

MUNICIPALITY OF MONROEVILLE

ZONING HEARING BOARD

OCTOBER 4, 2023

MINUTES

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

PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE

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

ROLL CALL

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

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the regular meeting of September 6, 2023, a motion was duly made by Mr. D'Agostino to approve them, as submitted and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

The agenda was amended at this time to consider new business before the old business.

NEW BUSINESS

23-30-A

VERIZON WIRELESS

The applicant is requesting a Dimensional Variance from Section 401.55.C.1.k, of the Monroeville Zoning Ordinance, No. 1443, as amended, to construct a communication tower 50 feet beyond the maximum permissible height of 200 feet for a total height of 250 feet. The property is located at 2465 Johnson Road, Tax Parcel 641-G-53, in the S, Conservancy Zoning District.

Mr. Joe Cortese, attorney, and Mr. Tim Stark from United Site Development, came forward representing the applicant. Mr. Cortese reported this is for a height variance and the application will comply with the conditional use criteria in the ordinance. He gave a brief overview of the wireless industry since its inception back in the 1980s. He reported initially cell phones were a luxury and not accessible. He explained the industry rapidly exploded from a luxury item to a necessity. He reported initially the industry constructed towers or communication platforms located on the highways to be used for voice purposes. He pointed out there is a tower in Monroeville located on the Turnpike which is roughly 500 feet and other substantial structures of 400 to 500 feet. He explained as usage has changed it is now a major part of our lives. He stated the facilities need to be located closer to the end user not for motorists.

Mr. Cortese reviewed some interesting statistics as people continue to cut other communication and 70 percent of all houses in the country are wireless only. He noted 31 billion devices are connected

world wide and 85 percent of 911 calls are generated from cell phones or 281 million 911 calls annually in the county. He stated connectivity is crucial and Verizon is focused on the network being reliable so they are constantly planning to make certain that the facilities operate optimally. He reported of the changes in habits and usage, the sites are more closely located to businesses and homes. He stated this is like a joint application between the municipality and Verizon so the municipality can utilize the tower platform to place their emergency equipment for services to fully develop and communicate.

Mr. Cortese explained they are proposing a 250-foot tower and the additional height is necessary for Verizon and the municipality for the equipment to propagate into the network. He requested the entire packet of documentation they submitted be marked as a collective Applicant Exhibit A including the propagation studies. A brief discussion ensued regarding the packet. Mr. Cortese requested the project narrative, set of construction drawings, the propagation maps, photo simulation and their approval from the FAA to obtain the necessary height be submitted. Mr. Dice agreed those documents will be made part of the record.

Mr. Stark reported the building and the complex for the municipality is located at 2456 Johnston Road in a secure setting with a gated access. He explained access is from an existing drive in a new 75 by 75 -foot chain-linked fenced area, six feet tall with barbed wire at the top and locked. He stated it is a freestanding tower with no guide wire from the top and the power and tall phone line is on Johnston Road which will be brought back to the tower and everything will be in the fenced area.

Mr. Cortese inquired whether there was any water or sewage associated with it and Mr. Stark answered negatively. He stated there would be no underground plumbing, just power and fiber lines. Mr. Cortese inquired how often the Verizon engineers would access the site and Mr. Stark answered six times per year. He added someone would get there by a small car or company vehicle.

Mr. Stark stated there are huge setbacks to the property and explained they selected this location because there are no existing towers or structures nearby. He added it is a great distance from all property lines at 600, 700 to 1,000 plus feet.

Mr. Whealdon reported there was no correspondence in favor or in opposition.

Mr. Grysiak inquired whether this would help to alleviate the drop zone on Monroeville Boulevard by Smeltz and Mr. Stark indicated he would have to look at the propagation maps. Further discussion ensued regarding dropped calls. Mr. Cortese pointed out this site is the top site for the Verizon Network in western Pennsylvania so there is a priority to get this site on air because of the challenges with dropped calls and the emergency service providers need to access the network.

Mr. D'Agostino questioned whether this tower would be shared or would be for Verizon only. Mr. Cortese indicated it would be made available to other users but there are no plans currently other than for the municipal equipment. Mr. Stark asserted there are four municipal antennas on the tower designated for reserve space with Verizon antennas at the top and future carriers could definitely co-locate on the tower. Mr. D'Agostino mentioned a tower in Plum and Mr. Cortese indicated that is not a Verizon tower. Mr. D'Agostino inquired whether the Verizon tower could be made to look like a tree and Mr. Cortese answered it would look ridiculous at 250 feet and would not work. He added they need the substantial foundations for the equipment to be co-located on it and it would prohibit other users from utilizing it.

Mr. Whealdon pointed out this location is secluded and the one on Frankstown Road in Plum is more visible.

There being no further discussion, Mr. Hutchison duly made a motion to approve Application No. 23-30-A and Mr. D'Agostino 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.

## 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.

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. Dice reported this is for the ten variances for the billboards and the applicant had rested its case. He inquired whether there was any additional testimony. Mr. Gaul stated they have one point to clarify. He stated Mr. Wolfington last time testified about the west site and he wanted to make sure everyone agreed that his testimony about his background, experience in the industry, the companies, the hardship of the sites, how Wolfgate Devco identified the sites and the costs would be the same for the east site as for the west. Mr. Dice asserted the municipality agreed with his summarization and he is just making sure that is what the record reflects and Mr. Gaul agreed.

Mr. Dice inquired whether anyone was present that had knowledge of the building of the sites with some familiarity of the zoning ordinance.

Mr. Tim Earle came forward. Mr. Dice inquired whether it is possible to build a billboard in accordance with the Monroeville's regulations on the site and Mr. Earle answered negatively. Mr. Dice questioned whether he answered that way because it would not work for vision and Mr. Earle answered negatively. He stated it would violate the sections that require new development to not endanger health, safety, welfare. He asserted that a sign consistent with what is permitted under the zoning ordinance would not be a sign that is safely visible. Mr. Dice stated his question is not about safety but whether or not physically a sign or billboard could be built in accordance with the municipal standards on the site. He asked if it could be physically built and Mr. Earle answered negatively not in accordance of the zoning ordinance. He referred to the sections that say 150 square feet, 24 feet tall and ignoring the parts of the ordinance under the conditional use requirements that require the sign not to endanger health, safety and welfare. Mr. Dice inquired how a smaller billboard would endanger the welfare and Mr. Earle stated Mr. Tantara testified the sign needed to be easily visible in order to be safely viewed by motorists. Mr. Dice suggested it goes back to visibility and safety. Mr. Earle stated that is part of the conditional use requirement. Mr. Dice inquired whether the sign could be built in accordance with the regulations of the Monroeville Zoning Ordinance and he felt it could be built but it may violate the safety or other issues. He referred to whether or not it could be physically built.

Mr. Gaul inquired whether he was asking whether a sign could be built that complies with the dimensional requirements of the ordinance and Mr. Dice answered affirmatively. Mr. Gaul continued regardless of whether it would comply with the safety requirements of the ordinance and Mr. Dice concurred. Mr. Earle answered affirmatively a sign could be built that.

Mr. Dice questioned whether the property is under an agreement of sale and Mr. Earle answered affirmatively. Mr. Dice asserted the property has not been purchased yet and Mr. Earle concurred. Mr. Dice stated he is aware of all the limitations of the property before it is purchased and Mr. Earle agreed. Mr. Dice inquired whether the 650 percent larger sign is the minimum size that could be built in order to satisfy all their requirements or whether a smaller sign could be built and still satisfy

the requirements. Mr. Gaul clarified he meant all the requirements in the ordinance and Mr. Earle answered affirmatively. Mr. Dice inquired whether a smaller billboard could be built in compliance or whether it must be 650 percent larger than the requirements under the ordinance. Mr. Earle answered affirmatively and added that is the minimum.

Mr. Grysiak stated it is all or nothing regarding their ability to move forward to make it financially feasible. Mr. Earle agreed. He explained how previous testimony cited different signs in the area with the competition for other advertisers which is one aspect of the feasibility of a project to determine what the minimum size is. He reviewed there was discussion about all the costs involved for the proposed sign or any use of the property. He mentioned the risk involved with investing the money, the time and effort of building the sign with the hope that it degenerates the revenue that they expect with other signs in the area being bigger. He suggested coming into the market with a smaller sign, an advertiser might choose the slightly larger sign and their revenue projects could be off and they would be underwater with a project that is not visible. He explained they have been reviewing all of those components in determining what the minimum size requirement would be. He stated the risk would go down a thousand square feet because they are bigger than any other sign up and down the Parkway. He reported they are presenting the minimum relief required and it is a higher risk for a developer going in because there is a higher potential for them to miss the revenue projection than they would be underwater with a project. He explained that is why they reviewed it and they understood that is the municipal requirement in the hearing that that is the minimum relief required.

Mr. Dice mentioned part of the agreement of sale submitted to the board was blacked out with regard to the consideration. He inquired how much they are paying for it and Mr. Earle did not know.

Mr. Grysiak questioned the refresh rate on the proposed billboards and Mr. Earle answered it is timed at eight seconds. Mr. Whealdon suggested it was 15 seconds in the ordinance.

Mr. Whealdon, Community Planner and Zoning Officer, came forward to give testimony. Mr. Dice inquired whether he prepared exhibits for the hearing and Mr. Whealdon answered affirmatively. He referred to the Google Earth Street View Images and explained it is a view on Old William Penn Highway and he pointed out the Parkway. Mr. Dice clarified that it is the back of the property and Mr. Whealdon concurred. He added the property has two frontages. Mr. Dice inquired how the first exhibit is identified and Mr. Whealdon pointed out the old water authority building. He stated it is located further west or is the west site. Mr. Dice questioned what was determined and Mr. Whealdon answered he focused on visibility from the Parkway. He suggested from looking at aerials there is frontage on Old William Penn and the developer could construct a conforming billboard that faces Old William Penn Highway and not the Parkway. Mr. Dice inquired whether they would be visible from Old William Penn Highway and Mr. Whealdon answered affirmatively. He identified the photographs with the East Site and West Site. Mr. Dice questioned whether the photographs reflect east and west. Mr. Whealdon clarified that it reflects the two proposed locations on Old William Penn Highway. Mr. Dice inquired whether a conforming billboard could be built on those two sites visible from Old William Penn Highway and Mr. Whealdon answered affirmatively.

Mr. Whealdon referred to the size of the site and the constraints with topography and the stream. He showed a sketch of the east site. He explained how he put in a retaining wall with grading and bridge over the stream, a parking lot and a 400 square foot building. Mr. Dice inquired about the height of the retaining wall and Mr. Whealdon stated it is 14 feet at the highest point. Mr. Dice

questioned whether there are other retaining walls in Monroeville higher and Mr. Whealdon answered affirmatively. He added the one at the Penn Monroe site is over 100 feet high. He stated the one located by Kohl's is 56 to 60 feet high and the one holding up the Sam's Club is massive. Mr. Dice asserted 14 feet is not that high and Mr. Whealdon agreed. He explained the highest point is 14 feet going down to zero.

Mr. Whealdon then referred to the west site. He explained he put in a bridge, retaining wall, and grading. He stated this retaining wall is only five feet tall and there are nine parking spaces and a 700 square foot building.

Mr. Whealdon reported for reference there is a place in Murrysville called Griff's Italian Ice which is under 500 square feet and he submitted two photographs. Mr. Dice reviewed there are two photographs of Old William Penn Highway, two of the east and west sites with retaining walls and two of a use for approximately 400 square feet. Mr. Whealdon reported it has 476 square feet. Mr. Dice inquired whether there are any other uses that could be made of those two properties given the drawings and site plans showing buildings on them. Mr. Whealdon listed some simple shops that would fit in 500 square feet as follows: Rudy's Subs, Blaze Pizza, Donna Lynn's Pizza, Della Sala's Pizza, Old Village Grill, Dairy Queen, Rita Italian Ice, a catering business or law office. He stated there could be other uses on the site with a little extra work.

Mr. Dice inquired whether the municipality has any other billboards as large as these proposed billboards which are 650 percent bigger than permitted and Mr. Whealdon answered negatively.

Mr. Gaul inquired whether his testimony was that it is possible to put in a 400 square foot building with a couple of parking spaces on the east parcel with a little extra work and Mr. Whealdon answered affirmatively. Mr. Gaul questioned whether it would not be possible to build a 400 square foot building on the east parcel without the extra work and Mr. Whealdon answered negatively. Mr. Gaul inquired whether he had an estimate of the cost of this extra work on the east parcel and Mr. Whealdon answered negatively. Mr. Gaul inquired whether he had knowledge of the cash flow for any of the shops he listed and Mr. Whealdon answered negatively for all of them. Mr. Gaul questioned whether he had any knowledge of whether the cash flow of any of these businesses on the east and west site could support the cost of the improvements and Mr. Whealdon answered negatively.

Mr. Gaul inquired whether he was aware of how these parcels were created by the eminent domain for building the Parkway and Mr. Whealdon answered affirmatively. Mr. Gaul pointed out the property has never been developed in the 70 years it has been there and Mr. Whealdon concurred.

Mr. Gaul questioned whether he was present during the testimony concerning the traffic and speed on the Parkway and Mr. Whealdon answered affirmatively. Mr. Gaul inquired whether he was aware of the average speed or the amount of traffic on Old William Penn Highway and Mr. Whealdon answered negatively.

Mr. Gaul inquired whether he had any experience in financing billboards and Mr. Whealdon answered negatively. Mr. Gaul questioned whether he had any crash or any other safety information for that stretch of Old William Penn Highway and Mr. Whealdon answered negatively.

Mr. Gaul referred to the drawings and inquired whether he developed the sketches based on the site plans and Mr. Whealdon answered affirmatively. Mr. Gaul questioned whether he compared

the sketches against the hardship analysis and Mr. Whealdon answered negatively. He reported he wanted to see what would fit on the property. Mr. Gaul inquired whether setbacks are shown on the drawings and Mr. Whealdon answered negatively. He added the buildings reflected on the drawings exceed the required setbacks and the parking meets the criteria required for the square footage of each proposed building. Mr. Gaul questioned whether it is within the developable space and Mr. Whealdon answered affirmatively.

Mr. Gaul inquired whether any of the development is within the floodway. Mr. Whealdon answered the one on the west encroaches and he pointed it out and the one on the east exhibit does not.

Mr. Dice questioned whether he cared whether the use is profitable and Mr. Whealdon answered negatively. Mr. Dice inquired whether it is a consideration in granting a variance and Mr. Whealdon negatively. He added cost is not a factor.

Mr. Grysiak inquired whether under either proposal for the billboard or ice cream shop would need DEP approval and Mr. Whealdon answered they would need DEP permits to build a bridge over the stream. He added it would be determined later during the application process whether the Army Corps of Engineers would be involved. He stated the east exhibit is outside the flood plain and the west has encroachments in the flood plain. He reported it is minor the way he graded it and the center of the site is at 914 elevation and his proposal is about the same elevation. He stated it would be a minor encroachment.

Mr. Dice clarified that a copy of all six items in his exhibit be submitted to the recording secretary.

Mr. Gaul inquired whether he has ever been involved in the development of a frozen ice stand and Mr. Whealdon answered negatively as a developer but affirmatively as a designed. Mr. Gaul inquired whether he ever developed a pizza restaurant and Mr. Whealdon was uncertain. He reported he did design work for 20 year and he may not remember it but he has done small sites.

Mr. Dice reported that ends the testimony in this matter and the testimony is now closed. He advised the zoning hearing board has 45 days to respond to this issue. He pointed out they could decide at this time or at the next meeting in 30 days. He also pointed out one of the board members is not in attendance to vote. He advised a motion is in order to close the testimony and render a decision at the November meeting. Whereupon, Mr. D'Agostino duly made a motion to close the testimony and render a decision at the November meeting. Mr. Hutchison seconded it and upon a voice vote, the motion carried unanimously.



ADJOURNMENT

There being no further business to come before the zoning hearing board, at this time, Mr. D'Agostino duly made a motion to adjourn the meeting at 8:25 p.m. and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Gary Grysiak  
Chairman

GG/sam