

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
MARCH 9, 2017**

The March meeting of the Upper Allen Township Zoning Hearing Board was called to order by the Chairperson, Jean Foschi, at 6:00 p.m. on Thursday, March 9, 2017. In addition to the Chairperson, the following board member was present, to wit: Gary Scicchitano, Robert Melphis, Gerald Schultz and Donald Steele. Also present was Chris Fischer, Esquire.

REORGANIZATION

A motion was made by Mr. Scicchitano and seconded by Mr. Melphis to appoint Jean Foschi as Chairperson and Mr. Scicchitano as Vice-Chairperson. A roll call vote was taken and approved unanimously.

MINUTES

After a correction to add in the name of Andrew Shaw to the blank space denoting a law office on Page 1, a motion was made by Mr. Scicchitano and seconded by Mr. Melphis to approve the Minutes from the November 10, 2016 meeting. A roll call vote was taken and passed unanimously

**VARIANCE NO. 17-01, MICHAEL AND PRISCILLA GAFFNEY, 407 SPRING RUN
DRIVE, VARIANCE REQUEST TO SECTIONS 245 ATTACHMENT 4**

Michael & Priscilla Gaffney, Applicants, subject property is 407 Spring Run Drive, Upper Allen Township, Mechanicsburg, PA 17055, Medium-Density Residential (R-2) Zoning District, is requesting a Variance from Section 245 Attachment 4 to allow for a three foot encroachment on the front yard setback to build a covered front porch.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on February 23, 2017 and March 2, 2017, and the property was also posted.

Mr. & Mrs. Gaffney were sworn in and presented their request for the variance. Stated they are planning for a new porch and roof over it. Resident since 1968. Have a builder already to do the job. Russ Wilson. Question from Board regarding existing nonconformity of 1' over front yard setback. A discrepancy between the first page, and the drawing that shows it against the front yard setback.

Solicitor asked about porch width, which was originally 6.5' deep. Owners state that was an old sketch, and only looking for 3' additional from the existing porch. Mr. Gaffney stated the porch is only going to go where the step up into the house is.

The Applicant stated the reason for the porch is to add curb appeal and value to the house.

The Board entered executive session at 6:29pm, the board returned from executive session at 6:41pm After discussion, it was determined that the Board would continue this application to the next meeting. If we rely on the drawing, it does not match the request. Please present us with a drawing that shows exactly how far from the porch you want to build, assuming the accuracy of 30' from the right of way.

Ms. Foschi said: Based upon the application. We would like to be clear in the dimensions you are asking for. We want to be sure to give you what you need to build this porch.

Ms. Gaffney states she is asking for 3' from the edge of the sidewalk for the variance.

Ms. Foschi states she discussed giving the three feet, but are concerned that what you really want is 6'.

Mr. Scicchitano suggests that applicants should meet with staff to rephrase the application.

Solicitor said the problem is the application is asking for 3' from the house, not from the sidewalk.

A motion made by Mr. Steele and seconded by Mr. Melphis that the Variance request to Section 245 Attachment 4 by the applicants is hereby continued to the April meeting.

A roll call vote was taken, and Mr. Scicchitano, Ms. Foschi, Mr. Melphis, Mr. Schultz and Mr. Steele voting in the affirmative (5-0).

SPECIAL EXCEPTION NO. 17-02, ALLEN DISTRIBUTION, 1225 S. MARKET STREET, SPECIAL EXCEPTION REQUEST TO SECTIONS 245-115 STEEP SLOPES

Allen distribution, Applicant, subject property is 1225 S. Market Street, Upper Allen Township, Mechanicsburg, PA 17055, Industrial (I) Zoning District, is requesting a Special Exception under Section 245-115 to allow development on portions of the property with steep slopes.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on February 23, 2017 and March 2, 2017, and the property was also posted.

Mr. Hubert Gilroy opened the proceedings, was not intending to testify. He introduced the team for the applicant. Judd Dayton is with Evans Engineering and was sworn in and presented his request for the Special Exception. Mr. Dayton stated he is the VP of Engineering with Evans Engineering. Documentation filed with the application include: 3 page plan-set. Steep Slopes Report. A sketch was distributed. Section 115 of Zoning Ordinance refers to various required items, on the sketch it shows the proposed use, which is warehousing. The distributed sketch shows the existing building. Applicant detailed surrounding uses. S. Market Street will be upgraded to support the warehouse. Two additional buildings will be constructed on the lot along with supporting facilities, and utilities. A signed and certified copy of plans were submitted as required by ordinance. There are numerous areas of slope in excess of 15%. Small in nature, less than 4 acres total of the 100 acre site would be in excess of 15% slope. The method to determine the average slope of the site was included on the distributed sketch. Contours of the property are shown on the sketch plan. Cross sections are shown on plan sheets 2 and 3. Applicant has been before the Township Planning Commission twice for the land development plan to date. Applicant also submitted a steep slope report. Geotechnical work was

completed to prepare for site development and are provided in Appendix A. A carbonate assessment report was also included as Appendix B to assess karst geology. Technician at Conservation District had no comments. Planning Commission Staff have reviewed it and have no comments relating to steep slope other than needing a Special Exception. Applicant considers use in harmony with the Industrial District on which it is sited.

Mr. Scicchitano wants to clarify that the only reason you are here tonight is to develop on steep slopes. The Applicant answers affirmatively.

Resident Bob Weber asked for clarification on where on the plan the steep slopes were, and what constituted steep slopes.

Board went into executive session at 7:16pm. Board returned from executive session at 7:25pm

After discussion, it was determined that the Board would take action on the application, as presented.

A motion made by Mr. Melphis and seconded by Mr. Steele is:

RESOLVED, that the Zoning Hearing Board grant the Special Exception from Section 245-115 as requested for the project identified in the plan and located at 1225 South Market Street, Upper Allen Township, Cumberland County, Pennsylvania.

A roll call vote was taken, and Mr. Scicchitano, Ms. Foschi, Mr. Melphis, Mr. Schultz and Mr. Steele voting in the affirmative (5-0).

OTHER BUSINESS

There being no other business, a motion was made by Mr. Schultz and seconded by Mr. Steele to adjourn the meeting at 7:28 p.m. (5-0).

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
October 12, 2017**

The October meeting of the Upper Allen Township Zoning Hearing Board was called to order by Chairperson, Jean Foschi at 6:05 p.m. on Thursday, October 12, 2017. In addition to the Chairperson, the following board member was present, to wit: Vice-Chairperson Gary Scicchitano, Robert Melphis, Gerald Schultz and Donald Steele. Also present was Robert C. Saidis, Esquire, Michael Welt, Zoning & Code Enforcement Officer, and Gwen Leary, Stenographer.

MINUTES

After consideration, a motion was made by Mr. Melphis and seconded by Mr. Scicchitano to approve the Minutes from the September 14, 2017 meeting. A roll call vote was taken and passed unanimously

**SPECIAL EXCEPTION NO. 17-06, SALLY DANKO, 535 HARVEST LANE, SPECIAL EXCEPTION
REQUEST TO CHAPTER 245 ATTACHMENT 4, USE 19**

Sally Danko, Applicant. Subject property is 535 Harvest Lane, Upper Allen Township, Mechanicsburg, PA 17055, Medium-Density Residential (R-2) Zoning District, is requesting a Special Exception under Chapter 245 Attachment 4, Use 19. Referencing Section 245-211 to allow for a Professional and other Home Occupation.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on September 28, 2017 and October 5, 2017, and the property was also posted.

Ms. Sally Danko was sworn in and presented her request for the Special Exception to operate a home occupation at her property of 535 Harvest Lane. Ms. Danko testified to proposed compliance with all requirements under 245-211 for Professional and other home occupations. Ms. Danko expects a volume of several dozen over busy seasons, otherwise, 'in spurts'.

Mr. Tim Danko was sworn in to testify. He lives at 535 Harvest Lane, and is Sally Danko's spouse. Mr. Danko wanted to testify that this was a custom specialty business.

A motion made by Mr. Scicchitano and seconded by Mr. Melphis that the Special Exception request to Section 245 Attachment 4 for a Professional and other Home Occupation as requested by the applicant should be approved.

RESOLVED, that the Zoning Hearing Board grant the Special Exception under Section 245 Attachment 4 for a Professional and other Home Occupation as requested by the applicant.

The Applicant shall further comply with all applicable township, state and federal rules, regulations, ordinances and law.

A roll call vote was taken, and Ms. Foschi, Mr. Scicchitano, Mr. Melphis, Mr. Schultz and Mr. Steele voting in the affirmative (5-0).

OTHER BUSINESS

There being no other business, a motion was made by Mr. Melphis and seconded by Mr. Schultz to adjourn the meeting at 6:24 p.m. (5-0).

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
April 13, 2017**

The March meeting of the Upper Allen Township Zoning Hearing Board was called to order by the Vice-Chairperson, Gary Scicchitano at 6:05 p.m. on Thursday, April 13, 2017. In addition to the Vice-Chairperson, the following board member was present, to wit: Robert Melphis, Gerald Schultz and Donald Steele. Also present was Robert C. Saidis, Esquire.

**VARIANCE NO. 17-01, MICHAEL AND PRISCILLA GAFFNEY, 407 SPRING RUN
DRIVE, VARIANCE REQUEST TO SECTIONS 245 ATTACHMENT 4**

Michael & Priscilla Gaffney, Applicants, subject property is 407 Spring Run Drive, Upper Allen Township, Mechanicsburg, PA 17055, Medium-Density Residential (R-2) Zoning District, is requesting a Variance from Section 245 Attachment 4 to allow for a 1.5 foot encroachment on the front yard setback to build a covered front porch.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on February 23, 2017 and March 2, 2017, and the property was also posted.

Mr. & Mrs. Gaffney were sworn in and presented their request for the variance

A motion made by Mr. Melphis and seconded by Mr. Steele that the Variance request to Section 245 Attachment 4 by the applicants is hereby approved.

RESOLVED, that the Zoning Hearing Board grant the 1 ½ foot front yard Variance from Section 245 Attachment 4 as requested by the applicant.

The Applicant shall further comply with all applicable township, state and federal rules, regulations, ordinances and law.

A roll call vote was taken, and Mr. Scicchitano, Mr. Melphis, Mr. Schultz and Mr. Steele voting in the affirmative (4-0).

**SPECIAL EXCEPTION NO. 17-03, RIDER MUSSER DEVELOPMENT, LLC, 115
ACRES ON NORTHERN SIDE OF WEST LISBURN ROAD TO BE KNOWN AS
OAKWOOD HILLS, SPECIAL EXCEPTION REQUEST TO SECTIONS 245-115 STEEP
SLOPES**

Rider Musser Development, LLC, Applicant, subject property is 115 Acres on northern side of West Lisburn Road to be known as Oakwood Hills, Upper Allen Township, Mechanicsburg, PA 17055, Business Professional Office (BPO), Institutional (INS), High-Density Residential (R-3) and Steep Slope Protection (SSP) Zoning Districts, is requesting a Special Exception under Section 245-115 to allow development on portions of the property with steep slopes.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on March 30, 2017 and April 6, 2017, and the property was also posted.

Michael Goetz at 1114 McCormick Road, and also owning 714 Colonial View Road registered as having Adverse Impact.

Charlie Courtney was sworn in to testify. Charlie stated this is the 2nd Special Exception for Steep Slopes for this property. Stated they were before this board a bit over a year ago on Jan 16, 2016 for the previous design. Rider Musser has since been redesigned. Plans have been provided as of Feb 27th. Township has had at least 45 days to review, and have had discussions with staff. Exhibits have been included with packet.

Ed Black was sworn in to testify. Ed stated he is a licensed landscape architect. Ed is the principle of the firm responsible for this project. Project consists of the Rider and the Musser Farm and a portion of the Mumma tract. Prior to development all tracts owned by Messiah College will be transferred to Rider Musser. Larger buildings have 59 units each. Smaller buildings have 19 units each. A total of 392 units. The differences between this plan and the last plan are the removal of an L-shaped public street with townhomes near the Messiah College President's residence, and they have been deleted. Apartments have replaced them. Otherwise the apartment buildings are in the same general area as the old plan. Applicants Exhibit A-2 was used to identify for the board and audience which areas have the steep slopes, as well as the conflicts with development. Building 2, Building 3, Building 4, Building 7 and the western side of the parking area for Building 7 have areas of steep slopes to be disturbed. Generally the same amount of disturbance between this plan and the previous plan. Overall grading plan is shown with proposed contours. Mr. Black describes the stormwater condition of this property as Musser tract grading from the north to south. The northern part of the site drains to the west and down to the stream. The Western side of the site drains east to the stream. All water drains towards Messiah College Campus. Mr. Black has observed stormwater runoff on the site and has observed water coming down to the rear of the border properties along E. Lisburn Road. An interceptor swale will be installed to receive the water coming to the E. Lisburn Road properties to detour it. The overall utility plan was shown. Sanitary sewer and water line plans were described. Mr. Black stated that the steep slopes on site will not be eliminated, they will be moved. Mr. Black read the conclusion on Page 10 of the Geotechnical report: "The site is considered suitable for development." Developer will comply with all conditions and recommendations in the Dec 2013 Geotechnical report.

Mr. Scicchitano asked whether there were any substantial changes or conditions which might be of concern to a 3.5 year old geotechnical report. Mr. Black stated there were not.

Mr. Schultz asked about the project location outline differences between exhibits. Mr. Black stated the one shows the entire 115 acres, the other is showing only the 56 acre residential portion. The other portion will come in later.

Mr. Saidis asks that the applicant tell the board exactly what they are looking for tonight. Mr. Courtney responded that Sheet A-9 shows the steep slope areas that are shaded. Some of these shades are where buildings or parking lots proposed and yard areas. Ordinance states that a proposed use that is within steep slopes requires a Special Exception. The ordinance does not

require approval for steep slope disturbance in streets. The requested Special Exception is for the buildings, parking areas and yards that will be modified.

Mr. Saidis asks if they are ready to comply with recommendations of Dec 2013 Geotechnical Report. Mr. Courtney said they would.

Mr. Kenneth Breck of 312 W. Lisburn Road was sworn in to testify. States a resident of this address since 1965. Says about 50% of land looks to be developed, and very close to his home.

Mr. Ken Martin of 241 W Lisburn Road was sworn in to testify. Heard from Twp Staff that more steep slopes will be disturbed for this plan, and that Mr. Courtney and Mr. Black are saying tonight it's about the same or less. Mr. Martin thinks the Board should want clarification on that.

Mr. Courtney states that the building areas are the same this time as they were the last time. Mostly the same layout. Only change to the plan is going from townhomes to multi-family dwelling. In terms of calculation of percentage, it's really the steep slope areas.

Mr. Saidis states that is applicant's job to tell us. Is it more or less? Mr. Cortney says it is the same slope areas. If looking for percentage, it is less steep slopes on this plan.

Mr. Saidis asks: So you are disturbing the same slopes, and the area is less than in the prior plan? Courtney: Yes.

Mr. Black asks Board to look at sheets 7 of 50 vs 9 of 65. You can see there is more parking area and roadway disturbance. On the current design, getting rid of most of roadway disturbance, but still have some of areas of buildings. The bulk of the rest of the site is mostly free except for very small areas.

Ms. Sherrie Breck at 312 W Lisburn Road spoke. Concerned about parking areas. Where will the drains go? Any consideration of traffic? Mr. Scicchitano states we are not here to discuss traffic. Mr. Black states that the parking areas will be curbed, and catch basins will be installed. Mr. Black states that the Musser farm was no-till farmed, which exacerbated runoff. A major swale will be installed above their properties that will go to the detention pond at corner of Development road and W. Lisburn Road to then discharge to stream.

Mr. Glen Carper of 214 W. Lisburn Road was sworn in to testify. States the zoning in the Twp is a long time coming. Board spoke of Steep Slope Protection. If you give in to this exception tonight, there will be even more exceptions on the Rider farm. If we spent all this time putting these zoning laws together, don't understand why you would make these exceptions. They should follow the rules and regulations.

Board went into executive session at 7:26pm. Board returned from executive session at 7:39pm

Mr. Saidis made prepared remarks to explain what a Special Exception means, and that it is really a permitted use. Mr. Saidis also explained that stormwater flow issues should be addressed at the Planning Commission process.

A Condition is placed for the developer to hold to the Geotechnical Review conditions.

After discussion, it was determined that the Board would take action on the application, as presented.

A motion made by Mr. Melphis and seconded by Mr. Steele is:

RESOLVED, that the Special Exception to permit Applicant's development of the Property located within the Steep Slope Protection District as set forth on the Overall Layout Plan of the Preliminary Subdivision and land Development Plan of Oakwood Hills as prepared by H. Edward Black and Associates, LTD. And marked draft 02-27-17 (and further being Page 9 of 65, of the Applicant's Exhibit A-2) is hereby approved. This Special Exception is subject to the Applicant complying with all conditions set forth in the Geotechnical Engineering Review, Musser and Rider Tracts, Messiah College, Lisburn Road, Upper Allen Township, Cumberland County, Pennsylvania prepared by F.T. Kitlinski and Associates, Inc., dated December 20, 2013

The Applicant shall further comply with all applicable township, state and federal rules, regulations, ordinances and law.

A roll call vote was taken, and Mr. Scicchitano, Mr. Melphis, Mr. Schultz and Mr. Steele voting in the affirmative (4-0).

MINUTES

After consideration, a motion was made by Mr. Steele and seconded by Mr. Schultz to approve the Minutes from the March 9, 2017 meeting. A roll call vote was taken and passed unanimously

OTHER BUSINESS

There being no other business, a motion was made by Mr. Melphis and seconded by Mr. Schultz to adjourn the meeting at 7:42 p.m. (4-0).

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
SEPTEMBER 14, 2017**

The September meeting of the Upper Allen Township Zoning Hearing Board was called to order by the Chairperson, Jean Foschi at 6:02 p.m. on Thursday, September 14, 2017. The following board members were present, to wit: Vice Chairperson Gary Scicchitano, Robert Melphis, and Donald Steele. Board member Gerald Schultz was noted as absent. Also present was Robert C. Saidis, Esquire, Michael Welt, Zoning / Codes Officer, Zachary Gulden, Recording Secretary, and Gwen Leary, Stenographer.

Chair Foschi made the following opening statement: It is important to note to the public that Zoning Officers are Township employees and not members of the Board. The purpose of the Zoning Hearing Board is to decide applications for special exceptions, variances, non-conforming uses, and appeals from determinations made by the Zoning Officer. The Board gathers facts from the testimony presented by the affected parties in an open and public hearing. The Board is charged with the responsibility to decide whether to approve or deny applications and appeals. In making its decision, the Board considers all of the relevant facts regarding the application and appeal, as well as evaluating the impact of the health, safety, and welfare of the community. When necessary, the Board can require additional conditions in connection with allowing variances and special exceptions. The Zoning Hearing Board does not make the Zoning Ordinance. The Zoning Ordinance and the Amendments to it are prepared by the Planning Commission and adopted by the Township Commissioners. The Zoning Hearing Board is a judicial body whose job is to ensure that the Zoning Ordinance is being properly applied to the property in question. The Board follows some basic legal procedures to make sure that the relevant facts can be presented in an orderly and reasonable way by the Applicant, the Zoning Officer, and others who are affected by the application and wish to be heard. After testimony is taken, the Board will discuss the case. We may make a decision, or we may make a decision at a future public meeting of the Board. When the Board discusses the case, no further discussion or comments from the Applicant or other parties is allowed. The decision on the application and appeal must be made not more than 45 days from the last hearing on the case.

MINUTES

After consideration, a **MOTION** was made by Vice Chair Scicchitano and **SECONDED** by Mr. Melphis to approve the Minutes from the April 13, 2017 meeting. A roll call vote was taken and passed unanimously

VARIANCE NO. 17-05, MESSIAH LIFEWAYS, 100 MOUNT ALLEN DRIVE, VARIANCE REQUEST TO SECTION 245-239

Messiah Lifeways, 100 Mount Allen Drive, Mechanicsburg, PA – Applicant seeks a Variance under Section 245-239 Number Permitted. To permit applicant to construct two additional signs on property in excess of permitted signage. This property is located in the Institutional (INS), Zoning District.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, by publication in The Carlisle Sentinel on August 31, 2017 and September 07, 2017. Property owners within 300 feet of the Applicant's property were given notice by mail, and the Applicant's property was also posted.

Chair Foschi made the following statement: The law allows aggrieved persons to become a party to a Zoning Hearing Board case. If you think you are aggrieved, you must have a substantial, direct, and immediate interest in the issue to be decided by the Zoning Hearing Board; such as, if your property abuts or is located near the property subject to the zoning application. The Board will determine if you are a person aggrieved under the law by the Board's decision. She asked if any members of the public believe they meet the definition of an aggrieved person to this specific case. Members of the public raised their hands. Chair Foschi continued: To be considered a party, your interest must be more than just wishing others followed the law. Your interest must be direct and immediate and not a remote consequence of the Board's decision. If your property will be injured if the decision is upheld, it must be the kind of injury the zoning laws were meant to protect. If you desire to be a party, you must state on the record your name and address. You must state on the record why you are an aggrieved person, and why you will be affected by the Board's decision. The Zoning Hearing Board will also require that you sign in and complete all of the applicable information on the Board's party form. If the Board agrees that you should be a party, you will receive a written determination, and you shall have the right to appeal.

Solicitor Saidis requested a short break in order for members of the public to fill out the Board's party form. He stated that the list will be added to the record.

Greg Lamay, from Eastern PCM, located at 645 North Twelfth Street, Lemoyne, PA 17043 represented Messiah Lifeways. Mr. Lamay was sworn in by Ms. Leary and presented Messiah's request for the variance.

Solicitor Saidis stated for the record that he does not know Mr. Lamay, and he has not been involved in this case, but he does work with Eastern PCM. He said this will not influence his judgement.

Mr. Lamay said that Messiah is requesting two additional monument signs next to their new Village Square Building. The signs themselves conform to the size restrictions of the Zoning Code; however, Messiah already has more signs than allowed by the Township. The proposed

signs would be located approximately 410 feet from Mount Allen Drive in front of the Village Square Building. Mr. Lamay said that he walked around the proposed sign locations this morning and took pictures. He said the property located at 297 Mount Allen Drive is the only house that would be able to see the proposed signs.

Vice Chair Scicchitano asked Mr. Lamay if that was his entire presentation. Solicitor Saidis said that Mr. Lamay is required to show the Board where the proposed signs are and why they are needed. Mr. Lamay said they are needed in order to identify the building. Messiah is a senior living facility. The new construction of the building would allow for a sign to be mounted on the building; however, due to the physical dimensions and angles of the building, there would not be a suitable location on the building that would be visible from all of the entry points.

Solicitor Saidis asked for the square footage of the building where the proposed signs would be placed. Mr. Lamay said he is unaware of the square footage, but it includes 84 apartments, a common area, a pool, office spaces, and a parking garage underneath. He said the signs are less than 25 square feet, which is the allowable limit. Mr. Lamay said that he was handed an email from a citizen regarding potential light pollution onto adjacent properties. Messiah made every effort to reduce light pollution from the proposed signs. He believes that the Township requires parking lots to be at least two footcandles. He said that they reduced it to a quarter of a footcandle in order not to bleed into adjacent properties. Chair Foschi said that the email will be entered into the record as Exhibit 1.

Vice Chair Scicchitano asked Mr. Lamay to explain the lighting on the proposed signs? Greg Witters, Senior Director of Strategic Projects at Messiah Lifeways, from 118 Round Ridge Road, Mechanicsburg, PA 17055, was sworn in by Ms. Leary. Mr. Witters said that the light that they choose for the signs is a small LED up-light that will light the lettering and not the entire monument sign. Solicitor Saidis asked if he can provide a picture of the proposed lights. Chair Foschi said that it is included in the Board's packet.

Vice Chair Scicchitano stated the requirement that the Applicant must show is that the ordinance is creating an unnecessary hardship. What is your unnecessary hardship? Mr. Lamay said that it is a senior living facility, and that there are regular visitors and emergency personnel that need to identify the buildings as quickly as possible without wasting valuable time. Vice Chair Scicchitano said that the ordinance allows Messiah to put signs on the buildings, so why would monument signs be any better than a sign on the building? Mr. Lamay said that visitors would be able to see the monument signs better than the building signs. Vice Chair Scicchitano said the ordinance allows the placement of directional signs without a variance. Mr. Witters replied yes. Vice Chair Scicchitano said that if he is driving down Mount Allen Drive in a police car or an ambulance and he is looking for that building, he would prefer to look for a directional sign than a glowing pillar. Mr. Witters said that their directional signs are not illuminated. Vice Chair Scicchitano said they are reflective, and Mr. Witters agreed. Mr. Lamay said that directional signs include the names of various buildings. Vice Chair Scicchitano said that it would be more efficient to have directional signs and signs on the buildings. Mr. Witters said that Messiah is trying to keep consistency and ensure everyone can find their way.

Mr. Lamay said that Messiah owns 80 acres and dozens of buildings. He said the ordinance that limits three signs to 80 acres is very limiting. Vice Chair Scicchitano agreed that the ordinance is very limiting. Mr. Lamay said their request is to add two additional, which the owner did not believe was an unreasonable request. Vice Chair Scicchitano asked Mr. Welt if there is a section in the land development application that discusses signage. Mr. Welt said they could address signs in the plan, but it is not required.

Solicitor Saidis asked for the total amount of buildings on the Messiah campus. Mr. Lamay said there is the Village Center Building, another apartment building in the back of the campus, and various cottages. Solicitor Saidis asked where the current directional signs are located. Mr. Witters pointed to the directional signs on projector's map. Mr. Witters said they are trying to reduce the directional signs, and get people to ask for directions at the Welcome Center. Solicitor Saidis asked if emergency responders would have to go into the Welcome Center and ask for directions. Mr. Witters said that they would be met by the 24-hour-per-day security staff.

Chair Foschi asked Messiah's representatives to describe the existing signs on their buildings. Mr. Lamay said that they already have signs, and that is why they are asking for the variance. Chair Foschi asked if adult day care currently exists on the campus. Mr. Witters replied yes. Chair Foschi asked how visitors know if they are entering the day care building. Mr. Witters replied there is a sign on the building. Chair Foschi asked if there is currently a skilled nursing facility on the campus. Mr. Witters replied yes. Chair Foschi asked how visitors know if they are entering the skilled nursing building. Mr. Witters replied that there is not a sign on the building and guest services directs them where to go. Chair Foschi asked how visitors know how to get to the Village Square Building. Mr. Witters replied that there is an existing monument sign. Chair Foschi asked if there is a spa on campus. Mr. Witters replied yes. Chair Foschi asked how visitors know how to go to the spa. Mr. Witters said they would read off the directional signs. Chair Foschi said Mr. Witters stated that most of the directional signs will be being removed, so how will visitors know how to get to some locations without a building or monument sign. Mr. Witters said that yes most are coming down, because they are trying to get visitors to go through guest services, and they will direct them where to go.

Chair Foschi said there are obviously a lot of projects in the works for Messiah, so how many sign variances will they seek. Mr. Witters said that this will be the only variance, because all other signs will be directional. Vice Chair Scicchitano said it would be possible to use a directional sign instead of requesting a variance for this instance. Mr. Witters said Messiah is trying to get all guests to filter into the main three buildings in order to find the appropriate services.

Chair Foschi asked how close the existing monument signs are from neighboring properties. Mr. Lamay replied 410 feet away from the nearest sidewalk, and the closest house is across Mount Allen Drive. Mr. Witters said that the closest monument sign would be approximately 430 feet. Vice Chair Scicchitano asked for the specific house address that is the closest. Mr.

Lamay replied 297 Mount Allen Drive, but it will be blocked from existing and proposed trees and bushes. Mr. Witters said Messiah is proposing new trees in front of the parking lot and buildings.

Vice Chair Scicchitano said if this request for a variance is not approved, what is Messiah's second option? Mr. Witters said he is not sure, and they would have to re-evaluate the plan.

Mr. Melphis asked if the proposed monument signs and the existing parking lot are below grade. Mr. Witters said yes, they do sit below Mount Allen Drive. Mr. Melphis asked if residents of 297 Mount Allen Drive could clearly see the sign from their yard. Mr. Lamay said they could see the sign from their front yard. Mr. Witters said that they are proposing over 5,000 new plants and trees. Vice Chair Scicchitano asked if the monument sign would be four feet high, and Mr. Witters said yes. Mr. Melphis asked if the star design on the sign would be larger than the lettering. Mr. Witters said the star is proposed at two feet two inches and the lettering would be eight inches. Mr. Lamay said the purpose of the sign is not to advertise or show the neighbors, it is only for identification of the buildings.

Chair Foschi asked Solicitor Saidis to remind her of the requirements for a variance. Solicitor Saidis said that the Applicant must prove hardship and that the hardship would prevent them from complying with the ordinance. Mr. Lamay said hardship is a strong term. Chair Foschi said that hardship is a legal term. Solicitor Saidis said that is correct.

Chair Foschi asked if the Board had any further questions. There were none.

Solicitor Saidis suggested that the Board take a recess.

The Board went into recess at 6:50 pm. Board returned from recess at 6:58 pm

Chair Foschi asked if the Applicant was finished with their testimony. Both of Messiah's representatives said yes.

Solicitor Saidis said that they are going to submit everything that the Applicant has given the Board into the record.

Chair Foschi asked Solicitor Saidis to remind the Applicant of the requirements for a variance. Solicitor Saidis said everything that was previously discussed about hardship, the property has to have unique circumstances that cause the hardship, such as size or shape, that there is no possibility that the property could be developed in accordance with the ordinance, and that the problem is not self-created. Chair Foschi said based on the law; it is her personal opinion that the Applicant does not meet the requirement for the variance. Vice Chair Scicchitano said that based on the testimony and evidence given tonight and the lack of testimony and evidence to meet the hardship requirement, he believes that the variance should be denied. Chair Foschi said that if the variance is denied, the audience will not have the opportunity to comment.

A **MOTION** made by Vice Chair Scicchitano and **SECONDED** by Mr. Melphis that the Variance request to Section 245-239 by the Applicant be denied. A roll call vote was taken, and Chair Foschi, Vice Chair Scicchitano, Mr. Melphis, and Mr. Steele voted (4-0) to deny the variance. The variance is hereby **DENIED**.

Chair Foschi said that the response to the request will be put in writing and sent to the Applicant and all aggrieved parties.

RESOLVED, that the Variance to permit applicant to construct two additional signs on the property in excess of permitted signage is hereby denied.

A roll call vote was taken and Ms. Foschi, Mr. Scicchitano, Mr. Melphis, Mr. Steele voting in the affirmative (4-0)

OTHER BUSINESS

There being no other business, Chair Foschi adjourned the meeting at 7:00 p.m.