

MINUTES OF ZONING HEARING BOARD MEETING

The zoning hearing board of Palmer Township met on Wednesday, July 6, 2011 at 7:30 P.m. in the Palmer Memorial Library, One Weller Place, to hear the following appeals. In attendance Nicholas Noel III, Esq., Zoning Board Solicitor, Charles Roseberry, Board Chairman, Cherie Kavanaugh Board Member, Dan Caravetta Board Member, Peg Kennedy Alternate Board Member, James Raudenbush, Zoning Administrator, and Court Reporter Ted Rewak.

Cherie Kavanaugh made a motion to accept the minutes from the June 7, 2011 Zoning Hearing. The motion to accept the minutes for hearings 11-09 and 11-03 was seconded by Charles Roseberry, the rest of the minutes were then seconded by Dan Caravetta with all in agreement.

11-12 7:30 p.m. Parcel M9SW1-27-9 (Located at the southern end of Mine Lane Rd wear the unimproved portion of Grandview Dr. would intersect) Nicholas Pugliese, 1072 Grand Street, Phillipsburg, NJ 08865, is seeking variances from the following sections to build on a non-conforming lot of record; Section 190-42D in order to exceed the 25% maximum building coverage allowed on a lot, section 190-42E(4) in order to have a front yard setback for the principal structure that's less than 30', section 190-199C(2)(a)[1] in order to have a lot width that's less than 60' measured at the building setback line, section 190-199C(2)(a)[4] to be able to build on a non-conforming lot of that has a lot area that's less than 6000 square feet, and section 190-199C(2)(a)[6] to have side yard setbacks that would be less than 8'. This property is located in a Medium Density Residential Zoning District.

Witnesses: Nick Pugliese, Applicant, Dave Backenstoe, Applicants Attorney, Mike Finelli, Applicants Engineer, Walter Witucki, 1761 Mine Lane Rd, Quinn Barilone, 2000 Mine Lane Rd., Ted Lewis, Objectors Attorney, Michael Barilone, 820 Stones Crossing Rd., Robert Miller, 2705 Chain Dam Rd., Andrew and Joe Rossi, 1771 Mine Lane Rd

Action: Dan Caravetta made a motion to deny the application based upon the applicants failure to prove that the proposed house would not create an undue hardship to the neighborhood with regards to the storm water. The motion was seconded by Cherie Kavanaugh with all in agreement.

11-13 7:40 p.m. 2527 Freemansburg Ave., Keystone Partners, LLC 2641 W. 139th Terrace, Leawood, KS 66224, are seeking variances from sections 190-172A in order to expand a non-conforming freestanding sign, section 190-184A(3)a in order to have more than one wall sign on a wall of a building facing a public street, and to have wall signage on a wall of a building that does not face a public street, and section 190-184A(3)(b)[2] to combine the square footage of the two freestanding signs that are permitted on a property with a total linear frontage of 300' in order to have a larger freestanding sign. This property is located in a General Commercial Zoning District.

Witnesses: Bob Beier, Pizza Hut Area Manager, Susan Wilkiensen, Pizza Hut Area Coach

Action: Cherie Kavanaugh made a motion to approve the wall signage on the front of the building as depicted on exhibit A-4 at the time of the hearing. Cherie then motioned to approve the replacement of the existing freestanding sign with a new freestanding sign with a maximum height of 15' and a sign area no greater than 32 square feet. Cherie then motioned to approve the Pizza Hut Logo wall sign on the eastern side of the building as depicted on exhibit A-10 at the time of the hearing. The wall sign on the eastern side of the building would be in place of the additional freestanding sign the applicant would be allowed to have on a lot with a linear road frontage that exceeds 300'. The motion was seconded by Dan Caravetta with all in agreement.

11-03 7:40 p.m. 2415 Park Ave, First Star Bank, 418 West Broad Street, Bethlehem, Pa 18018, is seeking relief from 190-6 which authorizes the Zoning Hearing Board to permit or deny a use not specifically regulated by ordinance in order to install an electronic message sign. In the event relief is not granted from 190-6 the applicant would like to challenge the validity of section 190-171 entitled "Signs" feeling that the section would then be invalid. In the alternative the applicant would like to request use and dimensional variances from sections 190-183A in order to have a sign that would exceed the 10 foot maximum height allowed, and section 190-184 relating to the signage area. First Star Bank is also requesting a validity variance due to the extensive use of electronic message signs in connection with the banking industry. An interpretation of section 190-180 "Signs Prohibited in all Districts" is also being requested, as the applicant feels an electronic message sign does not violate any part of this section. This Property is located in a Planned Commercial Zoning District.

Action: The record was kept open until June 16th, 2011 for this hearing. Cherie Kavanaugh made a motion that the existing freestanding sign was a legal non-conforming sign that has been abandoned. Cherie felt there was no hardship in order to grant the requested dimensional variances for the abandoned non-conforming freestanding sign since the current ordinance allows for two freestanding signs on a property with a linear road frontage of 300'. Cherie then motioned to deny the request for an automated sign since there was no basis to grant a variance (Section 190-176F of the Palmer Township Code was referenced in this motion). The motions were seconded by Peg Kennedy with all in agreement. The board also agreed that the validity challenge to the ordinance had no merit in this case and denied the request.

The board also found that the constitutional challenge is moot in that while there is reasonable concern over the breadth of the prohibition of all automated signs throughout the Township (with the exception of time and temperature), as applied to this application, it is moot since the sign proposed by the Applicant is denied by reason of the prior non-conforming sign being abandoned; that the variance request is denied by reason of no showing of hardship; and that the automated sign would be incompatible with the adjoining residential zone to the immediate south, therefore, site specific relief is unavailable other than, potentially, a location to the north of the Applicant's building facing the mall which was not discussed during the hearing. The board will communicate its concerns regarding section 180.B to the Board of Supervisors so that such signs can be allowed elsewhere in the township, such as a business or industrial district but not in close proximity to residential zones.

Having no further business to discuss, the hearing was adjourned at 1:15 a.m.

James Raudenbush
Zoning Officer