Chairman Wayne Hoffman called the meeting to order at 7:00 p.m. Members present: Monica Love, Bill Hansman, and alternate and Carol Kauffman. Absent: Amy Brinton, Anthony Pinto. Eric Harlacher was in attendance briefly. Also present: Zoning Officer Georgia Srenkel, Solicitor John Baranski, Engineers Terry Myers and Karen Wilson, Recording Secretary, and ten citizens.

It was noted that alternate Carol Kauffman was seated as a voting member for tonight’s meeting.

I. Minutes

Motion by Hansman, second by Harlacher, to approve the minutes of the meeting of June 1, 2011. All members voted aye; motion carried.

Mr. Hoffman noted that the Planning Commission did not hold a meeting in July, so there will be no minutes from July.

Motion by Hansman, second by Kauffman, to authorize the Planning Commission Secretary to sign the Planning Module for Martin Green. All members voted aye; motion carried. Mr. Hansman signed the Planning Module.

II. Zoning Case

A. ZHB 11-4 – McDonald’s – request for Variance to exceed permitted sign size

Attorney Ambrose Heinz and Mike Jeitner were present on this application for the McDonald’s Restaurant at 3141 Carlisle Road. McDonald’s is a long-term lessee; the restaurant is being updated to a new style, including a new sign, which is larger than the ordinance permits (one Variance request). The proposed change includes smaller letters of McDonald’s and two “M” logos on the south and east sides of the building. Mr. Jeitner noted that the four directional signs and two menu boards currently on the property will remain. There will be a canopy over the drive-through ordering area. There will also be a maximum height bar at the drive-through. There’s 3.8’ of new sign area proposed over what’s there today. The new look will include six signs: on the front of building will be the word “McDonald’s” with a 32.4 square feet area and the logo, at 4 square feet; on the non-drive through side will be the 4 square foot logo M over the entrance, and a Welcome sign of 2.8 sq ft.; on the front elevation will be the logo M on the second door, measuring 2.8 square feet; on the drive-through side, the word McDonald’s with smaller M, 32.4 square feet. Total is 78.4 square feet of signs; existing signs total 74.6 square feet. Technically, Mr. Jeitner said, the Welcome sign isn’t advertising but directional.

Maximum single sign area can be 30 square feet; the two large script McDonald’s signs are over by 2.4 square feet per large sign. Also, this property is non-conforming regarding free-standing signs that are on the site today. The main free-standing sign is on Carlisle Road; there are four menu boards; and 2 directional signs; only one is permitted, but they’re existing and are non-conforming (second Variance request). The third Variance is for the total sign area; they are
permitted 140 square feet – their proposed total is 222.2 square feet. Existing total is 218.4 square feet. If they remove menu and directional signs from the calculations, the total sign area equals 119.2 feet which is under the maximum permitted.

Originally, these signs were installed when the restaurant was built in 1997; a Variance was granted for the free-standing sign. Mrs. Sprenkel referred to the 1998 plan, which includes a menu board. The question remains do the menu boards and directional signs count as business signs? No one could recall exactly how those signs qualified to be there, but Mr. Myers recalled that they were handled not with the land development plan but as a separate item. Perhaps they don’t need a variance for the total area of the signs. If the directional and menu boards aren’t included, the applicant would need a Variance for the size of the two large script McDonald’s signs.

Mr. Baranski feels that the menu boards and directional signs are considered signs for purposes of the ordinance. What is the definition of a “business sign”? A sign directing attention to a business; Mr. Heinz feels that a business sign should attract attention from off site, not once a patron actually gets into the parking lot.

Motion by Hansman, second by Love, to recommend that the Zoning Hearing Board not look at the menu board as part of the total signage.

Discussion: Mrs. Love feels that the menu boards should be considered signs. Mr. Hansman feels that the menu signs are functional and are not visible from the roads; therefore, they should not be regulated as signs. Mrs. Kauffman agrees that they are signs and should be included in the calculations. (7:46 Mr. Harlacher left the meeting after having been out of the room since the beginning of the discussion on this application.)

How about the second menu board? When was that installed? Mrs. App noted that there was a permit requested for a second order point, but she does not recall any mention of a second menu board sign. It was noted that the Zoning Ordinance may need to be changed to state conclusively that these signs are to be included and what size they must be.

Vote on the Motion: two ayes; Love and Kauffman opposed. Motion was not successful.

It was noted that by decreasing the square footage on the two larger signs, the applicant is decreasing the degree of the non-conformity, which is always good, but the total sign area is actually increased. Mrs. Kauffman feels that the directional signs are for safety, and the Township wouldn’t want the applicant to omit these signs.

Motion by Love, second by Hansman, to recommend approval of the application for Variance by McDonald’ to permit two attached script signs in excess of the 30 square foot maximum, bringing them closer to conformance; noting that while the menu boards are considered as signs under the current ordinance, the Planning Commission does not believe that was the intent and the signs should be included in the Variance to permit the total aggregate square footage to exceed the maximum permitted 140 square feet; and that the menu boards count as free-standing but, again, the Planning Commission feels this was not the intent, allowing more than the permitted one free-standing sign but that directional
signs are not included as they are for the safety of the public. All members voted aye; motion carried.

III. Plans
   A. PL 11-3 – Carl D. Wilt Estate, 3260 Bull Road; 2-lot subdivision in Commercial zone

   David Hoffman was present on behalf of the applicants. Dennis Wilt is the executor of the Carl Wilt Estate and wishes to divide Carl Wilt’s property, currently marked as Lot 1 and Lot 2. Lot 2 would be attached to the adjoining lands of Dennis Wilt. The lot line would be moved, encompassing 1.3 acres of the existing land. There is public sewer, on-site wells. There’s a waiver request of the requirement to show all wells within 400’ of the site. No wells will be affected by moving the lot line. There’s also a waiver request for road improvements, including road widening, cartway width, and curbs and sidewalks.

   Mr. Myers addressed the comments on the C. S. Davidson letter dated July 25, 2011. Outstanding items: 2, GIS disk (Section 501.2.A); 4, owner’s signature (Section 501.2.H); 11, building setback line on Lot 2 should correspond to the 100-year flood boundary (Section 501.2.R);

   Discussion was held on Item 15, which suggests adding the standard six-months’ notice note on the plan instead of waiving the curb and sidewalks requirement. What are the chances that curbs and sidewalks will ever be needed in this location, despite the fact that it’s in a Commercial zone?

   Discussion was held on Item 17; there’s no agreement for the shared driveway. Should there be? What if the two owners who jointly use the driveway area always agree to use it as is? What if one of the users decides not to use it any longer? Would someone need to back out onto the main road? Is there room to turn around to prevent that? The Planning Commission cannot force anyone to enter into any sort of agreement for the driveway use. The Chairman urged Mr. Hoffman to inform the applicants that the Township certainly doesn’t want anyone to back out on the road. Should their current agreement over the use of the driveways be discontinued, the applicants and/or whomever uses these access drives should be prepared to make other arrangements for getting onto the road, backing out not being an option.

   Discussion on the waiver request for the curbs and sidewalks. If the waiver is granted, then the need for curbs and sidewalks is waived. If the waiver is denied (for the curbs and sidewalks), then the note in Item 15 should be added to the plan. Chairman Hoffman feels that they’re only moving the lot line and this is no cause for a big deal over future possibilities of curbing.

   Waiver requests:

   Motion by Hansman, second by Love, to recommend approval of the waiver request for Section 501.2.0 for marking the existing wells. All members voted aye; motion carried.
Motion by Hansman, second by Love, to recommend approval of the waiver request for Section 704.b, road improvements including curbs and sidewalks and to strike the C. S. Davidson comment number 15. All members voted aye; motion carried.

Motion by Hansman, second by Kauffman, to recommend approval of the Carl Wilt Estate 2-lot subdivision plan, subject to the satisfactory resolution of items 2, 4, and 11 of the C. S. Davidson letter as referred to above. All members voted aye; motion carried.

IV. Other Business

Attorney George Eveler, 2997 Cape Horn Road, Red Lion, was present. He showed an existing recorded map of Grandview Golf Terrace. His client wants to know how many lots he has actually purchased and whether any type of land development/subdivision plan is required to do something with those lots. Apparently, the subdivision plan is quite old and some of the lots are only 20’ wide. Some of the original lots have been combined over the years. The client now owns four different tax parcels. There are either separate deeds or multiple deeds. It appears that there are more deeds than there are lots indicated on the tax map. There’s an existing house on one of the lots. The owner would like to make two building lots plus the existing house. There could be serious problems with setbacks, lot lines, etc. The tax map office cannot help the applicant until Dover Township gives permission and direction. The applicant would need to do a reverse subdivision plan to combine any lots. It was noted that is in the R-3 zone.

There are still outstanding Zoning Ordinance changes that need to be discussed. Mrs. Sprenkel specifically asked the Planning Commission members to look at the map for the R-1 zone. A special meeting will be held on Wednesday, September , 6 p.m., to discuss these proposed changes.

Motion by Hansman to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:09 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary