the road surface in that area. He reported the 3-D model gives them a high-level of accuracy in terms of when they do the simulation. He referred to the image with the requested variances and pointed out how the billboard is not visible because there is a little hill in the way. He further explained the sign disappears behind topography which is a part of the PennDOT right-of-way and it is not under the control of the property owner or the potential lease and is within the right-of-way with a grade change of 15-20 feet. He stated if the billboard is built in compliance of the ordinance it sits low to the road and would not be visible until a motorist was into the middle or passed

the hill. He added the height would be similar to those construction signs with information. He mentioned there is currently one on Monroeville Boulevard which is an example of the 100 square feet. He suggested it may become a distraction but it would be in a better position if they could elevate a sign up over the hill so a motorist can see the sign face.

Mr. Gaul referred back to the first and second page and requested that he circle the billboard. He requested that it be marked Exhibit West 19. Mr. Schwartz reported that is the billboard based on compliance with the requirements and what is proposed. Mr. Gaul requested that he also circle the billboard on the next page on the west side. Mr. Schwartz explained that it is eastbound looking at Monroeville and stated the one to the left of the rectangle would be the sign in compliance to all the requirements which would be the current standard or the back side. He reported all four of the images are the same sign location but looking at it from two different directions. Mr. D'Agostino asserted the first two are front views and the next two are the back views. Mr. Grysiak questioned how the signs would be identified and Mr. Schwartz stated all four images are of the west site. Mr. Dice added it is labeled west side eastbound and the third one is built to the municipal standards and Mr. Schwartz concurred. He pointed out the fourth one is the requested variance of 750 feet and how it is more obvious. He stated the height is driven by the westbound view because the hill is in the way. He explained in order to have it visible and not to be confused with other types of signs it was suggested to bring it up above the hills. He stated eastbound it is a different vantage point but the height is the same because it is the same sign structure.

Mrs. Wilkins suggested that the poll looks like it is in front of the directional sign. Mr. Schwartz explained there is a lot of space from that directional sign. He stated it is on the Max Construction side of the Penn Hills exit sign.

Mr. D'Agostino questioned whether the proposed sign would impede on the Penn Hills exit sign and Mr. Schwartz answered negatively. He referred to Image No. 2 where it shows the Penn Hills sign is below it and a motorist cannot read the sign. He explained the Department of Transportation uses a similar type of thought process that the size of letters is set with a certain speed and visibility distances. He stated the text begins to become legible when a motorist is even with the actual billboard.

Mr. Gaydos questioned the distance between the proposed sign and the Penn Hills sign. Mr. Schwartz estimated it to be 200 feet but he would have to confirm it. Further discussion ensued. Mr. Schwartz stated they calculated it to be over 300 feet. He referred to the existing municipal standard and explained the sign face edge is at the ten feet from the property line and the requested variances are for two feet from the property line. He asserted it would be everything as they sited it on the property and it is not located in the right-of-way but the Penn Hills sign is in the right-of-way. He added there is always separation geometrically from those signs.

Mr. Dice inquired whether he is saying they can build a conforming sign but they do not like the height or the view because it is not big enough and Mr. Schwartz answered negatively. He referred back to the first picture which is the current sign standard and they are trying to illuminate a motorist's view. Mr. Dice questioned whether they could build that sign and Mr. Schwartz answered that standard would become more of a nuisance than elevating the sign. Again, Mr. Dice questioned whether it could be built in conformance and Mr. Schwartz answered negatively because the previous photograph shows how it cannot be sited on the property given all the challenges with the terrain. Mr. Dice pointed out those are challenges to the applicant and Mr. Schwartz suggested they are hardships. Mr. Dice inquired

whether they are proposing signs that are 450 percent bigger than what is permitted under the ordinance and Mr. Schwartz agreed. Mr. Dice also pointed out the ten-foot yard requirement would be encroached on by eight feet. Mr. Schwartz answered not for the post only for the cantilever sign face. Mr. Dice suggested they would only have 20 percent of the yard requirement because they would encroach 80 percent and Mr. Schwartz answered affirmatively for the cantilever portion.

Mr. Gaul called Mr. David Lamberger, retiree from the outdoor advertising industry. He briefly reviewed his last employer, Clear Channel Outdoor located in Philadelphia, and how he was responsible for financial success and cash flow. Mr. Gaul inquired about the revenue of Philadelphia region and Mr. Lamberger answered it was southeastern Pennsylvania, southern Jersey and Delaware and their goal this year was \$55 million. He reviewed his work in that position. Mr. Gaul inquired whether he worked with sign vendors and engineers and Mr. Lamberger answered affirmatively. He gave a lengthy description of what he did with this company and reviewed his work experience over the years. He also briefly reviewed his professional associations and certifications. He gave an overview of what he did over the years of his career. Mr. Gaul inquired whether he knows what it takes to develop a billboard that the owner can expect to turn a profit and Mr. Lamberger answered affirmatively. He explained he had guidelines but it is basically the return on investment based on the capital and all the expense based on the projected revenue. He added they had to hit a certain number or the project would get scrapped. Mr. Gaul inquired whether he was experienced in determining whether a project or sign would be profitable and Mr. Lamberger answered affirmatively. He stated they had to have all 50 points of the guidelines covered and make sure the return on investment was met because they had 26 other markets that were looking for the same amount of capital. Mr. Gaul inquired whether the ability to make a profit changed with the rise of changeable message signs and Mr. Lamberger answered affirmatively. He added the capital investment is much larger than a traditional board and the target is for limited access highways because of the traffic counts where the demand is high.

Mr. Gaul offered Mr. Lamberger as an expert in the billboard industry with the knowledge to develop a billboard site profitably. Mr. Dice clarified that this witness is being offered to comment on the profitability of these signs. Mr. Lamberger continued to explain how a property would be profitable. He stated it has to have significant visibility of an arterial and whether the size of the sign on that road is appropriate for the motorist to see and recall the message. Mr. Gaul requested he explain the creative and Mr. Lamberger answered it is the message it sells and it has to be memorable to recall. He stated when clients go to make a purchase they have the recall and that is what they do for the advertisers. Mr. Gaul questioned whether the factors are how much an owner can sell space for on a billboard and Mr. Lamberger answered it is the size of the sign. He explained that the bigger the sign and the closer it is to the road the higher impression level it has than a smaller sign further away from the road. He added it is verified and audited by his company which is what the advertisers are looking for.

Mr. Gaul pointed out the proposed site located between the Parkway and Old William Penn Highway between the exits for Route 48 and the Rodi Road Exit. He questioned whether he was familiar with the site and whether he reviewed the maps and diagrams of the case and Mr. Lamberger answered affirmatively. Mr. Gaul inquired whether he saw the site plan and Mr. Lamberger answered affirmatively. He added he did a site visit on Sunday. Mr. Gaul inquired whether he is familiar with the limited access highways in the Pittsburgh area and Mr. Lamberger answered affirmatively. Further discussion ensued regarding how familiar Mr. Lamberger is with the area and that stretch of the

Parkway. Mr. Gaul pointed out the speed limit on that road is 55 miles per hour but motorists travel closer to 70 miles per hour and Mr. Lamberger concurred.

Mr. Gaul asserted the Monroeville Zoning Code allows an owner to build a billboard at the site but the sign size is limited to 150 square feet, the dimensions are limited to no more than 15 feet by 10 feet and the sign cannot be more than 24 feet above the road from which it is to be viewed. He questioned with those restrictions and what he knows of the site, whether anyone in the billboard industry can profitably develop a sign at that site and Mr. Lamberger answered negatively. He explained a sign 10 by 15 feet would not make the revenue that a 14 by 48-foot sized sign would make and the cost of the capital to build the bridge, the pole and the foundation would only get maybe a quarter or less than 25 percent of the rate of a 672 square foot sign. He added a 14 by 48-foot sign would drive at least three to four times more than the rate at 150 square foot sign. He asserted no one would buy a sign where the motorists are going 70 miles per hour by a 10 by 15-foot sign because the creative cannot be done at that high speed. He explained the standard size of the industry is the 14 by 48-foot sign and the development and purchasing of these digital signs is 14 by 48 so the cost for a 10 by 15 foot would be higher than the larger one and the applicant would still have all the capital expense. He asserted national advertisers that spend the big money in the industry do their creative based on the 14 by 48-foot sign or 672 square feet. He stated they would not pay one artist to do a 150 square foot sign in Monroeville so the opportunities for sale are diminished at least 50 percent.

Mr. Gaul inquired whether he had an opinion of whether a smaller sign at that site with a reasonable expectation of turning any profit and Mr. Lamberger did not feel anything smaller would be viable financially. Mr. Gaul inquired whether there are other standard sized billboards other than the 672 square feet and Mr. Lamberger answered affirmatively. He explained one state association allows it up to 1,200 square feet of a 20 by 60-foot sign. He added he had signs in Philadelphia that were 20 by 80 feet or 49 by 196 feet but the majority of the 700 bulletins he had in the market place were 14 by 48-foot signs. Mr. Gaul inquired there are any standard sizes that are smaller than 672 square feet and Mr. Lamberger answered affirmatively. He stated there is 10.6 by 36 feet on the bulletin size and the poster panels are 12 by 25 feet. Mr. Gaul questioned whether 10.6 by 36 foot is 378 square feet and Mr. Lamberger answered affirmatively. Mr. Gaul inquired whether that would work at this site and Mr. Lamberger answered negatively. He explained it would diminish profits or diminish returns on investment and an advertiser would not get the same rates as a sign that is 14 by 48-foot sign. He further explained the impressions would be smaller and the client's pay by or at a cost per thousand eyeballs would not be the same.

Mr. Gaul inquired whether you could get a sign in a size other than the standard sizes as discussed and Mr. Lamberger answered affirmatively. He added they would pay premiums because they are not off the rack. He explained how a digital sign is a computer and would have to be reconfigured. Mr. Gaul inquired whether there is any change in the price for one of these non-standard signs due to the decrease in the sign area and Mr. Lamberger answered affirmatively. He added you would pay a premium per square foot and would not get the same revenue. Mr. Gaul questioned whether those would be non-standard sizes and Mr. Lamberger answered affirmatively. He stated the 12 by 25 feet and the 10.6 by 36 feet would be standard but there would be a premium per square foot and you would get less revenue and there is still the same amount of capital to build the pole, the foundation and everything else. He added the profits would be lower because the rates would not be the same.

Mr. Gaul inquired whether a 10.6 by 36-foot sign is typically placed on roads like the Parkway and Mr. Lamberger answered negatively. He added they could probably put them on secondary arterials such as West Carson Street, East Carson Street or Butler Street in Pittsburgh. Mr. Gaul questioned whether a smaller sign would reduce the site development cost for a site and Mr. Lamberger answered just for the cost of the face but everything else would be the same. Mr. Gaul inquired whether a 672 square foot sign is the smallest sign that someone could develop with any profit on that site and Mr. Lamberger answered affirmatively.

Mr. Dice questioned whether they cannot make as much profit if the sign is not big enough or the bigger the sign, the more profit and Mr. Lamberger answered affirmatively. He added the rates would be higher so the revenue would be higher. Mr. Dice inquired he ever testified before a zoning hearing board and Mr. Lamberger answered affirmatively. Mr. Dice questioned what profit has to do with hardship. Mr. Lamberger answered that with this specific case there is not much else that could be done with the lot. He felt the only viable product that could be placed on that lot would be a billboard. Mr. Dice questioned whether there are no other uses that could be put on that lot and Mr. Lamberger answered negatively. Mr. Dice referred to previous testimony one of their representatives indicating there is an area that can be developed and Mr. Gaul objected to that question because it misstates the testimony. Mr. Lamberger reported he viewed both sites and he could not see an ice cream shop or anything that would be profitable at that location. Mr. Dice again inquired what profit has to do with hardship on the land and stated if you cannot make enough money it is not worth doing. He questioned whether that creates a hardship of the land because they cannot make enough money and Mr. Lamberger was uncertain. He estimated that there would probably seven figures of capital investment to make this happen and it is not viable to come out at zero. Mr. Dice asserted most of his testimony is about the viability or profitability of doing this project with these larger signs and Mr. Lamberger agreed. Mr. Dice questioned where there is not as much profit made on the smaller signs and Mr. Lamberger answered affirmatively.

Mr. Gaul questioned whether it is his opinion that a 150 square foot sign could not make a profit at that site and Mr. Lamberger answered affirmatively. Mr. Gaul inquired whether it is his opinion that if they are trying to establish the commercial use of a billboard on the proposed site and it would not be viable with a sign that is less than the 672 square foot size and Mr. Lamberger agreed. Mr. Gaul stated it would not be profitable on a size smaller than that and Mr. Lamberger concurred. Mr. Gaul indicated it would be a commercial use that would make it profitable and Mr. Lamberger agreed.

Mr. Patrick Wolfington, Principle and Partner of Wolfgate Defco, LLC, came forward to give testimony. He explained his company develops off-premise billboard signage and gave a lengthy overview of his responsibilities during his tenure. Mr. Gaul inquired whether he analyzed the financial feasibility of a billboard and whether it makes a profit and Mr. Wolfington answered affirmatively. He explained how they look at the current zoning, the roadway where its visible, traffic counts, demographics in the area, existing inventory along the same roadway or that area, environmental conditions, whether it is visible and the cost of constructions. Mr. Gaul questioned why the analysis is done and Mr. Wolfington explained there is cost and revenue. He added it is then determined whether a project is viable. Mr. Gaul inquired what improvements would have to be done to the property in addition to constructing the sign. Mr. Wolfington explained the access would have to be made off Old William Penn Highway, a culvert built, a temporary roadway to construct a permanent bridge to allow for access, a pad area for the construction of the sign which includes the secure foundation and the



mounted face. He added it is an extensive, capital intensive process. Further discussion ensued concerning the cost and Mr. Wolfington reported they have a \$1.2 million estimate for site improvement costs for each site which does not include the costs to construct the sign. He stated there would be fixed costs for anyone to utilize this site and access an area that is developable for any use. He added it has nothing to do with the height or size of the sign. Further discussion ensued regarding the hard and soft costs of the construction of a sign but there are site improvement that have to be done for this site. Discussion also ensued regarding financing of the site improvements.

Mr. Gaul inquired how a billboard generates revenue and Mr. Wolfington answered from the sale of advertisements. He gave a lengthy overview of how things would be advertised on a billboard and the costs. Mr. Gaul questioned what attributes are presented to a potential customer about the concerned visibility. Mr. Wolfington answered they will want to know how many people are driving on that roadway, the size of the sign and how close the sign is to the roadway. He explained they want the sign closer to the roadway because it makes visibility easier and the sign would have to be larger with a larger setback. He stated a potential customer will look at the visibility of the sign, the site line, how long can it be seen, the environment, any obstructions and existing inventory in the area.

Mr. Gaul asserted that they cannot as a private sign company enter into the PennDOT right-of-way for the Parkway and Mr. Wolfington concurred. He added the customers are aware of it also.

Mr. Gaul pointed out the proposed sign is larger than the 150 square feet permitted. He questioned the difference in volume or revenue that can be generated from what is proposed opposed to what is permitted. Mr. Wolfington felt no revenue would be derived from the 150 square foot sign or nominal at best. He reviewed the size of the sign has to be big enough to include basic components which is the name of the company, the product or service advertised and how to contact the company. Further discussion ensued about other sized signs at this location. Mr. Gaul inquired whether they considered sign sizes smaller than 672 square feet and Mr. Wolfington answered negatively. He explained how they started with the fixed costs to access the site for this or any use. He reported how they did all the studies to determine what is needed to make a viable project. He pointed out initially the property owner indicated that it was a nuisance parcel that could not be used for anything. He stated they looked at them and the viability then ran an analysis and signed a purchase agreement in August 2022 then made application with the municipality in March or May. He reported they had six months of in-depth analysis of what is needed to make their proposed project and the property viable because it cannot be used for anything else.

Mr. Gaul inquired what risk they considered in determining how large or small a sign could be that they could get financing and build. He questioned whether there are any other factors considered in deciding how large or small a sign needs to be built on a parcel in order to finance and develop it. Mr. Wolfington answered there a lot of different variables that have to be factored in. He mentioned market conditions and interest rates. He stated there is a level of risk that has to be considered but they have to be able to account for all the factors that could make a project viable. He indicated the 672 square feet is the minimum needed to make this viable. He explained a bigger size would be more profitable but there would be more capital expenses and they only need this size to make the sign viable.

Mr. Gaul referred to sight lines and safety consideration and questioned whether they were consistent with his experience in the industry. Mr. Wolfington answered affirmatively and added that

is why they do the two analysis. He explained they reviewed the Highway Beautification Management System (HBMS) which PennDOT uses to catalogue and track all of the billboards in the Commonwealth of Pennsylvania. He reported there are 51 billboard locations comprising 93 faces with the singles and doubles. He explained if the average is taken of the 93 faces on the interstates in Allegheny County and the math is done on the size of those sign faces, it comes out to 699.5 feet which tells you on a six-lane highway the appropriate size of a sign is in the range of 672 feet or higher. He stated a small sign will not be built because it is not viable.

Mr. Grysiak inquired whether they considered other parcels along the Parkway besides these two proposed and Mr. Wolfington answered negatively. Mr. Grysiak questioned whether he knew the size of the sign along the Parkway located in Penn Hills and Mr. Wolfington answered it is 672 square feet.

Mr. Dice inquired whether they looked at other uses in the C-2 District as to whether or not any structures could be built there and Mr. Wolfington answered they left that to the professionals to do it. Mr. Dice questioned whether he did it and Mr. Wolfington answered they looked at it. Mr. Dice verified that he saw all the permitted C-2 uses and Mr. Wolfington concurred. Mr. Dice questioned whether any of those are available to be built on this site and Mr. Wolfington answered negatively to his understanding. Mr. Dice requested an explanation. Mr. Wolfington explained they can look at an ordinance, apply the bulk regulations to determine what can be done in conformance. Mr. Dice questioned whether an ice cream stand can be placed on the parcel and Mr. Wolfington answered it would have to be reviewed. Mr. Dice suggested all the testimony given is driven by profit or money and Mr. Wolfington disagreed. He felt it is driven by viability. Mr. Dice inquired whether an ice cream store could be built there and Mr. Wolfington could not answer that question.

Mr. D'Agostino questioned the attraction of this location and he mentioned the cost of development of the property before the signs are put up. He suggested that he would chose something closer to the city where the cars are sitting on the Parkway going into the tunnels at a speed of 10, 15 or 20 miles per hour five days a week. He inquired whether they looked further down toward the city and Mr. Wolfington answered they are always looking for opportunities. He explained these properties are affectively condemned unless something can be done with them. He stated they did the analysis of whether this could be viable and it can be in their estimation on what is proposed.

Mr. Dice inquired whether they currently have agreements of sale and Mr. Wolfington answered affirmatively. Mr. Gaul asserted it is Exhibit No. 2 in the exhibit book.

Mr. Grysiak questioned how Wolfgate Devco versus OWPH Devco, LLC are related. Mr. Wolfinton answered OWPH, LLC is a subsidiary of Wolfgate Devco and wholly owned by them based in the suburbs of Philadelphia. He added they developed in Philadelphia, Harrisburg, the Pittsburgh area and across the state.

(A brief break was taken at 8:58 p.m.)

(The meeting reconvened at 9:11 p.m.)

Mr. Gaul reported they concluded their presentation for the first site and requested the exhibits offered.

Mr. Dice clarified that the Zoning Hearing Board is incorporating all of the testimony from the last meeting and this meeting for the Applications 6-10.

23-20-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 742-N-015, in the C-2, Business/Commercial Zoning District and is a lot with two front yards.

23-21-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 742-N-015, in the C-2, Business/Commercial Zoning District and is a lot with two front yards.

23-22-A

OWPH DEVCO, LLC

The applicant is requesting a Dimensional Variance from Section 307.14(b)(2), Billboards: Size and Height, of the 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, 33 inches, respectively, for total dimensions of 14 by 48 feet per side. The property is a vacant lot on Old William Highway, Tax Parcel 742-N-015, in the C-2, Business/Commercial and is a lot with two front yards.

23-23-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 for each side. The property is a vacant lot on Old William Penn Highway, Tax Parcel 742-N-015, in the C-2, Business/Commercial Zoning District and is a lot with two front yards.

This application has been tabled by the applicant.

23-24-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 742-N-015, in the C-2, Business/Commercial Zoning District and is a lot with two front yards.

Mr. Gaul called Mr. Tantara to come forward to give testimony. Mr. Dice requested he make an offer as to what he is going say that he did not testify to already. Mr. Gaul explained they would not discuss Mr. Tantara's qualifications or his work experience. He reported this is a separate site with a separate site plan, the improvements will be a little different but some locational things are different. He mentioned the zoning overlay done by Mr. Schwartz and the slopes will be different for this site.

Mr. Grysiak noted the time of 9:15 p.m. and suggested the meeting would be cut off at 10 p.m.

Mr. Gaul referred to the survey marked as Exhibit No. 3 for the east property. He inquired whether he did a site visit and prepared for his testimony the same as he did for the first five applications. He inquired whether there are unusual features to this property and Mr. Tantara answered affirmatively. He explained it is an irregularly shaped lot, approximately 300 feet wide by 70 feet on one end and 160 feet on the other end, it has frontages on two routes, along Interstate 376 to the south and Old William Penn Highway to the north. He reported the nearest lanes are westbound, the site is bisected by Leek Run into two narrow sections and 22 percent of the site is within a 100-year flood plain. He pointed out 14 percent of the site is in the flood way delineated by the dashed line which bisects the site. He reported the remaining portion of the site has extreme slopes and the green slopes are between 25-35 percent sloped which is approximately 18.9 percent of the total lot area and the red shows slopes greater than 35 percent steeper which is 56.2 percent of the lot area.

Mr. Gaul inquired about the impact of these conditions on the development of the first property and he had testified that it was constrained. Mr. Tantara agreed and indicated it would be the same for this parcel as well. He further explained the slope easements along the interstate represent 7 percent of the lot and the only access is from Old William Penn Highway because there is no access from I-376. He mentioned an 84-foot-wide utility easement which bisects the property between those two routes. He added there are significant topographic challenges which are the steep slopes, set back from the interstate and other factors.

Mr. Gaul referred to Exhibit No. 6 which is a study of usable space that Environmental Planning and Design performed for the other site. He inquired whether he reviewed them for this site and Mr. Tantara answered affirmatively. He explained the study is an overlay analysis which overlays the constraints and features that include coloring in the slopes between 25 and 30 percent and they delineate the 100-year flood plain with a light blue hatch and the regulatory flood way with a solid blue hatch and minimum yard requirements and building setbacks are reflected by the different colors which show the site as incumbered by those constraints. Mr. Gaul referred to the second page of the study and Mr. Tantara explained it as the starting point of the first set of overlays which include the 100-year flood plain, the regulatory floodway and the body of water. Mr. Gaul referred to the third page of the exhibit and Mr. Tantara explain it is specific to the slopes between 25-35 percent and greater than 35 percent in orange and red respectively. He continued to give a page by page overview of the exhibit with the minimum yard setback line, the building setback lines and areas that would satisfy the yard requirements that satisfy the building setback and yard requirements Mr. Gaul explained the salmon colored area satisfies the yard requirements but not the building requirements and the pink area satisfies both and Mr. Tantara concurred. He further explained the next page is the result of the overlay analysis which shows the area in red of what is left that satisfies the yard requirements and natural limits. He stated it is 58.87 square feet with a width of 4.46 feet or 0.16 percent of the total property area.

Mr. Gaul questioned whether this property was formed the same way the first site reviewed that was left-over property from the condemnation of property to build the Parkway in the 1950's and Mr. Tantala concurred.

Mr. Gaul referred to Exhibit 4 and Exhibit 15 which is the site plan for this parcel but has mile markers on it. He asserted the applicant is proposing to build a billboard on this property and Mr. Tantala agreed. Mr. Gaul inquired whether the property is zoned C-2 and Mr. Tantala answered affirmatively. Mr. Gaul questioned whether he reviewed the Monroeville Zoning Ordinance and Mr. Tantala answered affirmatively. He added a billboard is a permitted use on the property by special exception. Mr. Dice corrected that it is a conditional use and Mr. Gaul concurred. Mr. Gaul inquired whether he reviewed Table C of the Monroeville Zoning with the minimum yard and setback requirement for C-2 uses and Mr. Tantala answered affirmatively. Mr. Gaul inquired whether he reviewed all the billboard regulations in Section 359.27 of the Zoning Ordinance and Mr. Tantala answered affirmatively. Mr. Gaul questioned what relief the applicant is seeking from the yard requirements and conditional use requirements. Mr. Tantala reported the applicant is proposing a two-foot setback from the required 10-foot setback in the front yard. He stated concerning the billboard height and size in terms of the sign face area they are proposing 672 square feet and the permitted is 150 square feet. He explained the sign face dimensions of 10 foot vertical by 15 horizontal dimension is permitted and a 14-foot vertical dimension by 48-foot horizontal dimension is proposed. He added the maximum height above the roadway is 24 feet permitted and the proposed is 39 feet which is tabulated in the zoning table of the site plan to overcome the topographic constraints. He stated the overall height of the sign is proposed to be 49 feet or 39 feet above the roadway.

Mr. Gaul pointed out there is also a variance request from the maximum diameter of the monopole support and Mr. Tantala concurred. He explained this is a V-structure which is a partial flag sign which is supported by a signal pole and the permitted is a three-foot diameter and three and a half feet is proposed at the base. Mr. Gaul reported he previously testified about the reasons that a half foot variance was needed for the diameter of the monopole. He inquired whether the reason he gave for the other pole would be the same for this site and Mr. Tantala answered affirmatively.

Mr. Gaul referred to Exhibit No. 8 which is the sight line analysis that he prepared for this site which is similar to the one performed for the other site. He inquired whether he reviewed the speed study for this site and Mr. Tantala answered affirmatively. Mr. Gaul stated it was Exhibit No. 5 which states that it is the August 2023 study from Mr. Haydo and Wooster Traffic Engineer. He inquired whether the other resources he consulted were similar to the resources he consulted in preparing Exhibit West 8 and Mr. Tantala answered affirmatively. Mr. Gaul inquired what is in that exhibit and Mr. Tantala reported the first page shows the westbound view of the east sign generally proposed for the area. He stated that view was taken 800 feet in advance of the sign at approximately 10 seconds in advance of the sign. He further explained the lower view shows the eastbound view or the cross read or across the westbound traffic at the same distance. He gave an overview of the details. He referred to the second page which is a coded vision analysis which shows the sign location with the vertical and horizontal view. He explained how it gives distances in second intervals in advance of those signs in each direction. He reported they show what a driver will notice at a certain distance and will look up or down to see it or over to see it. He stated it calculates per the speed study what the distances and travel times are and the viewing angles for the driver. He pointed out it establishes whether the sign is located in an appropriate cone of vision without looking too far over or up to see the sign. He asserted the greater

the setback the greater the distance a motorist has to look over to see it. He further explained how they want the motorist to read it in a certain hot spot per the analysis which is why it has to be a certain height and size. Mr. Gaul inquired whether that relates to the commercial viability of the sign and highway safety. Mr. Tantara stated there has been testimony about the commercial viability. He mentioned the safety and indicated for the drivers' sake the sign is large enough for them to read it at the distance that is readable but also the speeds being traveled. He pointed out the testimony has been that most of the signs along the interstate are this size because they have to be large enough to be read at the speeds that the drivers are traveling. He reported smaller signs are more appropriate for lower speed single-lane roads and pointed out this is an interstate road with multiple lanes with higher speeds as demonstrated by the speed studies. He stated the values are all lengths with the speed, the height, the size and the setback. He explained the other part of the analysis concerns whether it is obstructed and whether it clears anything that would block the sign from being read by the driver. He asserted the best sign is one close to the right-of-way and within that cone of vision. He explained why the sign needs to be larger and up higher to be read. He pointed out that is why PennDot allows up to 1,200 square feet for permitting for these signs for higher speed routes. He reported the 14 by 48 feet sign is a minimum for this type of configuration at these speeds.

Mr. Gaul referred to Page 3 and Mr. Tantara explained that is the next part of the analysis where he took a point cloud of the entire area which allows him to do section slices of what the driver's line of sight would be. He reported it is a 3-D model demonstrating the approach distances in advance of the sign and the line of sight for the east sign of the westbound view that a driver would see. He explained it demonstrates whether the sign is high enough to clear its major obstruction and is a clear line of sight of what a driver would see. He added it shows whether it is high enough to allow them to see it at a distance, read it, glance at it and have enough time to read the message. He stated Profile CC gives a section cut along where the sign is placed and shows it in a valley. He pointed out there are a number of trees in the area but it is in a valley between the two routes.

Mr. Gaul referred to why the variances are necessary. He inquired why this site needs a variance from the 10-foot setback requirement. Mr. Tantara answered initially the sign has a significant setback from the road just to the property line. He stated the closer the sign can be placed to the road translates less time that a drivers' eye has to glance and more time with their eyes on the road. He reported the same is with the height and explained the extreme changes in elevation of the site the board has to be at a height that it has to accommodate locally but ten seconds out where the driver can read it. He stated the further it is set back, the more the driver has to glance over at the higher speeds or more time with eyes off the road. He asserted it is for the driver's benefit not the sign company's benefit.

Mr. Gaul referred to the solicitor's comment about the two-foot setback which is an 80 percent relief from the 10 percent yard that is required in the ordinance. He inquired whether a lesser variance could work at this location and Mr. Tantara answered negatively because the further it is set back it encounters more of the tree features that will obstruct the view more. He suggested they may have to go higher to overcome those trees further setback as the sign is moved back. He stated this sign accomplishes the purpose of accommodating the driver's line of sight for an already significant setback and permits the driver enough time to read that sign as they approach it. Mr. Gaul inquired whether the applicant could do a smaller variance from height which is from 24 to 39 feet. Mr. Tantara answered affirmatively but explained there is a difference in elevation at this location at grade and that the sign

for it has to come up to so it can be seen. He stated it is approximately ten feet before the top of the sign would to even reach the graded interstate at that location. He explained if it was pushed down any more it would be obstructed by other features of the site and not allow the driver enough time and the ten seconds would be reduced the lower the sign is made.

Mr. Gaul referred to safety concerns with the 10 by 15-foot, 150 square foot sign at the site. Mr. Tantala explained as he previously testified, the sign has to be conspicuous, legible and appropriate for the traveled speeds on the right of way. He asserted it may be more appropriate for lower speed roads and single lane roads. He stated at the distances the drivers are traveling it means that the dimension is getting longer and further out and they need the time and the distance to read it. He reported a smaller sign would not be noticeable so far back. He explained to conform to the height and size would be a sign that would not be reasonably read by the drivers at these speeds and would not be appropriate.

Mr. Gaul referred to comments made by Mr. Lamberger concerning a standard sign size that is 10.6 by 36 feet and inquired whether that would be appropriate for this site. Mr. Tantala answered negatively and pointed out the other larger signs permitted by PennDOT in the area, the average size of all the signs on interstates in the region exceed what is proposed on average. He stated for this six-lane roadway at these speeds and the distances that they have to be read a 14 by 48-foot sign would be the low bar for this type of road and environment. Mr. Gaul questioned whether there are other sizes of signs that would work at this property that are smaller than 672 square feet and Mr. Tantala answered negatively. He added the larger signs would work but the 14 by 48 is appropriate.

Mr. Gaul referred to discussion concerning the other site and Mr. Tantala's comments about whether these proposed signs would affect the character of the neighborhood in which they are located or whether it could impair the use or development of adjacent property. He mentioned the sign technology and the baffling and shielding. He inquired whether he had the same opinions concerning this site and the technology and design proposed and Mr. Tantala answered affirmatively.

Mr. Grysiak questioned whether this was based upon the traffic studies that the speeds are in excess of 55 miles per hour and are around 70. He inquired what would the ideal sign size be if everyone went the 55 miles per hour in this area. Mr. Tantala stated none exist but because it is an interstate with a multi-lane environment at 55 miles per hour, this sized sign if appropriate. He explained when there is more than one lane, there is the potential for people changing lanes and the 55 miles per hour is still a higher speed. He stated this would be an appropriate size even at the lower speeds even if the dimensions change with various barriers in terms of line of sight.

Mr. Dice understood he expressed his opinion concerning the various distances that are needed for people to see the sign. He questioned whether it is possible to build a sign on these sites that is compliant with the zoning ordinance but would violate all of his reasons for not making it bigger. Mr. Tantala felt it is an odd question because it is not a reasonable use. He stated if a sign is not viewed it is not a use. Mr. Dice questioned whether it could be built and comply with the Monroeville Zoning Ordinance not the Commonwealth of Pennsylvania or PennDOT. Mr. Tantala suggested it is an odd question because it has to comply with those things. He explained proper design should afford a driver enough time to read the sign and see it. Mr. Dice inquired whether he was saying the sign could not be built in accordance with Monroeville's Zoning Ordinance. Mr. Tantala answered it would not be a reasonable use. Again, Mr. Dice questioned whether it could be built and Mr. Tantala answered

affirmatively but it would be an unreasonable use. Mr. Dice asserted it could be built and Mr. Tantara stated it is not recommended or appropriate and is not consistent or safe driving regulations. Mr. Dice inquired whether he looked at all the other C-2 uses that are permitted as a matter of right and Mr. Tantara answered affirmatively. Mr. Dice questioned whether none of those uses can be made on this property and Mr. Tantara answered the planner would speak to that but he did not see a reasonable use that could fit on the property given all the constraints, the limitations reviewed and the extreme topography. Mr. Dice stated one of the uses is agricultural. Mr. Whealdon reported there are agricultural and forestry but even a small pizza shop or ice cream shops could be done. Mr. Dice questioned whether something like that could be placed on these sites and Mr. Tantara answered negatively. Mr. Dice inquired whether the answer is negative because it would not make sense economically and Mr. Tantara stated his opinions are irrespective of the economics. He reported other experts have testified concerning the economics and he analyzes it to determine whether it is visible, the line of sight, whether it is consistent with traffic analysis cone of vision, and all the constraints on features per the survey. Mr. Dice gave an option of doing an ice cream store at the location with unlimited funds for development and questioned whether he is saying it cannot be done. He added it is a permitted use. Mr. Tantara answered that use would require additional things such as parking, access and the flood restrictions but the planner would have to answer that question.

Mr. Whealdon referred to the sight line and questioned whether the 10-foot front yard setback could be eliminated if the applicant purchased the property and regraded the site and removed trees. Mr. Tantara pointed out that in addition to the setback where the property line begins, there is a PennDOT slope easement. He explained those are easements that cannot be built on along that area which is why the proposed sign is a flagged structure so it does not violate the slope easement. He stated those PennDOT slope easements are to protect the interstate and its construction. He reported the pole is set further back than the sign face which is above. He stated it is being represented as two feet to the face and the pole is set 35 feet back more than the two feet. He added the center of the pole is 37 feet back from the property line and the edge of face is two feet back from the property line.

Mr. Whealdon referred to an exhibit that was presented earlier and pointed out a small grey spot that would be a conforming sign. He inquired whether that property could be regraded and the trees removed so the sign could be built. Mr. Tantara indicated that is the west parcel and they are discussing the east parcel. Mr. Whealdon suggested the question is still relevant and questioned whether the property could be regraded so the setback variance would not be needed. Mr. Tantara stated that similar constraints apply in that location where there are slope easement requirements from PennDOT and significant setback.

Mr. Joshua Haydo from Wooster and Associates came forward. Mr. Gaul referred to Exhibit East One and questioned whether he recognized the outline site as that site and Mr. Haydo answered affirmatively. Mr. Gaul questioned whether the billboard regulations that control the placement of a billboard at this site are the same as the previous site and Mr. Haydo answered affirmatively.

Mr. Gaul referred to Exhibit East Five and Mr. Haydo explained it is a report he composed which is a speed study that identifies the actual traveling speeds on Route 376 and the Parkway in the vicinity of this site. Mr. Gaul inquired whether it is different from Exhibit West Five and Mr. Haydo stated it is a different study but the same methodology at a different location. Mr. Gaul questioned the conclusion of this study and Mr. Haydo reported the 85<sup>th</sup> percentile speeds in this area were observed to be 73



miles per hour versus the posted speed limit of 55 miles per hour. Mr. Gaul asserted that 15 percent of the traffic is traveling faster than 73 miles an hour and Mr. Haydo concurred.

Mr. Gaul referred to Exhibit East 12 and asserted this is the same study previously reviewed as Exhibit West 12. Mr. Haydo answered it is the same methodology for a different location but the same type of study. Mr. Gaul requested an explanation of this study. Mr. Haydo explained it evaluated the accident rate in this segment of the Parkway which were compared to average rates for similar roadways in the commonwealth. Mr. Gaul inquired how this section of roadway compared to other limited access highways in the commonwealth. Mr. Haydo reported the accident rate in this location is lower than averages for the state. He added this section of the roadway is not any more dangerous than any other segment of road.

Mr. Gaul referred to Exhibit East 11 which is the same crash study that he performed regarding the existing billboard in the area and Mr. Haydo agreed. Mr. Gaul asserted his testimony regarding this billboard for this site would be the same as what was testified to last month and Mr. Haydo concurred. Mr. Gaul referred to his opinions regarding the speed along this section of the highway near this site and the accident rate and inquired whether he held those to a reasonable degree of certainty as a traffic engineer and Mr. Haydo answered affirmatively.

Mr. Schwartz again came forward to give testimony. Mr. Gaul referred to Exhibit East 15 and inquired whether it was similar to a study he performed for the site discussed earlier and Mr. Schwartz answered affirmatively. Mr. Gaul asserted it is a study that shows the way a permitted billboard would appear as opposed to what is proposed. Mr. Schwartz pointed out in the upper left corner is the distance from sign location which is approximately 825 feet that is calculated on travel distance and speed. He explained the grey rectangle that is kind of square shows what would comply with the current ordinance. Mr. Gaul requested that he circle the location. Mr. Schwartz explained it shows the requested variance in terms of dimensional standards with the same distance and travel speed in terms of the calculation. He pointed out that it is located close to the Max Construction Building property line so it give goods context with the building sign in terms of the actual scale of the board. He added the Max Construction sign is bigger. Mr. Gaul requested that he circle the proposed billboard on the exhibit.

Mr. Gaul referred to Exhibit East Six which is a study he prepared. He inquired whether he prepared it in the same manner as the previous exhibit of Exhibit West Six and Mr. Schwartz answered affirmatively. Mr. Schwartz explained this was done to try to determine where there is available buildable land independent of any land use. He pointed out the buildable area or availability on this site, the west site, was the white area and the east site there is none. He explained the entire property has some sort of encumbrance. He reported this is called a hardship analysis and he checked the ordinance which stipulates that the flood plain is a hardship. Mr. Gaul referred to the last page of Exhibit East Six to the pink or salmon colored trapezoid which reflects the only buildable area of the property consistent with both the conditional use ordinance for billboards and the yard restrictions and Mr. Schwartz concurred. He explained billboards are treated differently than the other uses permitted within that C-2 District. He asserted he could not build a building there but he could build a billboard. Mr. Gaul clarified that it is 58 square feet and Mr. Schwartz concurred. Mr. Gaul asserted that is between one tenth and two tenths percent of area of the parcel and Mr. Schwartz agreed.

Mr. Gaul inquired whether he reviewed the list of permitted and conditional uses in the C-2 District and Mr. Schwartz answered affirmatively. Mr. Gaul inquired whether there is any use identified

as a permitted or conditional use in that area that would require the same or less relief from the zoning ordinance than is being requested with the proposed billboard and Mr. Schwartz answered the utility substation. He added all the other ones would have to go through all the variances that are being discussed and more. He referred back to the west plan and the question about whether an ice cream shop could be built there. He suggested the key thing to look at is the purple line which is the building setback. He pointed out the only intersection or overlap of white which is the buildable land and would be within the building setback is the little area in Number Six which equates to 87-88 square feet. He asserted if an ice cream shop can be built in that area he was uncertain whether it would be publicly habitable. Mr. Hutchison pointed out that was his opinion and Mr. Schwartz felt the building code would control it.

Mr. Gaul rested his case.

Mr. Dice explained the record would remain open until next month to allow the board to review all of the material submitted. He indicated this will be discussed next month and the need for any testimony will be submitted at that time. He asserted the zoning hearing board will decide on the ten variance applications next month. Mr. Whealdon clarified it would be on October 4, 2023.

Mr. Dice recommended a motion be made to continue this matter until next month. Whereupon, Mrs. Wilkins duly made a motion to continue the matter until next month and 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, a motion was duly made by Mr. D'Agostino to adjourn the meeting at 10:05 p.m. and Mr. Hutchison and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Gary Grysiak  
Chairman

GG/sam