

YORK TOWNSHIP

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The July meeting of the York Township Zoning Hearing Board was called to order by James Barnes, Chairman.

Those in attendance were:

James Barnes, Chairman
John Myers, Vice Chair
William Descar, Secretary
Anthony Pantano, Asst. Secretary
Timothy Salvatore, Member
Glenn Myers, Alternate Member
Jeffrey Rehmyer, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF JUNE 22, 2021

The Zoning Hearing Board minutes of the June 22, 2021, meeting were approved.

DECISIONS OF JUNE 22, 2021

The Zoning Hearing Board decisions of the June 22, 2021, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2021-11: Wendy Flichman requests a Variance to allow additional signage on property located at 2685 South Queen Street (Starbucks) in a Commercial Shopping (CS) District.

Present: Wendy Flichman

MOTION: On Application 2021-11, Wendy Flichman

York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

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requests a Variance to allow additional signage on property located at 2685 South Queen Street (Starbucks) in a Commercial Shopping (CS) District, that the application be approved.

MOTION MADE BY: Anthony Pantano
SECONDED BY: Timothy Salvatore
MOTION PASSED UNANIMOUSLY

Continued Application 2021-08, Weis Markets, Inc. requests a Variance to allow additional signage on property located at 698 Lombard Road (Cape Horn Shopping Center), Red Lion, PA in a Commercial Shopping (CS) District

Present: James McFarland

MOTION: On Continued Application 2021-08, Weis Markets, Inc. requests a Variance to allow additional signage on property located at 698 Lombard Road (Cape Horn Shopping Center), Red Lion, PA in a Commercial Shopping (CS) District, that the application be denied.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: John Myers

MOTION: I make a motion to rescind my earlier motion.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: John Myers
MOTION PASSED UNANIMOUSLY

MOTION: On Continued Application 2021-08, Weis Markets, Inc. requests a Variance to allow additional signage on property located at 698 Lombard Road (Cape Horn Shopping Center), Red Lion, PA in a Commercial Shopping (CS) District, that the application be approved to allow for four additional square foot of signage with reconfiguration as requested by the applicant.

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CONDITIONS: Removal of the beer and wine sign on the Lombard Drive side of the store along with all other branded outdoor advertising to include all Western Union signs.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: John Myers
MOTION PASSED UNANIMOUSLY

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2021-08
Hearing Dates: June 22, 2021 and July 27, 2021
Applicant: Weis Markets, Inc.
Property Owner: Northville Green Associates, LLC
Property: 693 Lombard Road
UPI: #54-000-46-0200-A0-00000
Existing Zoning District: Commercial Shopping (CS) District

Relief Requested- Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Article 7, Table 7.D. thereof.

FINDINGS OF FACT

Based upon the evidence presented, and its evaluation of the credibility of the witnesses, the Board finds as follows:

1. The foregoing information and the Application, including its attachments, are incorporated by reference.
2. Jim McFarland and Tim Snyder were present on behalf of the Applicant.
3. The Applicant is seeking approval to install additional signage on the Weis Markets Grocery Store (the "Store"), located on the Property, which additional signage would result in the Property having on it more signs than permitted, and more square footage of signage than permitted, by Article 7 – Table D. of the Ordinance. Accordingly, relief from the Zoning Ordinance is necessary and a Variance has been requested (the "Variance").
4. Mr. McFarland provided introductory information as follows:
 - a. The pandemic has caused the Store to experience more individuals who order groceries on-line and pick them up in front of the Store ("Grocery Pick Up").
 - b. Applicant desires to install 70 square foot of new signage to the left of the Pharmacy sign on the front of the Store, which new signage would direct customers who are undertaking Grocery Pick Up.
 - c. The proposed signage would consist of the phrase Weis To Go On-Line with the words Now That's Convenient, in a stylized and multi-colored format, on a blue background that would measure 20 feet x 3 feet 6 inches, for a total of 70 square feet (the "Weis To Go Sign").
 - d. Additionally, the Applicant would propose the installation of a yellow arrow, below both the Weis To Go Sign and the overhang on the building just below that Sign, which arrow would be approximately 4 feet 3¾ inches x 3 feet 3 inches (the "Arrow Sign"). (The Weis To Go Sign and the Arrow Sign may be collectively referred to as the "Additional Signage").
 - e. The Additional Signage is intended to facilitate better Grocery Pick Up.

- f. There have been some stacking issues with vehicles conducting Grocery Pick Up at the Store on the Property and the Additional Signage would improve efficiency.
 - g. The Additional Signage would facilitated continued but better access, and improved safety, for Grocery Pick Up.
 - h. The front of the Store is difficult to see from the adjacent roadways.
 - i. The Grocery Pick Up service currently operates with a customer picking up no more than once every quarter hour, at the curbside at the front of the Store.
 - j. The Additional Signage would better identify the specific location for Grocery Pick Up.
 - k. Grocery Pick Up at curbside enhances safety for the Store's associates, who actually load the groceries into the cars of customers, as curbside pick-up decreases Store associate movement throughout the park lot
 - l. The Applicant has utilized parking stall pick-ups where curbside pick-up has not been available.
 - m. At the Queensgate Weis Store, also in York Township, Grocery Pick Up is occurring in parking stalls for the time being.
 - n. Despite the ability to conduct Grocery Pick Ups in parking stalls, the Applicant believes that it is definitely safer, faster and more efficient to allow Grocery Pick Up to occur adjacent to the Store, as it is easier for Store associates to load a car while the customer waits in the car.
 - o. In response to questions, the Applicant answered that he wording on the Weis To Go Sign would be internally illuminated; however, the Arrow and tag line would be no be lit.
5. Mr. McFarland works as a contractor for Blair Image Elements, which is the entity providing sign services to the Applicant.

At this point in the June 22, 2021 hearing, Mr. McFarland requested a continuance. On motion of Timothy Salvatore, which was seconded by John Myers, the Board voted unanimously to grant the continuance to the Applicant until the July meeting, with Jim Barnes, John Myers, Timothy Salvatore and George Cronin voting in favor of the motion.

At the July 27, 2021 continued hearing, Mr. McFarland again appeared on behalf of the Applicant. Mr. McFarland was informed of the members of the Board who were present for the July 27, 2021 Hearing and indicated his desire to make his full presentation to these Board members present and accept their decision thereon.

- 6. For purposes of the July 27, 2021 continued hearing, an updated narrative was presented on behalf of the Applicant, with additional information in support of the Variance request, photographs of the Store on the Property from the adjacent roadways and a summary of signage for the Store prior to 2018 and as a result of Decision 2018-04, as requested previously by the Board.
- 7. Additionally, Mr. McFarland provided two Exhibits as follows:
 - a. A June 13, 2010 Exterior Elevation of the Store, which showed prior signage, with the words Weis Market, which words were a 411 square foot sign, the words Open 24 Hours below, at 52 square feet, and the word Pharmacy, at 24 square feet.
 - b. A July 14, 2021 Proposed Signage, which showed the Store name of Weis (as opposed to Weis Markets) on the front thereof, with a size of 232 square feet,

the same Pharmacy sign at 24 square feet, the Additional Signage, the removal of the Beer and Wine Sign that was approved by Decision 2018-04, which was 24.37 square feet (all on the front of the Store), and signage on the east/side of the building to include the Store name of Weis at 143 square feet and the Beer and Wine sign at 24.37 square feet.

8. Mr. McFarland provided additional testimony as follows;
 - a. The Store itself is over 300 feet from Lombard Road and accordingly, is entitled to 150 square feet of signage on that side per Table 7.D.
 - b. The Store is less than 300 feet from Cape Horn Road and is therefore entitled to up to a maximum of 100 square feet of signage on that side.
 - c. In an effort to reduce the total signage, the Beer and Wine sign on the front of the Store is to be removed.
 - d. The signage on the Cape Horn side of the Store is not to be changed.
 - e. The Weis Market and older signage that was in place in 2010 was considerably more substantial than the signage in place presently or even the signage in place with the Additional Signage.
9. Mr. McFarland further testified follows:
 - a. Curbside pick-up is much better for all involved.
 - b. Grocery Pick Up will not be overscheduled.
 - c. Grocery Pick Up is trend that continues to grow.
 - d. And dedicated parking stall would be at least 40 feet from the Store, making them much more difficult for a Store associate to load groceries for Grocery Pick Up.
 - e. The Applicant is willing to remove the Western Union signage in the parking area.
 - f. The Applicant admitted that there was considerable outdoor signage that was branded, to include Same day pickup or Delivery of Weis To Go online on outdoor storage facilities, an advertising board promoting sushi, and signage with regard to gas rewards and points. (Signage of this type, whether in place at the time of the hearing or thereafter shall be referred to collectively as "Additional Branded Signage").
 - g. The Applicant is willing to remove Additional Branded Signage, along the Store front.
 - h. The Additional Signage will be approximately 56 square feet in size. However, with the removal of the Beer and Wine sign on the front of the Store at approximately 24 square feet, the net increase in signage is 32 square feet.
 - i. The increase in 32 square feet of signage is further offset by the removal of the Western Union and Additional Branded Signage.
 - j. The arrow on the Additional Signage should be considered to be directional.
10. In response to the criteria for the Variance, the Applicant provided the following:
 - a. The unnecessary hardship that exists is due to unique physical circumstances or conditions, include distance of the Store from the road, changing economic conditions, changing social conditions including the pandemic, and such unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provision of this chapter in the neighborhood or district in which the Property is located.
 - b. Because of such physical circumstances or conditions, there is no possibility that the Property can be developed in strict conformity with the provisions of this Chapter and the authorization of a Variance is therefore necessary to

enable the reasonable use of the Property, as the Variance is necessary for adequate and safe use.

- c. The unnecessary hardship is not being created by the Applicant.
 - d. The Variance, if authorized, will not alter the essential character of the neighborhood or district in which the Property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
 - e. The Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible to the regulation at issue.
11. No questions were presented from the floor.
 12. No testimony for or against the Applicant.
 13. No unique concerns were expressed by the Township Zoning Officer.

Tim Salvatore moved to deny the Variance as requested, which motion was seconded by William Descar. Prior to a vote being taken, Mr. McFarland asked the Board if it would rescind the motion and reconsider its position if the blue background on the Additional Signage were removed, reducing its area further.

14. At that juncture, Conditions were discussed, which included the following:
 - a. The Additional Signage shall result in a net increase of signage on the Store of no more than 4 square feet.
 - b. The Beer and Wine sign on the front of the Store would be removed.
 - c. Additionally, any & Store outdoor Additional Branded Signage would be removed and none shall be added in the future, if the Variance were granted.
 - d. The Western Union signage would be removed.
 - e. The blue background would be deleted from the Weis To Go Sign.
(With all of the foregoing being collectively referred to as the "Conditions").
15. The Applicant agreed to the Conditions.
16. If the Variance were granted subject to the Conditions, the following signage would be authorized on the Property:
 - a. On the front of the Store, the following:
 - i. Weis at 232 square feet.
 - ii. Pharmacy at 24 square feet.
 - iii. Weis To Go On-Line (with no blue background).
 - iv. Arrow sign.
 - b. On the side of the Store, of the building:
 - i. Weis at 143 square feet.
 - ii. Beer and Wine at 24 square feet.
 - c. No Additional Branded Signage.

CONCLUSIONS OF LAW


Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

1. It is significant to the Board that the square footage of signage on the Store was greater in area over 10 years ago.
2. It is also significant to the Board that the Applicant is, in reflection of the changing times, agreeing to remove signage to include the Beer and Wine and Western Union signs, so that it can allow room for the Additional Signage, which it believes is necessary currently.

3. When considering the factors above, and only with the imposition of and strict adherence to the Conditions, the Applicant has met the criteria for a Variance for the Additional Signage.

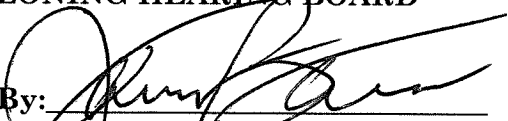
Accordingly, Timothy Salvatore moved, and John D. Myers seconded, to grant the Variance to allow additional signage, subject to the Conditions, on the Property located at 698 Lombard Road (Cape Horn Shopping Center) in a Commercial Shopping (CS) Zone. The motion passed with James Barnes, John D. Myers, William Descar, Anthony Pantano and Timothy Salvatore voting in favor of the motion.

WITNESS/ATTEST

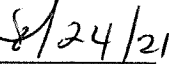


William Descar, Secretary

YORK TOWNSHIP
ZONING HEARING BOARD

By: 

James Barnes, Chair



Date

The Variance granted herein shall expire if the Applicant fails to, where required to do so, obtain a Permit, submit a Land Development Plan or commence work within six (6) months of the date of the authorization of the Variance, pursuant to Section 265-1009. E. of the Ordinance.

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2021-11
Hearing Date: July 27, 2021
Applicant: Wendy Flichman
Property Owner: 2685 South Queen Street, LLC
Real Services, Inc.
Property: 2685 South Queen Street
UPI: 54-000-HI-05-B0-00000
Existing Zoning District: Commercial Shopping (CS) Zone

Relief Requested- Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-711 thereof.

FINDINGS OF FACT

Based upon the evidence presented, and its evaluation of the credibility of the witnesses, the Board finds as follows:

1. The foregoing information and the Application, including its attachments, are incorporated by reference.
2. Wendy Flichman of Michael Sign Company was present on behalf of the Applicant.
3. The Applicant is seeking approval of a Starbucks Sign Package for Property (with all such signage being referred to collectively as the "Sign Package").
4. The Applicant submitted the following along with its Application:
 - a. June 30, 2021 Explanatory Letter.
 - b. Exhibit 1 – which consisted of the following:
 - i. Page 1 – Cover Sheet.
 - ii. Page 2 – Site Plan, showing all of the Signage and its placement on the Property.
 - iii. Page 3 – 48 inch Illuminated Siren Sign.
 - iv. Page 4 – 18 inch Channel Letters – Remote.
 - v. Page 5 – 48 inch Drive Thru Wall Sign-RH.
 - vi. Page 6 – 48 inch Drive Thru Wall Sign-RH.
 - vii. Page 7 – 18 inch Channel Letters – Raceway.
 - viii. Page 8 – Clearance Bar with Base Cover.
 - ix. Page 9 – 46 inch Illuminated Directional Thank You Exit Only.
 - x. Page 10 – 46 inch Illuminated Directional Drive Thru.
 - xi. Page 11 – Pylon Panel.
 - xii. Page 12 – Pre-Menu Board – Freestanding.
 - xiii. Page 13 – 5-Panel Menu – Freestanding.
 - ix. Page 14 – DOS on Canopy – CDB on Unistrut.

- c. Exhibit 2 – consisting of Exhibits 2 Thru 10. Mrs. Flichman provided to the Board at the hearing an updated packet of Exhibits 2 Thru 10, which consisted of the following:
 - i. Cover Sheet.
 - ii. Exhibit 2 – Front Elevation – Sign permitted by ordinance.
 - iii. Exhibit 3 – Left Side Elevation – Proposed Signage.
 - iv. Exhibit 4 – Right Side Elevation (Rear Entry) – Proposed Signage.
 - v. Exhibit 5 – Entrances to Starbucks (Photos show proposed signage for right side elevation).
 - vi. Exhibit 6 – Entrances to Starbucks.
 - vii. Exhibit 7 – Wall Signage Visible from Queen Street.
 - viii. Exhibit 8 – Business Signage to the Left of Starbucks.
 - ix. Exhibit 9 – Business Signage to the Right of Starbucks.
 - x. Exhibit 10 – Royal Farms Product Offerings.
5. The Applicant recognizes that the number of signs in the Sign Package exceeds the number of signs allowed by the Ordinance but highlighted that the total square footage of the Sign Package is less than the limit imposed the Zoning Ordinance. Accordingly, zoning relief is necessary for the number of signs (the “Variance”).
6. With regard to the Property, Mrs. Flichman indicated the following:
 - a. The Property had previously been utilized as a bank building.
 - b. The Property has been vacant.
 - c. Visibility of the Property is challenging, based upon poles, trees, vegetation and other buildings, and their signage, in the vicinity.
 - d. Signage is necessary to accurately identify the Property and to safely guide individuals to it.
 - e. The Property has access from South Queen Street (Northbound only) and a roadway behind it, which roadway runs North behind Royal Farms to Farm Lane and South behind Dallastown Family Restaurant.
7. Mrs. Flichman focused on the Exhibit 1 and testified as follows:
 - a. Per Page 3 of Exhibit 1, the Illuminated Siren is a standard Starbucks Medallion Sign, with a total area of 16 square feet.
 - b. Per Exhibits 4 and 5, the Applicant proposes the words Starbucks (22.94 square feet) along with the words Drive Thru and Directional Arrows (6.96 square feet), which should be viewed collectively as 1 sign (the “Starbucks Drive Thru Sign”).
 - c. The Starbucks Drive Thru Sign will be mounted on the roof.
 - d. Starbucks Drive Thru Signs are proposed for both the North and South side of the building to identify it from all directions.
 - e. There will be certain directional signs on the Property as noted on Pages 9 and 10 of Exhibit 1, but they will not be identified with the Starbucks branding.
 - f. Per Page 11 of Exhibit 1, the Starbucks Medallion and the words Drive Thru will be placed on the existing Pylon Sign.
8. With regard to Exhibits 2 Thru 10, Mrs. Flichman indicated the following:
 - a. Per Exhibit 2, the Medallion and the Drive Thru Sign would be placed on the front of the building.
 - b. Per Exhibit 3, the Starbucks Drive Thru Sign would be on the side of the building.
 - c. Per Exhibit 4, the same Starbucks Drive Thru Sign would be on the South side of the building.
 - d. Per Exhibit 5, access to the Property can be challenging, because of existing signage and roadways.

- e. Accordingly, the Signage that would be allowed by the Variance is necessary.
 - f. With regard to Exhibits 7, 8 and 9, adjacent Royal Farms and Dallastown Family Restaurant have considerable amounts of Signage.
 - g. Both Royal Farms and Dallastown Family Restaurant are competitors of Starbucks, in that they sell coffee and food.
 - h. The total Signage (branded and not directional) being proposed is 117.45 square feet.
9. In response to the criteria for the Variance, the Applicant provided the following:
- a. The unnecessary hardship that exists is due to unique physical circumstances or conditions, including challenging access to the Property, unusual traffic flow around the Property, and proposed re-utilization of the former bank building on the Property as retail facility, and such unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provision of this chapter in the neighborhood or district in which the Property is located.
 - b. Because of such physical circumstances or conditions, there is no possibility that the Property can be developed in strict conformity with the provisions of this Chapter and the authorization of a Variance is therefore necessary to enable the reasonable use of the Property, as the Variance is necessary for adequate and safe use.
 - c. The unnecessary hardship is not being created by the Applicant.
 - d. The Variance, if authorized, will not alter the essential character of the neighborhood or district in which the Property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
 - e. The Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible to the regulation at issue.
10. No questions were presented from the floor.
11. No testimony for or against the Applicant.
12. No unique concerns were expressed by the Township Zoning Officer.

CONCLUSIONS OF LAW


Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

1. It is significant to the Board that the Property was once utilized as a commercial bank, has been vacant, and now is being repurposed for retail use.
2. While the Property is at a prominent location in York Township, it is subject to a number of unique conditions, including limited and varied means of access, nearby property uses, and more as noted above.
3. While the Applicant is requesting multiple signs, the total square footage of the Sign Package is not beyond the limits imposed by the Ordinance.
4. The Variance criteria have been met.

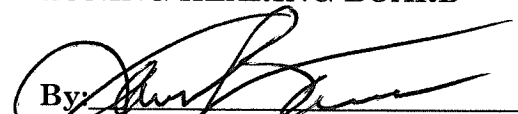
Accordingly, Anthony Pantano moved, and Timothy Salvatore seconded, to grant the Variance to allow additional signage on the Property located at 2685 South Queen Street, in a Commercial Shopping (CS) Zone. The motion passed with James Barnes, John D. Myers, William Descar, Timothy Salvatore and Anthony Pantano voting in favor of the motion.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD



William Descar, Secretary

By: 

James Barnes, Chair
8/24/21
Date

The Variance granted herein shall expire if the Applicant fails to, where required to do so, obtain a Permit, submit a Land Development Plan or commence work within six (6) months of the date of the authorization of the Variance, pursuant to Section 265-1009. E. of the Ordinance.