

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
March 11, 2014

The West Hempfield Township Zoning Hearing Board met in the meeting room of the West Hempfield Township Building at 3401 Marietta Avenue, Lancaster, PA, on Tuesday, March 11, 2014. Gary Lintner called the meeting to order at 7:30 P.M. Board members Daryl Peck and Tony Crocamo were also present, along with Bernadette Hohenadel, Solicitor; Rhonda Adams, Court Reporter; Jodi Heffner, Zoning Officer; and Darlene Diffenderfer, Recording Secretary.

Approval of Minutes

Motion: Tony Crocamo moved, seconded by Daryl Peck, to approve the minutes of the meeting of February 11, 2014 as written. Carried 3-0.

Case 1182 – Clark Filter, Inc.

This application was submitted by Clark Filter, Inc., 3649 Hempland Road, Lancaster, PA for a variance to Section 701.18.C to waive landscape/fence requirement for a tractor/trailer container on the south side of their building to store recycling and for a proposed structure on the east side of their building to be used as an outdoor trash storage area. They also requested a variance of 244 square feet to Section 701.18.D for the maximum size of the recycling storage container and a variance of 120 square feet to Section 701.18.D for the maximum size of the trash storage area. The property is zoned I-2.

Matthew J. Mack, Ludgate Engineering Corporation, 10 Vanguard Drive, Suite 90, Reading, Pa and Ian J. Derstler of Clark Filter were both present and both were sworn to provide testimony.

Mr. Mack stated that Clark Filter is in the process of revamping the interior of the building and will be adding a paved area to the exterior as well as six loading docks along the south side of the building. He stated that one of the six docks will be used for storage of recyclable materials within a tractor/trailer container which will be moved and emptied as necessary.

Mr. Mack stated that the existing trash compactor is located in the area of the proposed six new loading docks and will be moved to the east side of the building. He stated the new trash storage area will consist of an enclosed/covered trash compactor and dumpsters as depicted in the brochure included with the application. He added that the compactor on the east side of the building is actually less than the allowed 200 square feet, but the mechanics and enclosure that surrounds it makes it a larger structure.

Mr. Mack stated that both the recycling area and trash storage area are already paved areas which would make it impossible to construct a fence or plant screenings. He added that the area of the loading docks needs to remain open to allow truck maneuvering, and the 10 foot space on the east side of the building needs to remain open to allow access for maintenance.

Mr. Mack pointed out that neither storage area is visible from Hempland Road.

Motion: Tony Crocamo moved, seconded by Daryl Peck, to grant a variance to Section 701.18.C for Clark Filter, Inc., 3649 Hempland Road to waive sight screening for trash and recycling collection areas as discussed. Carried 3-0.

Motion: Tony Crocamo moved, seconded by Daryl Peck, to grant a variance of 120 square feet to Section 701.18.D for the maximum trash storage on the east side of the Clark Filter building at 3649 Hempland Road and a variance of 244 square feet for the maximum recycling storage area on the south side of the building with the condition that all operations be as described. Carried 3-0.

Case 1183 – Valenti Mid-Atlantic Realty II, LLC (Wendy’s)

This application was submitted by Valenti Mid-Atlantic Realty II, LLC, 3450 Buschwood Park Drive, Tampa, FL for a variance to Section 708.9 to allow a fifth sign and a variance of 2.3 square feet for size of incidental signs and to allow Wendy’s logo on them for the Wendy’s property located at 3995 Columbia Avenue, zoned C-2.

David Tshudy, Attorney with Pepper Hamilton LLP, 100 Market Street, Suite 200, Harrisburg, PA and Troy Valenti of Valenti Mid-Atlantic Management, 4310 Boulder Lake Circle, Vestavia Hills, AL were present. Mr. Valenti was sworn to provide testimony.

Mr. Tshudy presented Applicant Exhibits #1 through #12 and described them as follows:

Exhibit #1 is a copy of the deed to the property.

Exhibit #2 is a copy of the tax assessment card for the property.

Exhibit #3 is a series of photographs of the Wendy’s property as it currently exists.

Mr. Tshudy stated that the Wendy’s franchise is currently rebranding their stores with an updated appearance and new signs. Exhibit #4 is a series of photographs of a recently updated store and depicts the signs proposed for the property at 3995 Columbia Avenue.

Exhibit #5 is a sketch plan of the proposed placement of the new building signs. Mr. Tshudy stated they propose three additional wall signs consisting of the Wendy’s name and would amend the application to withdraw the request for a fifth sign. He stated they will only have one free standing sign, but are permitted to have two so one of the wall signs would replace a free-standing sign. He added that the incidental signs will each be 4.3 square feet, the same as the existing incidental signs.

Exhibit #6 is a drawing of the proposed new free-standing sign located at the corner of Prospect Road and Columbia Avenue. Mr. Tshudy & Mr. Valenti stated that they are only replacing the face of the sign and the size will remain the same as the existing sign.

Exhibit #7 is a drawing of the proposed new wall signs with the Wendy's name and logo. Mr. Tshudy stated that the three proposed wall signs will face Prospect Road, Columbia Avenue and the shopping center driveway and will each be 32.125 square feet.

Exhibits #8, #9 and #10 are drawings of the other three proposed smaller wall signs. Mr. Tshudy pointed out that the sign in Exhibit #9 is the larger at nearly 31 square feet and will be placed between the two drive-thru windows. He added that the "Quality is our Recipe" sign in Exhibit #8 is 10 square feet and the "Thank You" sign in Exhibit #10 is 2 square feet.

Exhibit #11 is drawings of the proposed new directional signs. Mr. Tshudy stated each of the four signs will be 4.3 square feet, the same as the existing incidental signs, but will include the Wendy's logo which is not on the existing signs and is not permitted in the zoning ordinance.

Exhibit #12 is a chart which summarizes all of the signs proposed with a total of 275.425 square feet as opposed to the 280 square feet permitted by the zoning ordinance.

Mr. Tshudy stated that the total building sign area permitted by the zoning ordinance is 180 square feet, but the applicant is proposing a total of only 136.535 for the new signs. Mr. Tshudy stated that the proposed sign package is required by the Wendy's franchise in order for the franchisee to keep their agreement with Wendy's.

Mr. Crocamo stated that he saw an issue with the logo on the incidental signs due to the Board's recent denial of a request for similar signs on a nearby property.

It was determined that the new signs, as proposed, would be a total of six building signs. Mr. Lintner questioned why the two proposed wall signs facing Columbia Avenue couldn't be combined and be considered only one sign. Mr. Tshudy replied that they did not combine the two because the area of the sign would be 61 square feet which would make the total signage more than the 280 square feet allowed. The Board members also stated that the "Thank You" was not really necessary. Mr. Valenti stated he would be agreeable to eliminating that sign.

Discussion followed and it was determined the applicant would amend the application to request a variance of 13 square feet to Section 708.9.Table 2.Part A for the total signage of 292.92 square feet. This amendment would combine the two signs facing Columbia Avenue and eliminate the "thank you" sign next to the drive-thru window.

Ms. Hohenadel stated that no variance would be needed for the size of the incidental signs because they are replacing existing signs of the same size.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a variance to Section 708.9.Table 2.Part A to allow one additional building sign for a total of five at 3995 Columbia Avenue with the condition that all signage be as described before the Board. Carried 3-0.

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Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a variance of 13 square feet over the permitted 280 square feet for total signage area in Section 708.9.Table 2.Part A with the condition that all signage be installed as described before the Board with no logo on the incidental signs. Discussion followed and Mr. Crocamo requested that an altered Exhibit #12 be submitted to show the new signage total as approved. Carried 3-0.

Mr. Tshudy moved to place all exhibits into the record.

There being no further business to come before the Board, the meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Daryl Peck
Secretary

