

Dover Township  
Zoning Hearing Board  
September 21, 2022

Chairman Jane Ginter called the meeting to order at 7 p.m. Members present: Phillip Brown, Robert Wright, Richard Pope, and alternate Jonathan Reynolds. Absent: Steve Barkdoll. Also present: Zoning Officer John McLucas, Solicitor Mike Craley, Attorney Samantha Craley, Stenographer Tammy Rinehart, Recording Secretary, and 30 or so citizens.

**I. Reorganization**

**Motion** by Brown, second by Pope, to keep the officers the same for the remainder of 2022. All members voted aye; motion carried.

In Mr. Barkdoll's absence, Mr. Reynolds will be a voting member for tonight's meeting.

**II. Minutes**

Mr. Brown noted a correction to the minutes of the January 19, 2022, meeting: Mrs. Ginter was listed as Acting Chairman as she called the January meeting to order. She should be listed as Chairman. **Motion** by Wright, second by Brown, to approve the minutes of the meetings as follows: December 15, 2021; January 19, 2022, *as amended*; February 16, 2022; March 16, 2022; April 20, 2022; May 18, 2022; and June 15, 2022. All members voted aye; motion carried.

**III. Zoning Case**

- A. ZHB 22-1, Variance requests by Ferber Construction Management North, LLC, on behalf of owner Newberry Plaza, LLC, to exceed amount of signage permitted (Section 27-807) and to exceed maximum illumination (Section 27-509.1.A(4)); properties at 2941 Carlisle Road, Commercial District

Attorney Keith Mooney and John Alejnikov were present on behalf of the applicant. One member of the audience and Mr. McLucas were sworn in.

Attorney Craley established that Ferber has an agreement of sale with Newberry Plaza. Attorney Mooney confirmed that the applicant is withdrawing request for variance for illumination standards.

The Variances requested: sign requirements to be permitted more than one free-standing sign (requesting 5); to have attached signs greater than 30' on the building; and to exceed the aggregate sign area permitted.

Mr. Alejnikov testified as the senior project manager of Bohler. Through questioning by Attorney Mooney, Mr. Alejnikov's qualifications were confirmed.

This project is in the Commercial District, and this use is permitted as a use by right. There are two entrances, which necessitate free-standing signs saying Enter and Exit. One is at the intersection of Carlisle and Hilton. Dimensions: 18'tall, 58.5SF. This sign will show the gas pricing. The other freestanding signs will be to the rear of the site. There is no access from Carlisle Road. The free-standing signs on the other two entrances/exits are necessary for traffic safety.

Building signs will mark the buiding entrances. There will also be 2 spanner signs and a canopy sign for the gas pump area. 212.8SF total of signs.

Mr. Alejnikov discussed the differences in elevation across this site, which is a bit of a different situation from the usual flat site. Because there's no entrance from Carlisle Road, but only on Hilton or Poplars, it's important to the applicant to have the entrance/exit signs at those intersections. Mr. Alejnikov noted that typically a project of this type would have access off the main road. In this case, PennDOT will not grant access from Carlisle Road.

Unusual physical circumstances? Grade, no access from main road, corner business (Rite Aid) blocks view. Mr. Alejnikov feels that the Variances are indeed necessary to accommodate this use.

Cannot use this property by right or special exception without a Variance? The specific use as a Wawa needs these Variances. Any other commercial use would still be affected by the grade issues and the existence of the Rite Aid. These conditions were not created by this applicant. This is a commercial district, and this is a commercial use, and it will not negatively affect the neighborhood. This is the minimum variance requested.

Could they accomplish the project with fewer signs? Maybe removing the sign on the back of the building? That sign marks the rear entrance. Reduce the spanner and canopy signs? Depends on the direction the signs face.

Both Poplars and Hilton are signaled intersections. Does the ordinance require two entrances? No. It's the applicants' choice to have these two entrances. They feel it's safer, both for store traffic and emergency vehicles. Yes, they feel that they need both enter/exit signs at the driveways.

Mr. Brown noted that several similar businesses do not have that many signs.

Mr. Reynolds asked about total illumination numbers. Mr. McLucas noted that there is a lighting plan in place. The light spillover is well within the ordinance requirements. How about traffic patterns on Poplars and Hilton? That will likely be addressed at the land development stage.

Prior to audience questions, Attorney Craley noted that the only issue before the ZHB tonight is the signage.

From the audience, Rachel Murdoch asked when the residents can ask questions pertaining to other issues. This will be at the land development phase, noting that the Township is not required to give anyone any notice for this process. This plan will likely before the Planning Commission on October 5.

Blaine Weaver asked what purpose the rear sign serves. Mr. Alejnikov explained.

Donna Shultz asked about the rear sign illumination. About 40SF. How high up? Above the door. Mr. McLucas: is the elevation of the sign below the elevation of the screening? Unknown.

Rachel Murdoch asked how the traffic from Hilton and Poplars will be directed to slow down for the entrance/exit to the site? Two other signs were proposed but have been withdrawn.

Mr. McLucas reported that the Planning Commission was concerned with the red and green signs near the signalized intersection. This will be addressed at the land development stage.

How many places on the lot does it say Wawa? Maybe 10 to 20? Could the applicant reduce the number of signs to get closer to the 140SF required? Doesn't seem so.

Mr. Brown asked about the trees behind the Rite Aid -- who owns those? Unknown. And it is unknown if the trees will be removed or stay. Also, think about reducing the number of signs to get to about 160SF in signs.

Judith Forry asked how tall is the gas sign? 18'. Will the trees block that sign and lighting? That's the plan, because the sign faces Carlisle Road and will be located on the lower elevation.

Curt Kahn asked about gas storage for the site – to be addressed at the land development plan stage.

Do we know the elevations of the sign and the elevation changes?

John Rosier asked if the drawings are available for public review. Yes.

Attorney Mooney feels that the applicant has met the requirements for the Variances. The applicant has tried to reduce the square footage of signs.

The Planning Commission unanimously recommended approval of the requests for all Variances (Section 27-807).

At 8:01, hearing closed.

At 8:40, the meeting was reconvened.

**Ruling:**

**Motion** by Wright, second by Brown, to approve the Variance request for five free-standing signs specifically designated as symbols A and B; to *deny* the Variance request to permit an attached sign of greater than 30SF; AND to *deny* the Variance request to permit aggregate sign area to exceed 140SF. All members voted aye; motion carried.

Attorney Craley reported that findings of fact and conclusions of law will be provided.

**IV. Other Business**

Chairman Ginter reported that the Zoning Hearing Board will issue a letter of thanks to the Dover School District for all considerations afforded to the ZHB during the meetings at the Dover High School.

**Motion** by Brown, second by Wright, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary