

RICHLAND TOWNSHIP
ZONING HEARING BOARD

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Case Nos. :

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2-08, 3-08, 4-08, 5-08 :

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TRANSCRIPT OF PROCEEDINGS

MONTHLY ZONING HEARING BOARD MEETING

MARCH 2008

7:00 p.m.

Before: MARGO JOCHIMS, Chairperson

Betsy Kane, Member

C. Donald Gates, Member

Date: Tuesday, March 18, 2008

Place: Richland Township Municipal Building

4011 Dickey Road

Gibsonia, Pennsylvania 15044

By: Karen L. Cross

Court Reporter - Notary Public

CROSS & ASSOCIATES COURT REPORTING SERVICE

(724) 869-0115

P R O C E E D I N G S

MS. JOCHIMS: We're going to call the meeting to order . This is the 1 > zoning hearing board meeting of March 18th, 2008 .

Before beginning I'd like to welcome a new member to our board . Attorney Don Gates has been kind enough to accept a position on our board. So now we have three members of our board, which does make it work a lot more smoothly .

Any body that expects to testify tonight or to offer any sort of testimony, would you please stand .

AUDIENCE: We can't hear you.

MS. JOCHIMS: Anybody that's going to offer testimony tonight will you please stand and raise your right hand.

ALL WITNESSES ,

having been first duly sworn,

testified as follows:

MS. JOCHIMS: Thank you . The first part we have on the agenda is reorganization of the zoning hearing board . This is for our chairperson, our vice chair, and secretary .

MS. KANE: I would like to nominate Margo to continue as chair person for the coming year.

MR. GATES: I second that nomination and move the nomination be closed .

MS. JOCHIMS: Vice chair? Motion for Betsy to continue on as vice chair ?

MR. GATES: I'd make that motion.

MS. JOCHIMS: All in favor.

(All respond aye.)

MS. JOCHIMS: So would you like to step in as our secretary ?

MR. GATES: I will be the secretary .

MS. KANE: I'll second the motion.

MS. JOCHIMS: All in favor.

(All respond aye.)

MS. JOCHIMS: We were currently the third Tuesday of the month. Is that okay with everybody's schedule ? That's fine?

MR. GATES: Yes .

MS. KANE: Okay .

MS. JOCHIMS: The third item is correspondence, but I don't believe we have any tonight. So let 's step into our first hearing, 2- 08, which is the Pine- Richland School

District. 1 > You can start .

MR. ENGEN: Hi everybody.

MS. KANE: Hi. Perhaps before Mr. Engen starts I should say that I will not be voting on this matter because my firm is working for the Pine - Richland School District on the project that Mr. Engen is here to ask for a variance on .

MR. ENGEN: Thank you.

MS. KANE: You're welcome.

MR. ENGEN: Dan Engen , Eckles Architecture, representing Pine-Richland School District tonight . We have before you an appeal form in request for signage changes . Should I just take questions ?

MS. KANE: I think you should explain .

MS. JOCHIMS: Why don't you explain . I think for appreciating the size of the project myself, having kids heading into that school, from this perspective it looks like a tough signage .

MR. ENGEN: I'll just read the sentences that are on here so everybody can get a clear understanding of the code issues in particular. The school district requests a variance of Chapter 27, Part 15, Section 3, number of ground and wall -mounted signs . They also request for additional 29 ground -mounted and 44 wall -mounted signs .

Then there is a request for variance from Chapter 27, Part 15, Subsection 3, square footages for ground and wall -mounted sign s. This is a request for an additional 359 1 > square feet of sign area .

Just in brief, the school district is a complicated or their facilities are complicated and, of course, they're very public. We have a lot of visitors coming to the site. So there's a lot of way -finding and things like that involved . One of the requests for variance tonight is partially an on-site way -finding matter .

The wall signs , the wall signage that we have , we do have a wall -mounted sign that on the school there are two of them . One is for the visitors entrance, which is on the western portion of the school . This is where moms and dads will drop their students off . There's a little canopy , and above the canopy we just have the name of the school .

Then at the main entrance, the main public entrance in the middle of the building, which really faces the front of the building, there's also that same signage that will say Eton Hall Upper Elementary School . That is for the wall -mounted sign .

Those are additional signage and square footage in addition to the ground-mounted sign that we have up front at the main entrance when you drive in. That all meets code and everything like that, so there's not a variance request for that.

In addition to that, when you approach the 1 > building all of the exit doors on the perimeter of the building have a piece of signage that identifies what to do when you walk up to the school. Because of the high level of security in the building, most of the doors are locked during the day when the kids are in the building.

So if you happen to go to the school and you come up to a door there's a little sign smaller than a piece of paper that's right there mounted on the wall next to the door that explains that if you're at a door that you're not supposed to be where to go. It tells you to go and sign in at the front office.

Also at the main entrances on the two main sides of the building there, the public sides, the sign explains how to use the buzzer system. There's a security system with cameras and things like that. We're all kind of familiar with some of these things. When you go and visit a place of business or an apartment sometimes they have that. You press the button and someone talks to you and they can see you.

So there's a little bitty sign there to explain to people. It's also a requirement by the Americans With Disabilities Act to have these signs. If you are disabled, if you are partially blind or blind, the signs have Braille on them. So that's a way-finding issue.

The same thing for deliveries, there's a sign back in the kitchen section in the back of the building for someone, the same type of sign. They're all the same signs. They're all very nice simple little signs that get mounted to the wall.

We also have these little Cs in the circle that you see going around the site are light poles, and they're on the main driveway as you come up into the property and then up around the top portion of the property at the main public area.

If you've been to the high school campus, you'll see on those light poles there's a standard with a small banner on it. Well, actually it's not very small. It looks small because it's way high up there. It's a banner. Over there right now at the high school it's something to do with school spirit, and it has a picture. You've got a picture of it.

It is something that can be taken down. But the school would intend on leaving it up for most of the school year, one particular type of graphic, similar to what you have there probably to start for the first year. Then maybe the second year they'll change the graphic out to be a different kind of a graphic for a centennial or whatever the case might be, something in 2 > relationship to what's going on at the school.

It kind of connects the whole campus. The most important thing to note is all of those things are on the campus. You're driving up on to the campus. I'm sure we've all

been by the site. The building is up on the hill back there away from the road . Most of all of this stuff you can't see from the public street .

We also have some ground-mounted signs that are individual signs that have to do with the outdoor educational activities that are going on at the school . The school district designed an innovative program where some of the earth science programs that are going on inside the school they have outdoor educational areas around the campus .

There are little walking trails , there are planting beds with native species and things to save water and be efficient and be green, and there are little placards that identify when you're on the walk or when you're at one of these educational areas they identify, you know, what is there and what is important about that particular spot .

So that's, I believe, the last one . I've covered them all each individually . Did I miss anything ?

MS. KANE: I think the one thing that you might have missed was that at each door there is a sign that's a letter of the alphabet .

MR. ENGEN: Yes. Thank you very much . Above each door is a letter of the alphabet -- a simple A or B or C -- at each door . This is strictly for the police and fire protection to operate .

When you come to a big facility like this, occasionally what happens is the fire alarm goes off or maybe there's a criminal activity going on, a door has been left ajar or something has happened . The police come to the site . They want to know what door to go to .

Well, all the doors around the building have monitors on them electronically . So we're able to tell the police while they're in the car it's door C and they can easily see as they drive around the perimeter of the building -- there's a fire lane around the back of the building as well -- they can see which doors are which.

So they know for sure where the situation or the activity might be happening . Now, that's something that the school district has done in all of their buildings now . That's done in cooperation with safety protection groups in the community .

MR. GATES: I have a problem with this sign, which is Exhibit C . You have 17 of them .

MR. ENGEN: Yes.

MR. GATES: It looks like a circus . Why so many of them ?

MR. ENGEN: Well, I think we started with 24 or something along that 1 > lines and

they cut it back, knowing that there might be a concern, and they put them only in the main front of the building where visitors would be likely to come .

It is a direct show of school spirit, and I can respect what you say . I guess my answer would be simply that you could go to the high school site and they have them all there . If you don't like them, I would understand your perspective .

MS. KANE: Is this the same spacing of the light fixtures and banners as at the high school site , do you know?

MR. ENGEN: They have more at the high school than we have here .

MR. GATES: Really ?

MR. ENGEN: Yeah. There's a lot more poles, and they go through from the middle school to the high school to the stadium and everything like that . They're in the parking lot, not just on the main drag .

We kept them all just on the main-- You'll see there's none in the parking lot, none identified in any of the parking lot s. It's just on the main entranceway where the public would really be seeing the building .

UNIDENTIFIED AUDIENCE MEMBER: Is this an opportunity for comments?

MR. ENGEN: I'm not sure how that works.

MS. JOCHIMS: Usually we have all the board questions , and then after that we'll open up questions or comments to the audience . Any other questions?

MR. GATES: No. That was my main concern .

MS. JOCHIMS: I think from a safety perspective I certainly appreciate all of the signs that are on all of the access areas 1 > knowing when I go to the elementary school it's usually just a taped-up piece of paper that says you now must enter through the office only, which then it gets rained on because oftentimes they tape them to the outside of the door and then they become ratty looking.

So I appreciate the uniformity, and probably just from an aesthetic perspective it's going to look a lot better .

MR. ENGEN: It is very holistic .

MS. JOCHIMS: Yes. The question I have, are these signs that you have around the property, are they like the zoo signs , they're more informational that, you know, we didn't, like the grass issue, no, we didn't forget to cut the grass, it's sort of this is done for an environmental reason, it retains water, circulates water?

MR. ENGEN: Yes, for some of its educational purposes, too, in describing , you know, that there is a man-made wetland on the site .

MS. JOCHIMS: Which it's amazing how much conversation has occurred over what some have called a retention pond and some have called-- Actually the logs are there purposely. But okay . You don't have a final or no final look has been determined yet for what you are calling letter C, the banners, the Pine-Richland banners, those are just something yet to be determined ?

MR. ENGEN: That's correct . They hadn't actually come up with a graphic or anything like that yet1 > . I was told that basically it would be that maybe to start or something like that it would say Eton Hall Elementary on it and maybe an image of the building or maybe just the P R logo . I'm not sure what they're thinking . But it is removable. So they could take it down next year and put a different one up , you know, try something new .

MS. JOCHIMS: When you go around the drive , the road that's only for ingress and egress for buses, you do have banners all along that side, too. Is that accessible to the visitors ?

MR. ENGEN: Only buses.

MS. JOCHIMS: Only buses?

MR. ENGEN: Yeah. There's no traffic here other than buses going into the site at that location, and there's no exit from the buses on that side of the site either . It's only ingress for buses . That was part of what we worked out with a site stipulation with the planning commission and everything .

I can see actually, now that you mention that , too , that maybe taking them off -- there's one , two , three , four , five of them right there -- taking those off the public really isn't going to see those .

MS. JOCHIMS: I know the kids come in that way. They will see that as they come in the morning and obviously in the afternoon1 > . I know in hearing Dr. Manley speak, I know I've heard him speak about , you know, some of the language -- it's just more P T O meetings and school board meetings -- where he does want not necessarily pride but a new message on these signs as you come up . I know there's talk about naming that road .

I don't know if it should carry over that far if there is an issue as to the number of signs that we have .

MR. ENGEN: I can't answer that. All I know is the principal is the one that really made the final decision as to where he thought would be the highest impact and need .

MS. KANE: Let me also say , though , that parking lot is the lot that's closest to the play field on the right-hand side and that the gate that's shown here, which looks like it would restrict people from coming into that parking lot, is actually going to go from a motorized or electric gate to a manual gate and its purpose would be that on the weekends when games are scheduled for that field that gate will be open and people will go through that area and park at the bus parking area .

They won't be allowed to enter or exit via Ridge Road . But they would come into the site that far to attend to a function at the field, and then they would turn around and leave the same way they came . So in that sense it is--

MR. ENGEN: It is also for overflow parking. When we have parent -teacher night and things like that, there's a few nights of the year where there's going to be a lot of cars, and we made enough parking and that's one of the overflow areas so that people aren't parking on the side of the road and all that stuff .

MS. JOCHIMS: It's a long walk from Bakerstown . If anybody would like to ask any questions or make a comment, I'm going to ask you to come up and state your name and address and then ask your question .

MR. BEDEL: Hi . Mark Bedel . Yeah, I actually have some questions . I have not had a chance to look at the site plans for the signage, but I am a resident. I live on Ridge Road right across from the school .

Obviously my concerns are not required signs , safety signs , you know , noting the ABCs for the different parts of the building and all that sort of thing .

But Attorney gates mentioned the 2 > banners, calling on my attention .

I guess my interpretation -- and my wife and I have attended most of the school board meetings since the school was proposed and that site was chosen and so on and so on -- was that the intent of the school was to blend in with the Eton Hall Farm and kind of, you know, be more of a natural setting and all those kinds of thing s, which, you know, I thought that was good .

You hear about, again, just reading the sheer number of signs -- and I realize a lot of them are small -- but, again, touching on what Attorney Gates was saying about all the banner signs , I'm not getting a real warm fuzzy feeling about those in terms of how they work with the site and the surrounding area .

Obviously comparisons are made with the high school and the new school . As far as I know , residential areas relative to the high school are pretty far away. There's not really too many homes in the area . There are homes. There's actually a plan right across the street , Fair winds . So you do have a residential component that's fairly close to the school .

So I would > really be concerned about how many excess signs are being proposed relative to the ones that really need to be there . So I would like to at least from that standpoint put forth a concern about what is going to go up , how many are going to go up, and so on because, getting back to the banner thing, that doesn't really, at least in my mind -- again, I haven't seen any of these plans, I haven't seen whatever -- but it just doesn't seem to fit with the initial intent of the whole site .

Those are my comments .

MS. KANE: Okay . I'm looking in our-- That type of signage is permitted if the signs do not remain in place more than 30 days I believe it is . Is that right , Jeff ?

MR. WALZER: The temporary sign?

MS. KANE: The banners as a temporary sign.

MR. WALZER: Not in residential. That's in commercial .

MS. JOCHIMS: Refresh my memory . Where do you live, Mr. Bedel ?

MR. BEDEL: We're right at the corner of the entrance to Fair winds, the two -story cedar house .

MS. JOCHIMS: Can you see the school ?

MR. BEDEL: Oh, yes .

MS. JOCHIMS: Is it the back of the school ?

MR. BEDEL: It's kind of beside .

MS. BEDEL: I guess the comment that was made that you won't be able to see those banners from the road, you can't see them from Bakerstown Road. You will definitely see them from Ridge Road .

MR. ENGEN: For sure you'd see those five right there .

MR. GATES: How many homes on Ridge Road would be able to see the banners roughly?

MR. ENGEN: There would be three on --

MR. BEDEL: Three , four if you count Patty Price 's house. The Kortyna s' house directly across from ours in Fair winds probably have a site line .

MR. ENGEN: Four or five I think .

MR. WALZER: Point them out on the plan , Dan , because I think they're shown .

MR. ENGEN: You can kind of see the adjacents . But I'd say there's at least four if not five in total up here on the perimeter if you also include the one on the corner .

MR. GATES: Would you consider eliminating those three or four signs there ?

MR. ENGEN: Yes . I think the school would be amenable to that . They want to be good neighbors . I don't think that that would be an issue.

MS. JOCHIMS: What I'm struggling with is the unique ness of the school property . It is different. In today's age we need so much more from a safety perspective that we may not have needed 20 years ago . I know the school pride that they try to generate, 1 > you know, throughout the system . Okay . All right .

Are there any other comments from anyone in the audience ?

MS. JOCHIMS: Mr. Bedel, were you familiar with the banner s? Have you been by the high school to know which--

MS. BEDEL: No.

MR. WALZER: You know on the plan where he intends to put them ?

MR. BEDEL: I have not seen the plans .

MR. WALZER: I think you should show that .

MR. ENGEN: I do think the ones that you will see -- here's your house right here -- I think the ones you see driving by especially is this one, that one, that one . That one will be a ground sign . These five right here . All the rest are here along this side .

MR. BEDEL: I really wouldn't have an issue with any of these . But I think these could be a potential issue . As far as I'm not even-- Could you --

MR. ENGEN: That's a ground -mounted sign . That's a trail sign .

MR. BEDEL: As far as, again , I haven't really-- All these other ones are the ones around the doors . I completely understand that . I just, you know where I'm going.

MR. ENGEN: I think you can easily take those two off and make a difference .

MS. KANE: I'm going to direct one of the things you said, Jeff. It says signs in a residential zoned district, permitted types of signs, 3 " > item number 3 .a or item number, it's 3 .a.7 , temporary signs advertising special events of cultural, religious, education al, or public groups and not exceeding 20 square feet in area for a period

not exceeding 30 days and to be removed five days after the event . I mean , I would think --

MR. WALZER: That is in there .

MS. KANE: -- I would think that the banners would be permitted if they were only up for 30 days at a time .

MR. GATES: I don't think so .

MR. WALZER: Even if they're 20 square feet. That's smaller than --

MS. JOCHIMS: That's 20 square feet, too.

MR. WALZER: Do you have--

MS. JOCHIMS: But you have 17 of them .

MS. KANE: You're aggregating more than that .

MR. GATES: I agree .

MS. JOCHIMS: I can't imagine making that poor ground keeper take down, down -up, down -up, down . Let 's start from the beginning .

MR. GATES: What I could do, Margo, I could make a motion to approve the request of the Pine-Richland School District with the exception of the or subject to the removal of the three signs designated C at the Ridge Road-- Is that the Ridge Road entrance ?

MS. KANE: Right .

MR. BEDEL: Is that the three or five ?

MR. GATES: The three banner signs just as you're going in . I think I > you said that would be okay .

MR. BEDEL: I was trying to remember if it was three or five .

MR. GATES: Five goes all the way down. That would be my motion .

MS. JOCHIMS: I would second that . All in favor .

MR. GATES: Aye.

MS. JOCHIMS: Aye. We still have other variances in your request . You've got more than just the one . Do you want to make a motion on the other variance requests

?

MR. GATES: Yes . I would make a motion for the approval of the three sign square footages for ground and wall -mounted signs . Do you want to do them seriatim ?

MS. JOCHIMS: I would do it off the agenda .

MR. GATES: So the first thing is request for an additional 359 square feet of signage . Now, does that include those banner signs ?

MR. ENGEN: Yes .

MR. GATES: With the exception of the three banner signs .

MS. JOCHIMS: Will that make it easier for the record ?

MR. WALZER: Yeah. I'll just circle the three on here and make it official .

MS. JOCHIMS: Then I'll second that motion with the contingency of the three signs being removed . All in favor .

MR. GATES: Aye .

MS. JOCHIMS: Aye .

MR. GATES: Then I make a motion to approve the request for the number of 1 > signs where they request an additional 29 ground -mounted signs and an additional 44 wall-mounted signs on the property, and that again would be to the exclusion of the three banner signs .

MS. JOCHIMS: I'll second that motion . All in favor .

MR. GATES: Aye .

MS. JOCHIMS: Aye . I think that's it .

MR. ENGEN: Thank you .

MS. JOCHIMS: Hearing No. 3- 08, Richland Township .

MR. BASTIANINI: Hello. I'd like to introduce myself. My name is Dean Bastianini . I'm the township secretary, and I'm representing the Richland Board of Supervisors in their application for a variance to permit the installation of a sign for the new municipal building atop of the existing non conforming sign that was installed for the Northern Tier Library .

If you could give me a minute, I'd like to put this survey up and make this survey available for display . I'm very excited to be here before you tonight to talk about our new building which we've all been looking forward to.

As you may recall, I was here last spring to request a special exception use approval because the municipal building is located in a residential district and public facilities are permitted by special exception .

The township is looking forward to the opening 1 > of the build ing sometime between mid-May and mid- June of this year. In the information that was sent out to you, there's an explanation of why we're before you tonight .

Basically the zoning ordinance in Part 10 5 1, Section 3, signs in residential districts, limits the location of signs to the property on which the facility is to be construct ed . This map is very difficult to see , but I think in your packet of information Mr. Walzer provided you with it. I have some other details that may be helpful .

The township owns approximately-- Off the top of my head it escapes me the number of acres. But we own property on Dickey Road where our current municipal building is constructed. We also own the property where Richland EMS is housed as well as the property on which the Northern Tier Library is housed . So those properties are leased by the township to each of those entities.

In the packet you can see a survey that looks like this which identifies some of these lots. There are a number of smaller lots over which the structures have been built in the past. The existing municipal building, for example, is located on two different lots . The Northern Tier1 > Library is built over a paper street, and it's also construct ed over at least 10 or 12 different lots .

This survey shows the actual number of lots on the municipal property . Just to give you a reference -- let me get my orientation first -- if this is Dickey Road, the municipal building is built partly on lot, I believe, 44 and 45. The lot that the existing library sign is on is 50 B. Where we're build ing the new municipal building is actually off of this page on another set of lots and paper streets that were created many , many years ago .

So at some point the township needs to come before the planning commission and get a reverse subdivision and clean up this mess . That will be our next task within the next 12 months to do that .

We've acquired these piecemeal every time from property swaps with the municipal authority and some different opportunities that presented themselves . But the reality is that the build ing that we are construct ing is not the same lot on which the sign is proposed to be construct ed .

Also in your packet is a copy 1 > of the existing Northern Tier Library sign . You've

probably all driven by it a number of times, but sometimes you look but don't see and you can't recall what it looks like . What we're proposing to do is rather than have a separate sign is simply to install on top of this sign an additional 36 square foot sign that will say Richland Township Municipal Building .

We're, in essence, creating a municipal center here where we have the library, we have the municipal building . This building is scheduled to be demolished to create a park-like setting possibly with an amphitheater or gazebo where performances could take place .

As you are probably familiar with, the property directly behind here , right behind the new municipal building, is where our public works garage is located . We acquired that from the Paule Zedeck Cemetery .

So, in a nutshell, that's why we're before you tonight. The MPC identifies four criteria on the granting of variances , and I'd just like to address those .

There are unique physical circumstances and conditions basically relating to lot size and shape which create a hardship . Those physical conditions would prevent us from developing 1 > this property as you normally would .

Because of these physical conditions, we could not direct the public adequately to the building which will be set back off the road, which is a real plus. Anybody who leaves here tonight knows it's more difficult all the time to back out onto Dickey Road . But we need a sign near the street so this would allow us to have reasonable use of our property .

This hardship was not created by the applicant, and the variance will not alter the essential character of the neighborhood . By installing the sign on an existing library sign and keeping it to 32 square feet, we're meeting the other criteria of the MPC in that we are representing the minimum type of variance which would afford relief to our situation .

That's the rationale on why we ask you to approve this application .

MS. JOCHIMS: So you're asking for two variances; one, because it's not located on the property, and, two, it's actually the size of the sign ?

MR. BASTIANINI: It's the additional square footage , yes .

MS. JOCHIMS: Any questions ?

MR. GATES: No .

MS. JOCHIMS: I don't have any questions either . Any comment or questions from the audience ? No ?

(No response.)

MS. JOCHIMS: Do I have a motion?

MS. KANE: I move that we grant Richland Township the requested variances .

MR. GATES: Second the motion .

MS. JOCHIMS: All in favor .

(All respond aye.)

MS. JOCHIMS: That's it . Thank you . Moving on, Hearing No. 4-0 8, TKC Land Development .

MR. McCOLLIM: Good evening. My name is Robert McCollim . I'm with R.A. Smith National, the engineer for the land development . This evening we're requesting approval of a special exception for use in a C-3 highway commercial zoning.

The special exception is pursuant to Part 7, Section 27, 8 01 H (2) and 120 1 (2) (B)(6) to open a tractor supply company store on Parcel A-2 of the proposed Oak Ridge Plan of Lots No. 2 . This is behind Zottola Garden Center on Route 8 . Lot and block number is 2 1 90- H -25 .

Primarily this special exception that we're looking for deals with 27-801 3(H)(2), and that reads or grants allowance for retail facilities selling automobile , boat , farm equipment , mobile home , motorcycle , recreational vehicles , truck, utility trailer sales, rentals, or service, new and/or used, excluding auto body repair .

The nature of Tractor Supply Company 's business is to provide retail sales of farm and ranch equipment and maintenance products , general maintenance products , animal feed , equipment, and health products , lawn and garden equipment and products , tools and hardware , vehicle equipment and maintenance products , some clothing and footwear, and items normally sold in Tractor Supply Company stores .

So that the whole nature of the business is contingent upon granting the special exception for essentially the farm equipment use . I believe you should have a list of what I was saying of the merchandise that is typically sold . Do you have that , a copy of that ?

MS. JOCHIMS: I don't think we have that .

MR. McCOLLIM: I have some copies here .

MR. WALZER: Just for the board , I'll give you this. This also went to the planning commission , and they made a recommendation . Here's the last page of their motion

so you have that tonight . I believe you have it in your packet .

MS. JOCHIMS: I have it .

MR. McCOLLIM: It seemed at the planning commission that their main concern was that there would be no Winnebago style recreational vehicles sold on the property , and that's not part of Tractor Supply Company's products .

MS. JOCHIMS: You're also here on a variance request. Do you want to address the special exception first ?

MR. McCOLLIM: I can lead one right into the other because they kind of tie together . The variance is for outdoor sales . Because of the types of equipment that Tractor Supply Company sells, most of it is larger equipment. Indoor sales tends to get, under roof sales tends to, if you were to do that, then you'd have a huge warehouse .

So typically they have certain items in the store and then some of the larger equipment that is more hardy in nature , if you will , are stored outside in a fenced in display area and some sidewalk displays . Additionally they sell larger equipment like trailers , landscaping type trailers . They're typically referred to as horse trailers but of a smaller size . Those are stored on a pad in the parking lot separate from the general parking spaces .

MS. KANE: So what would be displayed outside , golf carts and mowers or --

MR. McCOLLIM: Lawn mowers , push mowers , clippers , shredders , log splitters .

MS. KANE: They never get taken in , they're just always outside?

MR. McCOLLIM: Yes .

MS. JOCHIMS: It's not covered at all, it's just --

MR. McCOLLIM: No . So for the variance, allowable outdoor display area per the zoning ordinance for the size of lot and building is 9,548 and a half square feet . We're proposing with the site plan a total outdoor sales display area of 30,800 square feet . So we would need an additional 21,252 square feet of area outside .

I can illustrate on the plans where those areas would be . Primarily it's a fenced in area directly adjacent to the building . You'd be looking at a 20,000 square foot fenced area directly adjacent to the building . It's a black aluminum fence along the front and then black chain link fence around the side and back .

Now , this area has some rolling fences to allow for people to pull directly through and get their merchandise . This area down here to the south of the parking area is where the trailer storage area is proposed to be . Then the rest of the additional storage area

is sidewalk storage directly in front of the building and in front of the fence display area .

UNIDENTIFIED AUDIENCE MEMBER: If you could give us--

COURT REPORTER: You need to identify yourself.

MS. NOVION: I am Sharon Novion, and I live on Sandy Hill Road . If you could give us an idea of where --

MR. McCOLLIM: Route 8, this is the Zottola property here , Route 8 runs on the western edge and then Heckert Road comes in here , curves down, and then continues back into --

UNIDENTIFIED AUDIENCE MEMBER: Where is the driveway?

COURT REPORTER: I need your name.

MS. JOCHIMS: Actually, we'll give the audience time for comments as soon as the board has had an opportunity to address all this stuff from the planning commission . I see that what their recommendation was . Because you have all of this, what you're proposing is a lot of outside storage space. I'm assuming that you submitted a lighting plan with this ?

MR. McCOLLIM: Yes .

MS. JOCHIMS: Let me ask your hours of operation, how you normally operate .

MR. McCOLLIM: I'll let Wendy .

MS. FULTON: I'm Wendy Fulton with TKC. Tractor Supply hours, the longest typical hours are 7:00 a.m. to 9:00 p.m. , Monday through Saturday . Sundays it varies , but usually it's 9:00 a.m. to 7:00 p.m.

MS. JOCHIMS: So this definitely needs to be a well -lighted area if you intend to have any --

MS. FULTON: When we addressed it with the planning commission they asked to make sure that the lights would be shielded from the adjoining properties, be the down directed lights to prevent the overflow on to people's property to shield and protect them from the lights as much as possible .

MS. JOCHIMS: And --

MS. FULTON: Then the lights do go off when the store closes except for some building perimeters, just security lights, but the lights are extinguished within an hour

of closing .

MS. JOCHIMS: How about landscaping ?

MR. McCOLLIM: I can show you landscaping .

MS. JOCHIMS: Do we have that drops a1 > down b1 > into c1 > a d1 > natural e2 > valley g1 > and h1 > then i2 > rises k1 > back l1 > up m1 > on the n1 > other o1 > sidep1 > . q1 > As r1 > it s2 > rises u1 > on the v1 > other w1 > side x1 > is y1 > where they1 > z1 > first {1 > row |1 > of }2 > housing is 2 > Phase 2• 1 > ,1 > of the f1 # > Park,,1 > view ...1 # > Plan†2 > .

MS. KANE: ^1 > Okay. Is that %01 > alreadyŠ2 > --

MR. McCOLLIM: œ1 > And that'sœ1 > • 2 > approximately • 2 > 400 '1 > feet '1 > from the "1 > build"1 > ing •1 > to -1 > roughly -1 > where ~1 > we ™1 > estimate š1 > that the ›1 > first œ1 > house • 1 > will be ž1 > on Ÿ1 > that 1 > side;2 > .

MS. KANE: £1 > Right. There are ¢1 > no ¥2 > houses §1 > there "1 > now©2 > ?

MR. McCOLLIM: ¬1 > There are -1 > no ¯2 > houses in Phase 2 now. The houses for Phase±1 > 1±1 > º1 > are-- ³1 % > I'm ´1 > not µ1 > even ¶1 > sure ·1 > how much ¹1 > further º1 > that °1 > would be»1 > . ¼1 > There's ½1 > a ¾1 > whole ¿1 > other À1 > street Á1 > up Â1 > from Ã1 > thatÄ1 > . Å1 % > I Æ1 > would Ç1 > estimate È2 > we'd Ê2 > probably Ì1 > be Í2 > looking Î1 > at Ñ1 > maybe Ñ2 > 600 Ó1 > feet Ô1 > at that pointÕ2 > .

MS. KANE: ×1 > OkayØ2 > .

MR. GATES: Ú1 > This Û1 > operation Ü1 > is Ý3 > basically à1 > like á1 > a â1 % > Lowe's ã1 > or ä1 > a å3 % > Home Depot è1 > that you é1 > generally ê1 > see ë1 > in a ì1 > shopping í2 > centerî1 > . ð1 > Is that correctñ1 > ?ò2 >

MR. McCOLLIM: ô1 > Correctõ1 > . ö1 > Then ø1 > south ù1 > of the ú1 > property û1 > there's ü1 > two multi resident buildings. I believe they're duplexes .

MS. KANE: Carriage -house type ?

MR. McCOLLIM: Yeah, that sits to the south of the building. This road buffer plantings more than adequately shield direct view, direct site line of the building . So from the road you're not really going to see a direct view of the building and the adjacent storage areas .

MR. GATES: Is this behind Zottola 's ?

MR. McCOLLIM: This is behind Zottola's, yes .

MS. KANE: Let me also ask that as the slope goes down -- you said it goes into a valley -- that's all natural vegetation ?

MR. McCOLLIM: That's all natural vegetation. I believe the Park view Estates Plan just called it open space . But there's nothing developed in there . There's nothing proposed in there . It's just a natural valley .

MS. KANE: And you won't be disturbing it ?

MR. McCOLLIM: We won't be disturbing it. The Park view Plan built a storm water channel that runs down outside of our property . We'll be using to a limited extent that . But that was built into their storm water management plan .

MS. KANE: Okay .

MS. JOCHIMS: The fence that you're proposing, I thought you said aluminum, black aluminum . Did you say wrought iron?

MS. FULTON: It's a wrought iron look on the front at the planning commission's request. Typically Tractor Supply just uses a standard chain link fence . So the planning commission requested an upgrade . It's an aluminum black 1 > tube basically on the front which gives a wrought iron look fence and then black vinyl chain link fence down the side and the rear .

MS. JOCHIMS: Any questions on either of the-- Any questions on the special exception?

MR. GATES: No .

MS. JOCHIMS: No ? Any questions on the variance ?

MR. GATES: No .

MS. JOCHIMS: I'm struggling on the variance .

MR. GATES: I think --

MS. JOCHIMS: It's huge . Asking for variances , I mean, it's a big variance .

MR. McCOLLIM: Yes.

MS. KANE: Go on, and then I'll ask my question .

MS. JOCHIMS: It's my understanding that's how you typically would, that's what you need typically to operate a property to do it in other locations .

MS. FULTON: Yes . All of the stores have this . It is essential to the operation of the facility .

MS. KANE: I was going to ask, I noticed on the plan on the other side of that drawing there's a heavy duty paved area.

MR. McCOLLIM: Yes .

MS. KANE: Now, what's that for ?

MR. McCOLLIM: Just standard truck traffic .

MS. KANE: If someone is going to buy something like a go cart, are they going to ask to drive it ?

MR. McCOLLIM: No .

MS. KANE: Really ? I would ask to drive it .

MR. McCOLLIM: They have asked . There's no gas stored on the site.

MS. FULTON: The only facility that-- The equipment usually is not stocked with gas, just enough to get it off the truck . So they do have to drive the stuff off the tractor-trailer and drive it into a purchasing truck . The merchandise is not tested on-site .

MS. KANE: So you can sit on it, but it's not going to go anywhere ?

MS. FULTON: Correct.

MS. KANE: Because I guess I wondered, you know, is that heavy duty paving because you let people drive around and get the feel for something before they purchase it .

MS. FULTON: That was a planning commission concern as well, that none of the merchandise actually be tested on-site . It is started to remove it from the tractor-trailer. That is what that is for is for the tractor-trailers and junksters and whatever to deliver the heavy duty merchandise .

MS. KANE: All right . I guess really your difficulty or it's just that you're selling something that is large .

MS. FULTON: Big .

MS. KANE: Now, if you were selling small things like bicycles you wouldn't need the display area to put them . But everything that you're selling is of a pretty big size .

MS. FULTON: Correct , for the outside items , yes .

MS. KANE: Do you find that you have to get variances for that in most municipalities ?

MS. FULTON: Not for the amount of storage . If we usually have to get a variance it's either just for any outside display at all, it's not for the amount of the outside display . We have never been denied the outside display . We're up 1 > to 35 stores . Probably I would say maybe 20 percent have a variance for an outside display .

MS. KANE: I don't have any more questions . You're still troubling yourself .

MR. GATES: I have trouble with the special exception period in this location .

MS. JOCHIMS: All right. Anyone from the audience like to come up, just one at a time? Again, just state your name .

MS. NOVION: I'm Sharon Novion, and I live on Sandy Hill Road. I'm having a little trouble because he talked about the development that's behind me . But this also is going to directly touch upon our property lines on Sandy Hill Road .

Now , we don't have anything built behind us, but it's our property and we could develop behind there . So I'd like to know what kind of buffer you have between our property and what you're planning to do .

MR. McCOLLIM: I'm sorry . I'm not familiar with where Sandy Hill Road is . Is that north ?

MS. NOVION: It's north, because I know you've been back there doing soil samples right behind my backyard . There are several houses that are supposed to be country atmosphere, we bought them over the development went through, we all bought out there to be in the country . We've got 2.2 acres there, and their lot is going to be right behind us .

MS. KANE: Is your street address 36 24 ?

MS. NOVION: 36 36 . We don't have anything back there now . 1 > But if I did develop it I wouldn't want a fence and, you know, something sitting right there.

UNIDENTIFIED AUDIENCE MEMBER: We have a house.

MS. NOVION: We have a house , and we have another acre behind us. So we could develop that if we wanted to at some point . There are several residential areas right there on Sandy Hill Road . So, you know, what are you going to do for a buffer between us and you ?

MR. McCOLLIM: Well, we have a cut slope which will drastically --

MS. NOVION: That's not a slope behind our house where you were looking at samples the other day .

MR. McCOLLIM: I'm sorry . I wasn't on-site . So I'm not familiar with where that would have been . The existing grading through pretty much the entire site slopes at, I believe it's about a 25 percent slope .

MS. NOVION: Where is the old Zottola nursery building ?

MR. McCOLLIM: That is over here . Zottola 's building is front and back. Zottola 's building sits directly in front over here. This area slopes down to where they've got some storage bins and then this area .

MS. NOVION: How far up are you planning on --

MR. McCOLLIM: The slope actually will go to the property line . It's a cut slope . It drops down approximately 20 feet I believe .

MS. NOVION: The drainage area is where? At the other where the drainage area-- Because the drainage area is right behind us .

MR. McCOLLIM: The drainage ?

MS. NOVION: The water drainage from the development .

MR. McCOLLIM: You mean the channel that goes down along the valley ?

MS. NOVION: Uh-huh.

MR. McCOLLIM: That's just right outside the property line .

MS. NOVION: It's right on our property line. But there are a couple houses right on Sandy Hill Road that will be affected by this .

MS. JOCHIMS: I'm sorry. I was talking. Did you address the landscaping, if you were intending to put any along that north barrier ?

MR. McCOLLIM: Due to the -- We have looked at that . Based on the grades, we're showing trees, high trees, along the back .

MS. JOCHIMS: Currently existing ?

MR. McCOLLIM: No, they're new . Everything is proposed .

MS. FULTON: I'm not sure if you heard . There's a 20-foot grade change from our property .

MS. JOCHIMS: You said 20 feet higher?

MS. FULTON: The adjoining property is 20 feet higher or will be at the time .

MS. KANE: What's going to be the elevation of your property ? I'm looking at something that they gave us, which is a GPS type thing . It does have the elevations on here . What's the elevation of your building ?

MR. McCOLLIM: The elevation that we're proposing for our building is 1,194 . There may be some discrepancy . It's roughly, I believe, four feet lower than the existing elevation of the Zottola building in front .

MS. KANE: And how tall is your building?

MR. McCOLLIM: The building is roughly 25 feet tall .

MS. FULTON: Roughly 25 feet. But last night the planning commission approved a gabled entrance. So right over the entrance it will be taller than 25 feet . It seems like it's a 35 range . But that's just the entrance .

MS. KANE: So it would be 12, what , 1,215, the highest point of the roof ?

MR. McCOLLIM: Roughly , yeah .

MS. KANE: I see here an elevation of 1,220 just outside your property line and that the houses along Sandy Hill Road are at 1,255 roughly. Sandy Hill Road is at 1,265 and the road slopes down to the housing and then it continues to slope down to about 1,220 on your property line . You're going to actually have your building lower than that ?

MR. McCOLLIM: Yes , that's correct . To balance the site, we're proposing a cut condition in the northwestern corner of the lot and then fill on the southeastern corner .

MS. KANE: And this area right along the property line north of where that cut is going to be , is that wooded , the backs of these people's yards ?

MR. McCOLLIM: I believe it is . Is that correct?

MS. NOVION: It is . We can develop it if we wanted to. I don't want to have a fence sitting right there with the tractors parked up against it . My understanding, isn't there supposed to be some green space between businesses and private residences ?

MS. KANE: But he's kind of met that with his --

MS. JOCHIMS: There are setback requirements, either rear, front, or side yard setback requirements, that they have that we have contained in our zoning ordinance .

They do meet those .

MR. McCOLLIM: I believe that's a 50 -foot setback at that location.

MS. NOVION: That's what I wanted to make sure of .

MR. McCOLLIM: The parking lot and everything is within that 50 -foot setback in this area .

MS. KANE: Mr. Gates , did you have comments ?

MR. GATES: No. The property is in a C-3, and it does comply with 27 , 12 01 (2) (B)(1). So a spatial exception for the use anyhow is a use by right .

MS. JOCHIMS: Is there anybody else who would like to make a comment ?

MR. BASTIANINI: Is now appropriate ?

MS. JOCHIMS: Sure .

MR. BASTIANINI: Dean Bastianini. I was in attendance at the planning commission meeting. Just for the record, I think it's important that there was some concern about the use . They did make a recommendation to you to approve the special exception use but with some conditions . 1 % > I just wanted to elaborate on that .

MS. JOCHIMS: Go ahead .

MR. BASTIANINI: There was a lot of discussion about what the items for sale would be . A lot of folks had never been in a Tractor Supply Store before. The representatives of the company explained that they sell farm --

Again, the reason I'm doing this, at the planning commission meeting they actually changed the definitions of the items they had for sale to address some of the concerns the planning commission members have because you're correct, Mr. Gates, it's in a C-3 district, but it does border residential property on two sides . Three sides?

MR. McCOLLIM: Three sides .

MR. BASTIANINI: The north, the east/west, and the south . There is residential property. Well, there's the Zottola property and then residences on the other side of Route 8 .

So the planning commission has worked out with the representatives that they would apply for a special exception approval to sell farm equipment, ranching equipment , including all -terrain vehicles , golf carts, go carts, paddle boats, utility trailers, and outdoor equipment such as plows, watering troughs, kennels, and fencing .

They ask that the application specifically exclude the sale of recreational vehicles , campers , mobile homes, and tractor-trailers .

Then 1 > they also ask that if you do deem to approve this, feel that it does meet the criteria of the ordinance, that you establish some conditions that will give them some greater authority in the land development reviews to increase some of the buffers and other protections given the residential nature of the surrounding properties .

So they ask that the zoning hearing board stipulate that when the developer submits their plan for further review that the developer shall, to the satisfaction, excuse me, the developer shall, to the satisfaction of the planning commission, provide as part of the land development plans provisions addressing issues such as noise , landscaping , buffering , operating procedures, to assure that the proposed use will not endanger the public health and safety nor deteriorate the environment or generate nuisance conditions to adjoining properties .

They've mentioned three specific things again : That the zoning hearing board condition their decision upon the developer obtaining subdivision approval -- that has not occurred yet. The subdivision is still pending . As you know, because the , well, nevermind -- that during the operation the store shall use no outdoor loud speaker system and that no on-site testing of items for sale or rent be permitted .

I 1 > think that was very important to the planning commission . Without those conditions I think it was unlikely that they would have recommended approval . I just wanted to say that .

MS. KANE: I do have a question . They talk about noise, landscaping, buffering , operating procedures . Does that include limited hours of operation or employing the limitation of hours ?

MR. BASTIANINI: I think it does . I heard the representative say it was certain hours and that the lighting would be shut off except for security lighting subsequent to that .

Likewise, the zoning ordinance, besides requiring that they come to you for the special exception, really identifies some areas for you to judge as well in granting your approval . Bear with me. I'll try to find those . There are four .

It says that a primary structure not less than 800 square feet in the area shall be present on the property or built on the property -- I think they meet that -- outdoor display areas to which customers have access shall be paved with permanent all-weather surfaces and portions of the property not occupied by buildings or paved shall be landscaped and maintained , no outdoor accumulation of discarded goods or damaged goods for sale material shall be permitted, and all outdoor lighting shall adhere to Chapter 27, Part 25, provisions for turning the lighting glare .

MR. WALZER: I brought some pictures . We took some pictures out at Cranberry .

This is their lighting they submitted last night . This is their building facade they submitted .

MS. JOCHIMS: I think we had one lady in the back that wanted to address .

MS. DiMAGGIO: Yes. My name is DiMaggio. I live at 6 098 William Flynn Highway . My property is just over beside Zottola's. Our main concern is the noise -- this may have been addressed, but I couldn't hear back there -- the noise and diesel fuel and trucks running .

If you've ever lived beside a car place where they're trying cars, they get in and they gas them up and they try them and they move them and then they get on this one and they'll try this one and they'll move that .

My concern was all the noise from going on from one place to the other, you know, people jumping --

MS. KANE: Ma'am, I can address that .

MS. DiMAGGIO: Was that addressed?

MS. KANE: Because I asked if people can test drive these things. Apparently there's only enough gas in the recreational vehicle or whatever to get it off the truck -- when it gets delivered and to get it back onto somebody's truck when they buy it . They don't test drive it on the site .

MS. DiMAGGIO: I couldn't hear that. I'm really sorry .

MS. KANE: That's okay. I had the same concerns . I guess in tandem with that, though, I would ask when are your deliveries typically .

MS. DiMAGGIO: That's my next question. When do you deliver ? Like on Sunday morning are we going to be bounced out of bed by the trucks?

MS. FULTON: The trucks that come the first are directly from the warehouse . Once the store is stocked, obviously fully operational, they'll get somewhere between one to three trucks a week would be the delivery trucks that come from their warehouse .

They could come basically anytime . Typically they do come in the morning about the time the store opens or an hour before the store opens and they do have access to the building during non operational hours.

MR. GATES: You understand the planning commission has the right to tell you the deliveries will be made at noon or whatever time the planning commission says ? Do you understand that ?

MS. FULTON: Yes . They have not addressed that at this point . Then the vehicles are, just to clarify, they don't test drive. They're just moved, you know, taken off the truck and placed on the site or then loaded in a purchasing vehicle2 > .

MS. KANE: It comes on a, delivered like cars come delivered, on one of those --

MS. FULTON: Some of them will be in a flatbed. Some of them just come in a regular 18-wheeler.

MS. KANE: And once you're stocked it's not like you're going to get 18 more golf carts a week because you probably don't sell that many .

MS. FULTON: No. They don't store that many on the site . The lawn mowers they do store quite a few because there are more of those . Then occasionally the display is moved to the sidewalk or moved inside the front . They do rotate the merchandise that's on the sidewalk .

MS. JOCHIMS: How about deliveries? Do people, not having ever purchased farm equipment, when you sell the pieces that don't move themselves, do you deliver those to people ?

MS. FULTON: No. They have to come and pick them up .

MS. JOCHIMS: How do you get that onto--

MS. FULTON: They drive them onto a trailer or a truck .

MS. JOCHIMS: How about things like the top picture there, how does that get on to--

MS. FULTON: A forklift . They can pick it up with a forklift . They have a forklift they keep on-site, and they load it into a truck . Those are implements that are pulled behind a tractor .

MS. JOCHIMS: And the forklift as it backs up it beeps and --

MS. FULTON: Yes .

MS. DiMAGGIO: Is it diesel fuel or car fuel ?

MS. FULTON: I think the forklift is a battery . They charge it .

MS. DiMAGGIO: Because diesel fuel is 1 > really obnoxious and I have my windows open .

MS. FULTON: I'm sure the tractor-trailers that make deliveries are diesel . Customers will have diesel or gas . I have no idea . Then the for klift itself is a battery -operated

forklift . Is that what you're asking ?

MS. DiMAGGIO: So I just keep my doors shut during the summer ?

MR. McCOLLIM: If I might address that, I know exactly where you're talking about. I was working on the plans today . I know where you're sitting . Where your house sits is probably, I'm going to estimate, 150 .

MS. DiMAGGIO: It's probably over here a little more .

MR. McCOLLIM: Are you on the same side as Zottola's?

MS. DiMAGGIO: Yes.

MR. McCOLLUM: You sit--

MS. DiMAGGIO: We don't sit back . We sit close. I'm only a few feet from the road .

MR. McCOLLIM: Yes, from Route 8.

MS. DiMAGGIO: Route 8.

MR. MCCOLLIM: You have a pool in your backyard .

MS. DiMAGGIO: Yes .

MR. McCOLLIM: I know exactly where you're talking about. You got roughly 125 feet probably to the property . What's really going to help with shield ing the noise from you, what's really going to shield you from the noise, is this slope here .

This build ing is actually going to sit lower than your house . So the sound from operations on-site will be dampened in your direction by this cut . So you're going to sit-- We've got , oh, I'd say, 15 feet² > .

MS. KANE: Well, the elevation here for her house is 1,210 or 1,215 , if she's this house .

MS. JOCHIMS: Is she across or on the same side ?

MS. KANE: Is this your house?

MS. DiMAGGIO: Yes.

MS. KANE: Then that's your elevation, 1,210 .

MR. McCOLLIM: So that puts you 20, well , like 15 feet higher .

MS. KANE: It's back here .

MS. DiMAGGIO: Oh, it's not right beside me ?

MR. McCOLLIM: No , it's not right beside you. We're sitting back. The property is going to be subdivided along this line. Where the existing road is , that's the edge of the property . So all of our development is back in this portion .

MS. DiMAGGIO: And my pool sits right here .

MS. KANE: It will be a ways .

MR. McCOLLIM: Where this area is, right at the end of the property line there, we're cutting approximately 15 feet . So it's going to sit not only sitting further back, but it's going to be depressed down . So that slope in itself is going to help shield you from the sound .

MR. GATES: It's really important for you to go to the planning commission when they impose these conditions .

MS. DiMAGGIO: How do you get notified for that ?

MR. WALZER: I would assume they'll be back the third Monday of next month if you call and ask for their agenda .

MS. DiMAGGIO: The third Monday?

MS. JOCHIMS: The third Monday of next month.

MR. WALZER: The third Monday of every month is the planning commission agenda . I would assume they'd be coming back next month .

MS. DiMAGGIO: So it would be the third Monday of April ?

MR. WALZER: April.

MS. KANE: You can just call the office. They can tell you what time it is, and they'll tell you if that's on the agenda for that night .

MS. DiMAGGIO: Okay . That's only our real concern if I'm in the pool or something, you know, I mean, who wants to swim in their pool and smell diesel .

MR. GATES: Well, that's the kind of thing the planning commission will be addressing .

MR. McCOLLIM: Additionally, when the trucks do deliver, they'll come in this route . There's no trucks that will come up past your property . All the truck deliveries and all the access is along Heckert Road and then up this small access trail. So nothing will be, we're not directing any traffic directly past your house to your property .

MS. DiMAGGIO: I was under the understanding it was going to be here . So it is back here ?

MR. McCOLLIM: It is in the back.

MS. DiMAGGIO: The zoning (sic) commission is the third --

MS. KANE: Third Monday .

MS. DiMAGGIO: Thank you .

MS. KANE: I guess I'd also like to ask , initially weren't you here to build your store in the Richland Mall? Wasn't that initially going to be the location ?

MS. FULTON: It could have been. It was a different developer .

MS. KANE: 1 > Then wasn't there also going to be-- I thought there were two locations you had in the township prior to settling on this location . No ?

MS. FULTON: Well, it wasn't --

MR. WALZER: This is the only one they came forward on.

MS. BLAKELY: I'm Christy Blakely with TKC , and I came before you also when we were trying to get them into the leased space of Richland Mall, the former Ames or the former Ames with Zamias, the landlord .

(Background noise.)

MS. KANE: Excuse me , ma'am . I also have a hard time hearing, and I'm having a hard time hearing this lady with you speaking . So if you could just hold that until the end .

So you were before us once before and that didn't work out .

MS. BLAKELY: Right . It was just, it was a choice by the landlord just decided not to do that deal. So we moved on to look for --

MS. KANE: You've had a desire to be in the township for quite some time ?

MS. BLAKELY: A few years, yeah. I think I started my research here three and a half

years ago .

MS. KANE: So you really feel that there's a need for this ?

MS. BLAKELY: There's a substantial need for this in this market . In fact , Tractor Supply runs a very aggressive and sophisticated program to analyze, like, 6 4 categories of customers that would shop at their store . They have a very diverse product line .

They just won't choose to build a store in a new market unless they have reasonable expectation of sales of at least 3 million a year or more . So they definitely have that here and they would like to --

MS. KANE: Well, my concern -- and I don't mean to grill you on this -- but Route 8 gets developed and I see people develop land and build something and then , you know , six months /nine months later we have an empty building along Route 8 . I don't choose to do that, to develop another piece of property and see it be empty in a short amount of time .

So it's reassuring that you noted that you've done your research . And, as I said, I know you've been trying to get in the township for some time. So you feel like once you are established here you're going to stay ?

MS. BLAKELY: Yeah . They're a national retailer . I know that you'll be hearing a lot more about them because they're developing a lot right now in this region . They just opened a Cranberry store that you know about . I think they're on line to open their new store in Murrysville soon and down in Belle Vernon . So it's a nice perimeter around the city .

MS. KANE: Will you be owning the property ? I mean, it sounds like Zottola wants to subdivide his property . Is that right , Dean ?

MR. BASTIANINI: There is a plan before the planning commission now to create a separate parcel .

MS. KANE: So once they would subdivide you would purchase the property?

MS. BLAKELY: Yes. TKC will purchase and be the landlord and do the lease to Tractor Supply .

MS. KANE: You have that relationship between TKC and Tractor Supply in other areas ?

MS. BLAKELY: Yes.

MR. GATES: Are these company stores or are they franchises ?

MS. BLAKELY: They're company stores .

MR. WALZER: One thing I'd like to say to the zoning hearing board, I probably think it would be at the zoning hearing board level where you would have a special exception that you would create delivery hours. Like if you were to approve or disapprove this, I think you could put a condition in at the special exception process that deliveries are to be made like --

MR. GATES: I thought the planning commission wanted to do that when they said that they were going to control the operating procedures .

MR. WALZER: It could be done probably at either level .

MS. KANE: I think I would prefer to say just limit the conditions to those imposed , those desired to be imposed by the planning commission .

MS. JOCHIMS: Just for, 1 % > I guess, education , a request for special exception is for a use . The use is permitted in the district or in our township, but it sort of needs a second set of eyes to review the process or a third set of eyes at this point just to make sure that certain requirements are met .

We have a specific list of requirements that an applicant needs to meet , and that was recited on the record, the things that they have to meet. That's part of what we're discussing is whether or not we can expound upon them .

MR. WALZER: That's where I'm coming from . I think if you wanted a special requirement for delivery hours, I think that's where you would really put it . If you want to say no deliveries from 10:00 at night until 8:00 in the morning or if you saw something else reasonable this would be a good time to do it.

MR. GATES: Well, there's a whole bunch of conditions like make certain which way they go in and out , the dates of delivery or the hours of delivery , hours of operation . Again, the planning commission seems like they want to address all that themselves . Is that correct ? I know the planning commission --

MS. JOCHIMS: Quite honestly, my personal opinion is just I feel like the planning commission has a better handle on that because they are charged with a greater responsibility than we are with this particular 1 > use. Also they get more of your plans . I mean, they get your specific landscaping plan in detail . They get your lighting plan in detail . I do think that they have a larger --

MS. KANE: A --

MS. JOCHIMS: Well , a checklist . Then they have more power than we do for what they can actually impose .

MR. WALZER: Okay .

MR. BASTIANINI: If I could, my reaction would be that if you could cement that authority by identifying it and making it a condition of your approval that the developer needs to satisfy the requirements that they establish , I think that would be like a built-in suspender. But it gives them discretion on the details .

MS. JOCHIMS: Yes, ma'am .

MS. SNYDER: Donna Snyder, Valencia Road . I was at the planning commission meeting last night . I'm just not sure if I understood when they said that all of their stores have the, like, 30,000 square foot outside sales storage. I thought they said that the Cranberry store did not because they were not allowed. Or am I thinking of something else ?

MS. FULTON: The Cranberry store does have an outside display yard similar to this one. I don't know the exact square footage. It could give or take a couple thousand feet .

MS. SNYDER: I was thinking that Joe said it didn't .

MR. McCOLLIM: I believe what you were thinking of is this storage area down here for the trailers. We specifically designate an 1 > area for that . I believe the comment you're thinking of last night was that the Cranberry store does not have that designated trailer storage area. They just simply utilize a section of their parking lot .

MS. SNYDER: I knew there was something that they had not allowed . I wasn't sure what it was . Thank you .

MS. JOCHIMS: Anybody else ? Yes, sir . Come on up .

MR. DiMAGGIO: I understand this--

MS. JOCHIMS: Your name , sir.

MS. KANE: You need to come up here and state your name.

MR. DiMAGGIO: I understand that all these new homes that are being built up on the hill are supposed to be highly expensive homes . Okay . So somebody even up on the hill -- were you ever up on the hill? It's beautiful up there -- they got to look down and see a building which is called commercial, industry, or whatever it's going to be there ; right ? I don't think it's a very good site for such a building to be put there .

MS. JOCHIMS: Just for recording purposes, can I have first your name and your address ?

MR. DiMAGGIO: My name is DiMaggio . I happen to be part of the owner of Mrs. DiMaggio's property .

MS. JOCHIMS: Okay. The commercial zoning exists already . So when a commercial property comes into our township and they look at a parcel of property, if they meet those requirements they're entitled to go in whether or not we think that we would rather have something 1 > else there .

So, yes , while there may be some intent to develop a parcel of property with high-end residential homes, the commercial district ing already exists . It's not as though we're changing the district or the zoning to allow for other uses . It's currently how it's zoned .

MR. DiMAGGIO: I understand it's supposed to be residential there. You build new roads, you build everything nice out there, and then you want a company to take over . Now, Zottola's told us that they were either going to build a store, they were going to build other things over there . Now all of a sudden it changed .

When they first moved in there they had horse manure out beside our property going into our house. We had to turn on the column, and we appreciate people moving his manure and stuff and they brought it in back of the property .

I mean , I real ize it's a commercial property . I'm not denying that , you know, but I really don't feel a build ing like that should go back there with all the nice homes being built back there . I mean, if you people agree with it there's nothing I can do about it . That's the way I feel about it .

MS. KANE: What Margo is saying, though, is that even if we thought that there was another use that would appeal to us and that might appeal more to the residential people, you know, the people that are residents around there, the fact is that that piece of land has been zoned commercial and we have a whole set of ordinances and their proposed use falls within that defined in the ordinance .

So we can't , you know , willy-nilly change that . If they meet all the requirements, then it's our obligation to grant them the variance . If we don't grant them the variance, then we'll end up in court again spending your tax dollars to defend our whims .

MR. DiMAGGIO: Well , I understand that . You're saying it was already zoned. Now you're saying you want more land for commercial other than property that was already there .

MS. KANE: No , no . That whole parcel was already zoned commercial .

MR. DiMAGGIO: For what type of purpose ?

MS. JOCHIMS: This exact type purpose.

MR. WALZER: Let me say something here.

MR. DiMAGGIO: You mean you could go in there with heavy construction or whatever you want?

MS. JOCHIMS: Quite frankly, I think you can have a car dealership there .

MR. WALZER: There's probably 70 different things that you could put on there.

MR. DiMAGGIO: Yeah, but I always thought there was a limitation on what you could actually use as commercial . You just can't go in 1 > there and put heavy equipment in a commercial area if it's not classified as an industrial area .

MR. WALZER: That's not industrial . That's retail sales .

MS. JOCHIMS: It's sales in a C-3 district . We really don't have an ability to decide what they are going to sell . I would love a gift store to go in there . But I can't say that I'd rather a gift store go in as opposed to a Tractor Supply Store .

MR. DiMAGGIO: Well, I mean, I'm not against anybody, you know, trying to make a dollar and make our community nice. I'm all for it, you know. That's what we're trying to do .

But the only thing I didn't feel that they should go further in constructing stuff that is not really like a retail or something like when it first started . But Zottola come in . Now, he was a gardener, and he put up trees and stuff like that. That was fine . We had nothing against that, you know.

But now they want to go a little bit further and build something else which then takes the sight of our community away as far as what I could say as a residential, goes more into, like you says, in the industry because heavy equipment, anything to do with heavy equipment or welding or anything, is classified as heavy 1 > industry once you get into it. Do you know what I mean ?

I mean , I don't know what the books say on that. But that's what I feel about it , you know . So I'll just give you my opinion .

MS. JOCHIMS: Thank you for being here. We rarely have anybody in the audience . It's nice to have a face .

MR. DiMAGGIO: I'm interested in the property being developed, you know what I mean, I'm not against it .

MS. JOCHIMS: I appreciate that .

MR. WALZER: Just on that note , though , sir, the developer of the residential lots

behind there , Park view Estates, he was well aware of what that property was zoned . In fact, he and Mr. Zottola worked together to get that traffic light installed . So they were well aware of what each other 's property was zoned before that plan ever started .

MR. DiMAGGIO: Well, Zottola got his eye on our property , too .

MR. WALZER: Good luck .

MR. DiMAGGIO: Okay . Thank you .

MS. JOCHIMS: Anyone else ? No ?

(No response.)

MS. JOCHIMS: Anything else from the board ?

MR. GATES: No .

MS. JOCHIMS: For the special exception do I have a motion ?

MR. GATES: I would make a motion that on HR G 0408 that we approve the special exception use pursuant to Part 7, Section 27, as requested to open a Tractor Supply Company store on Parcel A -2 1 > of the proposed Oak Ridge Plan of Lots No. 2 in a C-3 highway commercial zoning district .

I would note that they meet the requirements of Chapter 27 (B)(1) and we have no discretion on that . I would make my motion subject to the notes from the planning commission minutes of February 18, 2008 , wherein the planning commission recommended conditional approval subject to four specific items .

I would call specific attention to the exception of the operating procedures and request that the planning commission give special consideration to the Sandy Hill property, to the Heartland Homes, and to the DiMaggio property in establishing operating procedures which would include, but not be limited to, hours of operation , hours of delivery , and means of access for delivery and like and similar matters .

MS. KANE: I second that motion .

MS. JOCHIMS: All in favor .

(All respond aye.)

MR. GATES: I would agree with Mr. DiMaggio. I don't think it's a good use for the property , but we don't have any discretion .

MS. JOCHIMS: On the variance request , which is actually Hearing 5 - 08, there was a request for a 1 > variance to use additional space for the outside sales and storage area . Do I have a motion on the variance request ?

MS. KANE: I move that we grant a variance to Tractor Supply Company in regards to the outdoor storage required by this firm limited to their requested square footage of --

MR. McCOLLIM: The additional square footage would be 21,252 .

MS. KANE: --limited to their additional square footage of 21,252 square feet .

MR. GATES: Second the motion .

MS. JOCHIMS: All those in favor .

MR. GATES: Aye .

MS. KANE: Aye .

MS. JOCHIMS: I'm actually going to deny that variance. I'm struggling with your hardship . I think it's a self-created hardship. I think it is the design of your building . Having said that , nevertheless, it's a two to one vote and it's granted . So you do have your variance .

MS. FULTON: Thank you .

MS. JOCHIMS: You're welcome .

MS. KANE: Other business, I guess I want to raise some other business . This was the first time that we received these very organized packets which included a lot of papers , some of which I didn't feel I need ed. I did express that to Jeff, I guess . He said, well, bring it up at the meeting .

I didn't feel like I needed to see 1 > the letter that went out and the advertisement and so forth . I assume that our township people will do those things that are required . I did like seeing the aerial view because I think that gives us a little bit of a better idea of the elevation of the properties and so forth .

But I wondered how you felt. And if you want to continue receiving the whole packet, that's fine with me. But if you want to save some paper , then whatever.

MS. JOCHIMS: Now that I've said I like getting it, she accuses me of killing a few more trees . I like to see this. I like to know who my target audience is. I like to know where we are . So I frankly -- I'm sorry .

MS. KANE: That's okay . That's fine . I'm just raising it for discussion .

MR. GATES: I thought it was good. He probably thought since I'm brand-new and pretty dumb he better give it to me.

MS. KANE: We can continue receiving it .

MS. JOCHIMS: No more comments from the floor ? None?

(No response.)

MS. JOCHIMS: Motion to adjourn ?

MR. GATES: So moved .

MS. KANE: Second .

(Whereupon, at 8 : 37 p.m., the proceedings adjourned.)

C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this copy is a correct transcript of the same.

Dated at Economy Borough, Pennsylvania this 25th day of March 2008.

Karen L. Cross

Reporter - Notary Public

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