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RICHLAND TOWNSHIP  
ZONING HEARING BOARD

----- -X  
: Case Nos. :  
: 11-08, 12-08, 13-08 :  
: :  
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TRANSCRIPT OF PROCEEDINGS  
MONTHLY ZONING HEARING BOARD MEETING  
OCTOBER 2008  
7:00 p.m.

Before: MARGO JOCHIMS, Chairperson  
BETSY KANE, Vice Chairperson  
CHRISTOPHER OPALINSKI  
  
Date: October 21, 2008  
  
Place: Richland Township Municipal Building  
4019 Dickey Road  
Gibsonia, Pennsylvania 15044  
  
By: Karen L. Cross  
Court Reporter - Notary Public

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1 agenda, a variance to erect or actually to modify a front  
2 porch that's already existing in the front of our home. The  
3 front porch would be 26 feet by 10 feet.

4 The current front porch is six feet away  
5 from the front door of the home. So that extends the front  
6 porch by four feet towards the street and approximately 16  
7 feet to the west. Applejack is kind of not oriented north,  
8 east, west, south. It's catty-wompus but towards the west,  
9 away from the cul-de-sac end of our street.

10 In the agenda it indicates 17 feet to the  
11 required 50 feet front yard building line, and we think it's  
12 a little bit complicated because when we purchased the home  
13 in 1998 it was an existing home. The building line on our  
14 survey indicates 40 feet.

15 MS. JOCHIMS: It's a 40 feet setback or 40  
16 feet to your existing dwelling?

17 MR. MILLER: Forty feet and then it doesn't  
18 indicate on the survey.

19 MS. KANE: It's 42 feet to the existing  
20 home. But I think that perhaps I didn't understand the  
21 request here with the 17-foot variance until I saw where the  
22 house was. In Orchard Park Meadows it's a planned  
23 residential development, and I think it's part of the zoning  
24 right there.

25 MR. WALZER: I can explain it to you.

1 MS. KANE: Go ahead.

2 MR. WALZER: When we wrote the new order  
3 that came out in July they took all the plans that were,  
4 whether they were building lines of 40 feet, 30 feet, 20  
5 feet, they made all the building setbacks in those districts  
6 50 feet.

7 So that makes the building line a  
8 nonconforming building line that they have the 40 feet, the  
9 whole street, and their whole plan is on the 40 feet. But  
10 now the ordinance says 50 feet and it goes for variance and  
11 I have to use 50 actually at 40 feet and they've already got  
12 10 feet out there.

13 So it kind of does sound more than what it  
14 is. That's because of the ordinance stating 50 feet in that  
15 district and you don't know by the plan, you have to go by  
16 what the ordinance says.

17 MR. MILLER: So the intent of modifying the  
18 existing structure, I guess, is threefold. We just want to  
19 make the front of our home more appealing. It looks like it  
20 was an add-on after the home was constructed. I'm not sure.  
21 Once we purchased the home -- and excuse the phrase -- but  
22 we think the current construction is kind of honky tonk.

23 We'd really like to modify it, and in order  
24 to do that, to make it more of a front porch. That's why we  
25 want to extend it along the front of the home and by doing

1 that just add a few more feet towards the street really to  
2 make it more of a comfortable front area with a porch swing  
3 and all that.

4 There are porches on Applejack on other  
5 homes. It's not like it would be the only home on the  
6 street with a front porch. We just think it's kind of more  
7 conducive to interacting with the neighbors.

8 MS. JOCHIMS: It will be a covered porch?

9 MR. MILLER: Yes.

10 MS. JOCHIMS: The covered area will sit  
11 below the second floor windows still?

12 MR. MILLER: Yes. The existing porch is  
13 covered.

14 MS. JOCHIMS: Right. This is the picture of  
15 it.

16 MR. OPALINSKI: Just to confirm, we're  
17 talking a four-foot farther encroachment from the existing  
18 six-foot encroachment?

19 MR. MILLER: Yes.

20 MS. KANE: I am not going to vote because I  
21 own a piece of property that is within the distance affected  
22 by this home.

23 MS. JOCHIMS: If there's anybody here in the  
24 audience that would like to speak, you're free to do so.

25 (No response.)

1 MS. JOCHIMS: Do I have a motion? I have no  
2 further questions.

3 MR. OPALINSKI: No questions.

4 MS. KANE: I'm not going to vote.

5 MR. OPALINSKI: I'll make a motion to grant  
6 the request to variance from the existing 50-foot setback.

7 MS. JOCHIMS: All in favor.

8 MR. OPALINSKI: Aye.

9 MS. JOCHIMS: Aye. That's it. It's  
10 granted.

11 MR. MILLER: Thank you.

12 MS. JOCHIMS: You will receive a letter  
13 within a few days. There will be a 30-day appeal from that  
14 decision that you receive. So it's best to wait before you  
15 start construction just in case anybody objects.

16 MS. MILLER: Once we get the letter we can  
17 apply for the permit?

18 MR. WALZER: You can call me tomorrow and  
19 I'll explain.

20 MR. MILLER: Thank you very much.

21 MS. JOCHIMS: The next one is hearing 12-08,  
22 James and Brigid Christenson.

23 MS. CHRISTENSON: I'm Brigid Christenson.  
24 This is my husband, Jim. We live at 336 Forestwood Drive.  
25 We are requesting a five-foot reduction to the 50-foot front

1 yard building line. Our house is a little over 50 years  
2 old, and we wanted to remodel the front entryway.

3 As you can see, it sits right on the 50-foot  
4 line. So what we'd like to do is enclose the concrete pad  
5 that's in front of the door, which is eight feet wide and  
6 about six and a half feet deep. We want to enclose it  
7 completely with a new front door and window on the side.

8 I think it would improve the appearance of  
9 the house and also provide a little bit of a foyer when we  
10 go into our house and provide more natural light. That area  
11 of our house is pretty dark right now.

12 There's a sketch from the contractor. It  
13 doesn't alter the appearance of the house or change that  
14 much. It just gives it a little bit nicer appearance and a  
15 little bit more space inside.

16 MS. KANE: Brigid, you currently have a roof  
17 from the stoop, don't you?

18 MS. CHRISTENSON: It only comes out as far  
19 as the windows, I believe, there on the house. So only a  
20 few feet is covered just with the overhang over the front  
21 window.

22 MS. KANE: So the whole house right now is  
23 within the building line?

24 MS. CHRISTENSON: It looks like it might be  
25 a few inches there where that bump-out window is. But other

1 than that, yes. The whole house is--

2 MS. KANE: And the five feet would be more  
3 than adequate to extend to the edge of the current stoop?

4 MS. CHRISTENSON: Yes. He has 45.6 feet.  
5 We added a half of six inches to bring it out a little  
6 farther. It says six feet eight inches out with another  
7 18-inch overhang. I don't know if the overhang would be a  
8 problem as well.

9 MS. KANE: Right. You have to include the  
10 overhang in that. So let's make sure if you're asking for a  
11 variance, it's enough of a variance to allow what you want  
12 to do.

13 MS. CHRISTENSON: It's kind of late. Are we  
14 allowed to add another two feet to it while we're here? I  
15 believe when he measured it--

16 MS. KANE: So he wants to take from the  
17 existing--

18 MS. CHRISTENSON: From the front of the  
19 house.

20 MS. KANE: Eight feet two inches from the  
21 existing house is well within the--

22 MS. CHRISTENSON: The front doorway.

23 MR. OPALINSKI: It is eight two or--

24 MS. JOCHIMS: Six eight with the building.

25 MS. CHRISTENSON: I believe it's the

1 concrete pad.

2 MR. WALZER: You're asking to come out five  
3 feet from the--

4 MS. CHRISTENSON: Five feet past.

5 MR. WALZER: Is it going to give it to you?

6 MS. CHRISTENSON: It should be.

7 MR. WALZER: Then would there be anything  
8 that's behind--

9 MS. CHRISTENSON: We're still within.

10 MR. WALZER: I think I explained it to you  
11 before. Anything that would be behind the building you  
12 could build anything you want up to that building line,  
13 anything you want.

14 (Inaudible.)

15 COURT REPORTER: We need to speak one at a  
16 time.

17 MS. CHRISTENSON: Sorry. There are several  
18 feet to the front doorway right now that are within that  
19 50-foot line. I see it there.

20 MS. JOCHIMS: The bay window is there?

21 MS. CHRISTENSON: Right.

22 MS. JOCHIMS: You said it's an existing  
23 concrete pad?

24 MS. CHRISTENSON: Yes.

25 MS. JOCHIMS: The concrete pad is

1 currently--

2 MS. CHRISTENSON: The concrete pad is eight  
3 feet wide and six feet eight inches deep to the front door  
4 area.

5 MS. JOCHIMS: That currently sits beyond the  
6 building line?

7 MS. CHRISTENSON: The concrete pad does,  
8 yes. That is just over where the pump for the well was.

9 MR. CHRISTENSON: By two or three feet.

10 MR. OPALINSKI: So 47 to the pad and 45.6 to  
11 the proposed overhang. Is that what you're saying?

12 MS. CHRISTENSON: That sounds right, yes.

13 MS. KANE: I'm looking at that with the  
14 six-inch dimension. I'm thinking that's the corner of the  
15 existing pad.

16 MS. JOCHIMS: It is difficult to tell from  
17 the way he drew that when he gave it to us.

18 MR. CHRISTENSON: It's at a slight angle.

19 MS. KANE: To the 45-foot six to the corner  
20 of the pad. If you're coming close to the one-foot six for  
21 the overhang that's going to bring it to 44, which means you  
22 really want a six-foot variance.

23 MR. CHRISTENSON: It sounds like that's what  
24 I get when I view this picture.

25 MS. KANE: It's all he's given you in those.

1 The two things is what measures the distance to building and  
2 distance to overhang. I don't know.

3 MS. CHRISTENSON: Well, I do distance to  
4 overhang, which to me makes me think he did include, no, not  
5 to the existing overhang, which would be close to 48 or 49  
6 feet. From where the 50 feet is, the concrete pad is  
7 probably only two or three more feet out from there.

8 MS. KANE: Right. It's 47 feet on the one  
9 end to the concrete pad and 45.6 on the other, I believe, to  
10 the concrete pad.

11 MS. CHRISTENSON: He wrote distance to  
12 overhang on there.

13 MR. CHRISTENSON: Right, 47 feet. 45.6 must  
14 be to the end of the overhang because it's not a foot and a  
15 half. That's not that big of an angle. Maybe three or four  
16 inches from the corner to the other. So now I'm going back.  
17 I think it's 45.6.

18 MS. CHRISTENSON: That would be good.

19 MS. KANE: All right. Well, none of your  
20 neighbors are here tonight, so I guess no one is objecting  
21 to this. I think it will be a nice enhancement to your  
22 house and you will enjoy the light that will come in the  
23 front door to have an enlarged foyer.

24 So I would like to move to grant the five  
25 foot variance to Mr. and Mrs. Christenson.

1 MS. JOCHIMS: All in favor.

2 MR. OPALINSKI: Aye.

3 MS. KANE: Aye.

4 MS. JOCHIMS: Aye.

5 MS. CHRISTENSON: Thank you.

6 MR. CHRISTENSON: Thank you very much.

7 MS. JOCHIMS: Agenda Item Number 4 is  
8 Hearing Number 13-08, Atria's Restaurant and Tavern.

9 MR. SITTIG: Good evening. My name is Bill  
10 Sittig, S-i-t-t-i-g. I represent Atria's Restaurant, and  
11 we're requesting a number of dimensional variances for a  
12 proposed ground sign.

13 Specifically, there's an area sign request  
14 for an additional ground sign on the site, and then a  
15 request to have a setback 11 feet 6 inches from the  
16 right-of-way from the highway instead of the required 20  
17 feet.

18 I would note the proposed sign is basically  
19 signage that is going to be identifying the site primarily  
20 for drivers traveling southbound/inbound along Route 8, but  
21 it's also a general identification sign.

22 I know sitting for years on the zoning  
23 boards where I've lived I hear a lot of sign requests and  
24 there are concerns from neighbors about there being a  
25 proliferation of signs. This truly is a topographical issue

1 of characteristics of this property that warrant special  
2 consideration and hopefully you can see the merits of this.

3 I assume all of you are familiar with the  
4 sign. My sister happens to live in the Orchard Park plan.  
5 I knew about this because I got involved as counsel. I  
6 represent Walnut Capital. So I was aware of the plan from  
7 the time it was first notified.

8 I'm a fairly frequent traveler of that  
9 roadway, and you note that the elevation of the site as you  
10 go southbound there's more of a divergence between the site  
11 and Route 8. It's a flat site, and Route 8 dips as it goes  
12 southbound.

13 As you go and travel along the roadway as  
14 you're coming inbound, traveling southbound, it's up on the  
15 hill and it's, as Mr. Hunt will show you, you don't have any  
16 visibility until you're really right up on the site. And  
17 there's a Rite Aid driveway there and you're pretty much on  
18 top of it, unless you really know where it is and you're  
19 ready for it.

20 There's a lot of things happening on that  
21 roadway, especially with the overlay of the neighborhood and  
22 then the light coming up. When you come up the other side  
23 you see the sign pretty much past it. It's a double  
24 component, but it's primarily for the southbound traffic.  
25 It's an identification and safety issue.

1                   This is one of the situations where there is  
2 really unique topography relative to the roadway. It is set  
3 back and you do not see the Atria's unless you know it's  
4 there. It's very difficult despite the generous amount of  
5 sign. Your sign regulations, unlike where I live, are  
6 reasonable, they're generous, and generally they work. But  
7 in this case they haven't worked.

8                   That's the other part of this that we'd ask  
9 you to consider is that a lot of this is conjecture, you  
10 know, you open up and you say I need this because it's not  
11 going too well, we're open and operating, and it isn't  
12 working. Mr. Hunt can provide the specifics on that.

13                   It is something that is really needed.  
14 There's been a drop off from the opening of the restaurant  
15 whenever there was additional signage at the grand opening.  
16 It's a drop off that's far in excess of what's been  
17 experienced in the other restaurants, which there isn't any  
18 drop off.

19                   There's also been a drink tax which has hurt  
20 us when people can go a mile away, you know, people that  
21 come for banquets and group parties. That has had an impact  
22 as part of the economic condition that is the reality for  
23 this restaurant in particular.

24                   The strict application leaves us where we  
25 are today, which really isn't enough based on the real

1 operation, and we're asking for this relief which we feel is  
2 the minimum. It goes without saying this is already open.  
3 We felt it was a good opportunity or the restaurant wouldn't  
4 be here, and they don't really want to pay for a sign.

5 They've had a long-time relationship with  
6 the neighbors. I know Walnut did the (inaudible) work  
7 initially with the neighbors. There's been ongoing effort  
8 and the neighbors have stayed involved and they met last  
9 evening with the neighbors. What we want to establish there  
10 is not going to be inconsistent with the neighborhood.  
11 There isn't going to be an adverse impact from the signage.

12 I'm anticipating, although it's based on  
13 what I've heard because I wasn't at the meeting, to the  
14 extent that there were other concerns it's not so much about  
15 the signage, which I think by and large the feeling is that  
16 it's tasteful and consistent with the neighborhood and that  
17 it wouldn't be an impact particularly (inaudible) won't be  
18 illuminated externally. It's tasteful, and it's off the  
19 roadway.

20 We're trying to, although it might be more  
21 prominent, it actually will be moved up further where it  
22 works. Again, as Mr. Hunt said, you can see pretty well as  
23 you come, the roadway really is pretty visible from that  
24 standpoint and it works being further off the roadway than  
25 down toward the right-of-way. But it is nothing that's not

1 necessary.

2           These guys, who are both representatives  
3 from Walnut and Atria's, can give you the details on that.  
4 I know we have an Atria's in my neighborhood where I live.  
5 It's a high quality reasonable family restaurant. I assume  
6 for this township it is more an amenity.

7           And now that it's here I know there are some  
8 issues we're getting into now that it's here, and we want to  
9 all do it as best we can to keep it in the community and  
10 make it a viable and successful operation.

11           So we're asking for that consideration and  
12 we expect to see here (inaudible) aspects of the center that  
13 aren't directly related to the sign. We're willing to  
14 consider those tonight.

15           Specifically with the light, which we think  
16 we can do, some concerns that the neighbors assume to the  
17 extent to the board will accommodate would like to engage in  
18 some of that, too, to address how it's been in operation.  
19 This is a vehicle to do that. The sign actually brought  
20 some things to the forefront using this as an opportunity to  
21 address some other things going on.

22           So with that I'd like Mr. Hunt to give you  
23 some more information. I guess that's a word for the  
24 (inaudible) as to the need for the signage.

25           MR. HUNT: Thank you. My name is Jack Hunt,

1 H-u-n-t, alias Johnny Angel, one the partners of Atria's  
2 Restaurant. My home address 1006 Davis Avenue, Pittsburgh,  
3 PA 15202.

4 I would just like to open by saying that the  
5 reason we are in the Richland neighborhood is to provide a  
6 service, and it's a family service is what we're trying to  
7 approach.

8 We do our best to give back the community,  
9 working diligently with Richland High School and the sports  
10 teams, and we're trying to do a giveback during the holidays  
11 to some of the other (inaudible) in our restaurants. The  
12 reason I do them in my other restaurants is to help people  
13 throughout the city.

14 Part of our mission statement, if you check  
15 our web site, is that we try to give a great value for  
16 family purposes and so on. Whenever we realized that there  
17 was some issues there, I was very pleased to meet with the  
18 Orchard Park Neighborhood Association last night.

19 As Bill said, some of the things that came  
20 out of this were not directly related to what we're asking  
21 for but has some relationship because we are in that mall.  
22 So what I did is I basically drove the area.

23 I'm from the city of Pittsburgh. So when  
24 I'm driving out I'm usually going to a performance in Butler  
25 or something. When we first put our restaurant here I drove

1 out to look at it, and I passed it. I own it, and I passed  
2 it. So that made me concerned.

3 So I turned around down at the bottom and  
4 came back, maybe because I am from the city and I'm not real  
5 good at driving outside of the city. I missed it a second  
6 time. The reason for it was the sign I did see. I saw Rite  
7 Aid. I did not see Atria's.

8 That happens a lot when you're driving past.  
9 Yet on my way out Route 8 I noticed that a lot of the  
10 restaurants had monuments that you can see. Of course, they  
11 own their own properties and so on. But I did notice that.

12 So we tried several different options to try  
13 to get visibility of our restaurant. One of the ones I  
14 talked with, Mike Turzai, asking him if we could do some  
15 right-of-way signage. He explained to me the law could not  
16 do that because you're setting precedence and so on. So we  
17 backed off of that.

18 I then started to do door-to-door  
19 campaigning, and I actually went and I walked the businesses  
20 going away from my restaurant towards the turnpike and  
21 actually went into every business along that route and back  
22 and introduced myself and asked them if they would like to  
23 come over and see what we're all about and have an appetizer  
24 on me, that type of thing.

25 I can't tell you how many of the businesses

1 on the route -- this is after we've been in business for  
2 nine/ten months -- did not know we were there. We're only  
3 an eighth of a mile away from them. So that gave me great  
4 concerns.

5 Then every week we look at our trending as  
6 to how we're doing with our restaurants. Our other six  
7 restaurants are doing great even in this bad economy.  
8 Unfortunately, my Richland location is not. We are down  
9 considerably.

10 We are looking for every way that we can  
11 promote our restaurant to have more traffic come back  
12 because I and my partner love being here. It's a beautiful  
13 facility. We put a lot of time and effort into it. We  
14 believe this can help us immensely.

15 I started by driving up from the post office  
16 to see. I'll show you some pictures here. As soon as you  
17 start to come up and you see the clearance where we're  
18 asking for the sign, okay, and it's not that you can see the  
19 sign from there but you can actually see the clearance. But  
20 you can't see our restaurant.

21 As you're getting closer, right before the  
22 bend, it becomes apparent that where we want to put the sign  
23 it would be the first thing you would see because the road  
24 actually goes in that direction and bends away from the  
25 sign. So it would bring a lot of attention to us coming

1 from southbound on Route 8.

2 Let me just show you. May I?

3 MS. JOCHIMS: Uh-huh.

4 MR. HUNT: You can see this is the area  
5 where we want to put the sign. As you get closer you can  
6 put it right there. It's a safety issue also because I did  
7 it myself. I'm driving up the hill not knowing where I was  
8 going the first time and, the cutaway, all of a sudden  
9 you're there.

10 I didn't stop. I drove past it and turned  
11 around. But I know there have been people who have hurried  
12 up and hit their brakes because, oops, there's Atria's and  
13 they tried to get into it. I think with the sign where you  
14 see it coming up much in advance that you can slowly  
15 approach it rather than hit your brakes when you get to it.  
16 So that was another reason we were cautious of it.

17 So the signage that we're looking for is to  
18 help us stay in business in this area basically is what I'm  
19 asking for. We're reaching out to try to bring attention to  
20 our restaurant. Thank you.

21 MS. KANE: Thank you.

22 MR. DOLAN: Anthony Dolan from Walnut  
23 Capital Partners. We are the owner of the shopping center  
24 that Atria's is located within. My address is 5500 Walnut  
25 Street, Suite 300, Pittsburgh, PA 15232.

1 I'm basically here to support Atria's and  
2 attest to the facts that soon after they opened and after  
3 their grand opening signs went down they were calling me  
4 telling me they were have having problems and they were  
5 searching for ways to provide themselves a little more  
6 visibility, specifically from the direction Jack is speaking  
7 of.

8 He kind of went through the gamut of ways to  
9 try to approach that. They've expressed to me that, you  
10 know, this is something that they absolutely need to do to  
11 hopefully regain some momentum and kind of right the ship  
12 from a sales standpoint and from a business standpoint.

13 When we put this project together several  
14 years ago we had quite a bit of interaction with the  
15 neighbors both in the rear and to the, I guess immediately  
16 adjacent to us. We didn't have as much across-the-street  
17 interaction with neighbors across the street, but I think  
18 what has happened is they are unfortunately given  
19 (inaudible) same kind of reasons dealing with here.

20 Lighting has been (inaudible) being counsel  
21 was kind enough from some particular ward or district to  
22 contact me and explain to me some of the concerns. I'm  
23 basically here tonight to tell you that we're going to do  
24 whatever the neighbors and my tenant and you deem  
25 appropriate.

1                   At the end of the day some of the things  
2 that they wanted us to look at were shields and stuff like  
3 that. We're happy to install that if somebody wants us to  
4 look at that. I do think the simple topography is an  
5 unfortunate situation. I can't change some of those things.

6                   The tenant has expressed a desire and  
7 willingness to allow me to shut down the parking lot lights  
8 within an hour of their closing. My understanding is that  
9 Rite Aid is already doing that, which is good. I was not  
10 aware that lights were on late.

11                   I was also not aware of some of the property  
12 management issues related to things like sweet sweepers and  
13 things coming in at very strange times of the day. So Mr.  
14 Sittig pointed it out to me and provided me an opportunity  
15 to figure out some of the problems that we're having up here  
16 from the neighborhood standpoint because, quite candidly,  
17 they're not calling me directly so I don't know.

18                   We did get some phone calls in the very  
19 beginning of this project when we first opened, which  
20 resulted in putting shields along the perimeter of lights.  
21 Apparently that itself is not working. Quite frankly, with  
22 the lights coming on too late, that's also an easy fix for  
23 us to do.

24                   But I'm here to basically, you know, let you  
25 know and let the neighbors know and my tenant know that

1 we'll do whatever you want us to do to try to make everybody  
2 happy.

3 MS. KANE: Thank you.

4 MR. SITTIG: That's all we have in the  
5 presentation, if you have any questions.

6 MR. OPALINSKI: I do have a couple  
7 questions. I guess the first is just in the category of  
8 what, if anything, has changed since the opening to justify  
9 this request? It sounds like you're discussing or bringing  
10 up the tapering grand opening signage. Where was that?

11 MR. HUNT: Along the hillside there was a  
12 banner that drew a lot of people into the grand opening, and  
13 they were up for the first month. They've since come down.  
14 On the main sign, which is in the middle of the right side,  
15 it says Now Open Atria's.

16 However, if you're not looking for that you  
17 won't see it. It's not something that points to this is  
18 where Atria's is. We are (inaudible) there is no lit  
19 signage on our building. So it has declined.

20 MS. KANE: It says Atria's on the building,  
21 but you're telling me it's not lit?

22 MR. HUNT: No. You just come upon it and  
23 say, oh, my God, there's Atria's.

24 MR. DOLAN: If I can make one point. I'm  
25 sorry. Part of this problem really is the developer and

1           tenant really not, you know, in my case, me, not truly  
2           understanding their need when we went in originally for  
3           signage, to be quite candid.

4                         We were still negotiating with them. We had  
5           not signed their lease when we sat down with Jeff and the  
6           planning commission at that time and, you know, determined  
7           the appropriate places for the signs were at those two entry  
8           points.

9                         But as it relates to their specific  
10          business, given the fact of where they're sitting in terms  
11          of elevation of the site and the road comes up so quickly, I  
12          mean, if I had to do it all over again we would have come in  
13          initially with this sign setup.

14                        But sometimes it takes the tenant to tell  
15          the stupid landlord where they erred in terms of signage,  
16          and that's what happened.

17                        MS. KANE: Are you talking about another  
18          sign on Ewalt Road?

19                        MR. DOLAN: They're identical.

20                        MR. OPALINSKI: What's the distance between  
21          the existing Rite Aid sign and the proposed new sign?

22                        MR. HUNT: I can give you approximate, but I  
23          don't know the exact. If I can show you on this picture  
24          here, the Rite Aid sign actually sits right here, right in  
25          front here. The problem with it is you don't see that until

1 you've passed us. I mean, it sits back. It's not up on the  
2 roadway. It sits back more like in the driveway.

3 MR. OPALINSKI: Immediately part of it  
4 there's the traffic light.

5 MR. HUNT: So when you hit that sign you're  
6 at the traffic light.

7 MR. OPALINSKI: Oh, it's at the traffic  
8 light, it's not at the entrance to the complex?

9 MR. DOLAN: I can answer your question for  
10 you. It's about 230 feet.

11 MR. SITTIG: Yeah, it's like 230 to 250. If  
12 you look at the plan that you have in the packet, the retail  
13 building itself is 195 feet. Then if you go to the center  
14 of Atria's that's another 30, and there's a little bit of  
15 distance past that building. So 230 plus.

16 MR. HUNT: I can show it in the picture.

17 MR. OPALINSKI: I see it now. That sign is  
18 not at the traffic light, it's at the entrance prior to the  
19 traffic light.

20 MR. SITTIG: That's right.

21 MR. WALZER: Right, it's its own parcel.

22 MS. JOCHIMS: So Rite Aid would have its own  
23 ground sign?

24 MR. HUNT: You actually, when you turn in at  
25 that driveway, you're driving through Rite Aid's property

1 first before you get to our property. We are at the very  
2 end of that property.

3 MR. OPALINSKI: Is your complaint with, I  
4 guess, the existing signage you have is part-- Is it the  
5 location of that sign or is it the size of--

6 MR. SITTIG: You just see Rite Aid. When I  
7 come up-- Well, unfortunately with the bridge being out on  
8 910 I don't come up that way now. But coming the other way  
9 from town and not being used to coming that way, I can tell  
10 you I thought that was an Eckerd sign. I didn't see Atria's  
11 on this, just having done that.

12 I think it has to do with the Rite Aid sign  
13 red, blue, and white, and I think it's part of the  
14 architecture of it. It's that Atria's is trying to blend in  
15 more. I think that's to their detriment. The signage on  
16 the building, commenting on the square footage, is certainly  
17 not blaring and it's not neon. It's consistent with the  
18 neighborhood. Rite Aid is more, it's just more obvious.

19 So I think there's a combination of things  
20 going on, but you just see Rite Aid.

21 MS. JOCHIMS: Are their other complaints  
22 with the other tenants in regard to signage? I know Pizza  
23 Fusion is there.

24 MR. DOLAN: Sure. They have not expressed  
25 as much of a complaint as Rite Aid. But what happens is

1 they have more visibility; specifically Pizza Fusion in  
2 particular, because they're on that one end cap. They just  
3 tend to have a lot more visibility.

4 I think what their specific concern has  
5 always been is that people are blowing past the entrance  
6 because they're simply not noticing that quick enough. I  
7 have a lot more interaction with Atria's than I do with some  
8 of the smaller tenants because they're in two of our  
9 locations and they're also a partner in one of other  
10 projects.

11 So perhaps because of that closeness I can  
12 hear more from them. That doesn't mean that they're not  
13 experiencing similar problems, but they haven't interacted  
14 with me on that specific issue. Actually, one tenant just  
15 opened up last month, Quest Diagnostics.

16 MS. JOCHIMS: That's a--

17 MR. DOLAN: That's right. Your question is  
18 about getting a little further away from the entrance so  
19 that people have a little more warning before they get there  
20 and the fact that it's going to be having a sign kind of  
21 sitting on its own to allow Atria's to have its own identity  
22 and people to see that, not, as Bill indicated, kind of get  
23 blended in with the other signage at that point.

24 So we will be deleting that sign. We will  
25 be removing that and just (inaudible) that will welcome

1 nonsignage at that point. We'll be deleting that signage  
2 off of our sign. That would be a part of it.

3 MS. KANE: I understand that people coming  
4 southbound would see that sign if it were where you propose  
5 to locate it. It's not as if they have a chance to see a  
6 pylon sign and actually make a right-hand turn at the  
7 traffic light and come to the lot to get to you.

8 Coming northbound they can't cross over the  
9 road at the second pylon sign, so they actually have to turn  
10 at the traffic light to come into your restaurant. That  
11 sign, I mean, if you're asking for a reason to identify this  
12 problem, I don't see where this sign is going to help. It  
13 may even make it worse from the other direction.

14 MR. DOLAN: I would concede to point. But  
15 they also have the benefit of the building. When you're  
16 going northbound, really, the building is the billboard at  
17 that point, the building itself. You're at the elevation  
18 where you can see the building.

19 The problem is the southbound traveler  
20 coming down and for them, one, to safely get into the  
21 property and for them to see it. I think in the end having  
22 that monument sign for the northbound traveler I would agree  
23 that primarily it's that building.

24 But having their own identity does kind of  
25 constantly reinforce the traveler who may not be going there

1 that day that, oh, yeah, Atria's, I've got to remember to  
2 pick up something on the way home, you know, two weeks, the  
3 next day, or whatever. It's kind of that constant  
4 reinforcement of the presence in that market.

5 MS. KANE: I think the Rite Aid building is  
6 the most visible building there from either direction with  
7 being given the top billing on the pylon sign on Route 8.

8 MR. DOLAN: We don't own that sign. That's  
9 one of the things. We have a reciprocal easement agreement  
10 with Rite Aid, but Rite Aid actually owns that sign and they  
11 own--

12 MS. JOCHIMS: Both, they own both?

13 MR. DOLAN: We own this one.

14 MS. KANE: That's what I mean, this sign,  
15 the sign that is right at the entrance from going  
16 southbound.

17 MR. DOLAN: It's in the lease.  
18 Unfortunately I don't have that right here. I would be  
19 happy to provide it to you folks. I don't have the right to  
20 do that, to go in after the fact and change that. That sign  
21 exhibit is actually, the sign itself has an exhibit and it  
22 is in my lease. So I don't have that right to do that.

23 But I think what they're trying to get at is  
24 to separate themselves off of the sign and provide their own  
25 identity. I think that's what, really, it's not about how

1 big it is really. I think for them it's about getting a  
2 little further away, you know, getting further away from the  
3 entrance so people have more of an understanding of when you  
4 turn.

5 MR. HUNT: It would also make it a more safe  
6 condition and having their own identity and not being kind  
7 of a part of the plaza of being--

8 MR. DOLAN: Most of their units, if you've  
9 seen them, they do have a freestanding unit in Peters  
10 Township, but a lot of their units, Fox Chapel, for example,  
11 Mount Lebanon, and the one in Wexford, they are kind of  
12 their own freestanding, you know, units. So it provides  
13 them a little more identity from that standpoint.

14 MR. HUNT: If I could please, we've been  
15 growing. Atria's has been a company now for ten years. We  
16 have grown a brand in Western Pennsylvania that a lot of  
17 families recognize us as Atria's.

18 The reason this would help us here is not so  
19 much pulling in the day you're coming, which would help, but  
20 it's driving by there. I still have folks that live in  
21 going towards the Butler area that didn't know we were here.  
22 They have been in our Wexford store and said what do you  
23 mean you have one in Richland. They've driven right by it.  
24 Okay?

25 So the branding thing is going to help us

1 even more than the actual sign will, but the sign is part of  
2 that brand is what I'm getting at. Trust me, if I didn't  
3 have to spend more money to put up a sign I wouldn't be  
4 doing it. I'd much rather pump it back into my restaurant.

5 But I need to do this. This isn't just I  
6 want to say, hey, it would look nice. I need to do this.  
7 This is our business. I am not prospering here like we are  
8 anywhere else. It's more a cry for help than anything.

9 MS. JOCHIMS: Gentleman to your right. I  
10 know I've seen your face.

11 MR. HUNT: I wanted to respond to Mr.  
12 Opalinski's comment about our opening signage. When we  
13 first opened we were able to get it out that it was now open  
14 and it was located in that area that was right catty-corner  
15 to where the light was, the traffic light, in that flat  
16 area.

17 It was good after we first opened. Then two  
18 months later came our Octoberfest celebration, and the  
19 township was nice enough to allow us to maintain that banner  
20 there. So we had the signage for three months.

21 Christmastime came, and we didn't know that  
22 we weren't able to keep that area. We put a new banner up,  
23 and we were told that we were no longer able to use that  
24 spot. So then we applied for and received a temporary  
25 30-day signage that we put in front of our property because

1 it had to go by our property.

2 Now, the way that ordinance reads is I  
3 believe you can't apply again for temporary, you know, for  
4 another 60 days. So we had one temporary. So we've been  
5 constantly fighting this trying to get our name and our  
6 identity out there on that hillside or adjacent to the  
7 hillside on that flat spot.

8 MS. JOCHIMS: So the new ordinance doesn't  
9 allow temporary or they have to be banners on the building?

10 MR. DOLAN: At the time, though--

11 MR. WALZER: That wasn't the case.  
12 Actually, just a little history, these folks got another  
13 sign when they could have over the ordinance and then July  
14 16th they came for a permit. I didn't know what they wanted  
15 to do.

16 MR. DOLAN: Right. It's been something that  
17 we've been working at for the whole year.

18 MS. KANE: Let's see if there's any  
19 neighbors.

20 MS. JOCHIMS: If anybody is here in the  
21 audience who'd like to speak. Ma'am, you may come up to the  
22 podium and give your name and address.

23 MS. LISAC: I'm Peggy Lisac. I'm here as a  
24 member of the Orchard Park Neighborhood Association. I live  
25 at 125 Applewood Drive directly across the street from Rite

1 Aid. We had a meeting with people from Atria's as part of  
2 the Orchard Park Association. It was a cordial meeting. I  
3 think it went quite well, actually. We were all very  
4 pleased (inaudible) as well as the (inaudible) directly  
5 affected by the light from the mall.

6 One thing I wanted to share is, really,  
7 after talking after our meeting there are no objections to  
8 the new sign. However, one thing I would really like to put  
9 out there, and I've talked to you all before, with Walnut  
10 Capital is I have never ever or my husband been contacted by  
11 Walnut Capital regarding this.

12 We have contacted them repeatedly to try to  
13 resolve the light issues. The big front four square is on  
14 from about 7:00 or 8:00 in the evening until when I leave  
15 for work around 6:00. I purchased blackout blinds and went  
16 and got one of those little movie masks, thinking that would  
17 help. The lights shine directly into my bedroom.

18 We have not received a response. The most  
19 conversation we had was before we approached them and said  
20 our yard will be affected with threats from kids cutting  
21 through our yard of I hope your house burns down because we  
22 said please don't cut through. So the mall has created  
23 quite a havoc for us.

24 Again, no, we're learning to live with it.  
25 We are asking the people at Walnut Capital something about

1 these lights. It's not fair to keep these brilliant lights  
2 on all night long. That includes the one that would be  
3 between this one on Ewalt Road. There's a light on all  
4 night, and it's very bright. Summer is okay with leaves.  
5 We're coming up to fall, no more trees.

6 We discussed this with them last night. I  
7 think it is, as my co-fellow members here would say, we  
8 really were okay with the sign. But if you could please  
9 help us with the lighting, it's what we're requesting.

10 MS. JOCHIMS: Thanks. Yes, please come up.

11 MR. BOFF: I live at 5518 William Flynn  
12 Highway. I'm directly across from Atria's. First I would  
13 like to thank you for the opportunity to voice my opinion  
14 and for notifying me of Atria's request.

15 It has been my opinion that all of Route 8  
16 in Richland Township on both sides of the highway should be  
17 turned highway commercial. I also wish that Richland  
18 residents would try to help local businesses instead of  
19 fighting against them and support them instead before going  
20 out to other businesses.

21 As you may or may not be aware, several  
22 months ago I stood before the board of supervisors and asked  
23 them for fewer restrictions on our property. Concerning  
24 Atria's sign, I feel as though we should be treated the same  
25 as them and they should be treated the same as any

1 businesses in Richland, such as Sonic and Applebee's.

2 Atria's is an outstanding neighbor and  
3 establishment. They have great food. I'm really happy they  
4 chose our township to build. They keep their property clean  
5 and well maintained. They provide many local residents with  
6 employment, and they're within walking distance of hundreds  
7 of homes.

8 I feel that it would be wrong for anyone to  
9 argue that an establishment along a four-lane highway in  
10 this area would be denied advertising that they need to stay  
11 in business.

12 It is in everyone's best interest --  
13 Richland Township, Allegheny County, and the state of  
14 Pennsylvania -- for our residents to support business. They  
15 are a great asset to all of us, and without them our  
16 property taxes would be higher than they are.

17 My family will most likely be impacted by  
18 this sign more than anybody else that lives nearby. It will  
19 be directly across from our large living room window. Of  
20 course, I don't want to look at Atria's sign any more than  
21 other neighbors would want to look at my sign from their  
22 residence.

23 Anyone that bought property within a hundred  
24 yards of Route 8 in my mind must have or should have  
25 realized that over the years change would and must occur to

1 accommodate population growth. I know that when I visit a  
2 restaurant or the post office, the grocery store, a bank, or  
3 any other service I don't want to wait in long lines.

4 When I go find the proper business for my  
5 location, I hope that whoever is sitting in your position  
6 will understand how important small businesses are to  
7 promote good schools, hospitals, and other township  
8 services.

9 I will bring this letter to their attention  
10 at that time and will fight for my right to be treated no  
11 less than equal to other residents and commercial  
12 establishments. Thank you for your attention.

13 Below I have some signing information that  
14 I've been able to find out about my property. Even with the  
15 new Route 8 overlay I'm still required to follow many of the  
16 medium intensity residential rules.

17 I won't read those out loud. You can read  
18 them yourself. They're pretty repetitive in cases of 20  
19 square foot, 10 foot on each side, all the details are  
20 there. So I won't go ahead and take up any more of your  
21 time. But I think that Atria's should definitely be able to  
22 put their sign there.

23 Thank you.

24 MS. JOCHIMS: Anybody else?

25 MS. ROBINSON: I'm president of the Orchard

1 Park Neighborhood Association. I just wanted to corroborate  
2 what everyone has said so far about the cordial meeting that  
3 we had last night. But I did just want to add one detail as  
4 to why we're okay with this sign.

5 We were told that it would be lit from the  
6 inside and that the light, that it would produce, would be  
7 more of a diffuse light, diffuse in nature, and wouldn't  
8 really add to the light pollution from overhead. I just  
9 wanted to make that point clear. Thank you.

10 MR. WALZER: We're looking at the  
11 landscaping of this sign, if it were approved, to maybe do  
12 something with the landscaping, maybe a flower type thing to  
13 grow a little and hide the brick a little bit rather than  
14 the shorter things. Other than that, that was our only  
15 staff comment.

16 MR. HUNT: I don't have any problem with  
17 that.

18 MR. DOLAN: Do you need me to go on the  
19 record? We're happy to do that. We'll add some color. I  
20 think the key is adding color there, Jeff.

21 MS. JOCHIMS: The decision (inaudible)  
22 necessarily know it is off this current sign but the  
23 overhead signs. They're on timers?

24 MR. DOLAN: The lights?

25 MS. JOCHIMS: Yes.

1 MR. DOLAN: Like I said, I'm going to or  
2 we'll get to the bottom of the light issue. I'm going to  
3 have my property manager over here tomorrow. As a matter of  
4 fact, he was already scheduled to come over based on this  
5 meeting Atria's management was having with him.

6 What we're scheduled is those lights, our  
7 lights to shut down within an hour of the close of that  
8 operation, which I understand typically is around 12:00 in  
9 the evening. So those with the big tall lights, I think  
10 from one Peggy mentioned, those are the ones causing the  
11 most problems. So they're obviously the ones that need to  
12 be addressed.

13 MS. JOCHIMS: The headlights aren't a  
14 problem I guess when cars pull in?

15 MR. DOLAN: Are cars' headlights a problem  
16 as well?

17 MS. LISAC: No.

18 MR. DOLAN: Just the big lights.

19 MR. HUNT: Across from my property.

20 MR. DOLAN: There is a row of shrubs we put  
21 in there initially, and they haven't matured yet. I can  
22 talk to our landscaper and see if there's a way with this  
23 additional sign I think that even makes it more of a reason  
24 why we can get some taller shrubs along that one section  
25 there.

1                   I don't know how else to shield-- When you  
2 look at our photometric plan where that's not going to tell  
3 the tale, it's about Peggy's house and Jeff's house and our  
4 elevation to them. That's part of the problem. So I will  
5 be on the phone when I leave here this evening with my  
6 property manager to try to address this.

7                   I was concerned that Rite Aid's lights were  
8 also on because I don't have as much control over Rite Aid.  
9 There is a reciprocal easement agreement between the two  
10 property owners, and they're required to basically time  
11 their lights up with ours.

12                   They're actually not to the betterment of  
13 the neighbors. So we obviously won't upset that apple cart.  
14 I think they're shutting down around 10:00. So we'll work  
15 with Atria's management and shut them down.

16                   They may have some, they probably have some  
17 security lights on the side of their building. They stay on  
18 until they close for their employees.

19                   MS. JOCHIMS: For the safety issues.

20                   MR. DOLAN: But the big lights will get shut  
21 down above the lights directly across the street from dusk  
22 to dawn light.

23                   MR. BOFF: I appreciate the lights for  
24 security reasons. I have cameras on all sides of my home.  
25 Lights would be nice. I can see everything. Everything is

1 taped.

2 I think the lights, not to say that Peggy doesn't  
3 deserve to have her quiet, not to cause any problems with my  
4 neighbor, but everyone is going to have-- I have all my own  
5 vehicles and stuff there. Not to give a problem to other  
6 neighbors, but I like it.

7 MR. DOLAN: I will tell you when we actually  
8 developed the site, not to belabor the point, we knew that  
9 this was, you know, when you have lights you have-- This is  
10 a very good example of what I'm talking about.

11 We were so focused on my immediate neighbors  
12 in the back because we were not that far from them. I said  
13 to them, look, when we open up you tell me if you want the  
14 lights. Some people want them on for security, some people  
15 want them shut down because it's glowing in the window. So  
16 that's the kind of given-- This is what happens when you  
17 kind of open up.

18 But I think that the appropriate thing to do  
19 at this point, given not just Peggy's concern and some of  
20 the other neighbors, is to shut them down as quickly as we  
21 can.

22 MS. LISAC: We truly are concerned for the  
23 employees' safety. We don't want them to go out to their  
24 cars in the dark. That's something that we mentioned. We  
25 certainly appreciate it. Rite Aid shuts theirs off.

1                   MR. HUNT: When we were talking last night  
2 one of the things on the safety side, we will have our  
3 employees move their cars over to the building when we close  
4 while the lights are still on. Then they can have ample  
5 light for them to get to their car. But it would be an hour  
6 after we would close.

7                   MS. JOCHIMS: Okay. Any other questions?

8                   MR. OPALINSKI: Nope.

9                   MR. O'MALLEY: My name is Brian O'Malley. I  
10 live at 118 Chowning Court. I also want to point out I'm  
11 speaking as a private citizen, not on behalf of the board of  
12 supervisors, even though I serve on the board of  
13 supervisors.

14                   I want to thank Walnut Capital and Atria's  
15 for working with the neighbors. One of the things I've  
16 always pushed for is making sure that our developers are  
17 good neighbors, and that sometimes means going above and  
18 beyond when our regulations are asking them to do things  
19 that we can't make them or force them to do.

20                   I originally at first was not for the sign.  
21 It seemed that they were willing to work with the neighbors  
22 and be good neighbors. I have no problem with it this time.  
23 I also would like say on Jeff's point if there's any way to  
24 -- I'm no expert -- just try to, I guess, cover up a little  
25 bit more this way just because that's a pretty good slope.

1                   That's all I have. Thank you.

2                   MR. OPALINSKI: I'll make a motion to grant  
3 Atria's request for both the additional 52.5 square feet  
4 sign for a new ground sign as well as to encroach eight foot  
5 six inches further from the required zoning setback.

6                   MS. JOCHIMS: I will second that motion  
7 based upon only Atria's having the true geographic  
8 impediment from all those businesses in that parcel. What I  
9 don't want to see is everyone coming back and everybody  
10 requesting a ground mounted sign.

11                   So I'm going to condition this upon it truly  
12 sits back in that corner. There is no way to see. I live  
13 in the area, and I know that it's there. But, you're right,  
14 there is no way to see. You don't look at all those  
15 individual signs.

16                   I think there are other places that are  
17 destination spots that you know that they're there as  
18 opposed to someone passing by and stopping in. I do think  
19 that you work very well with the neighbors, and I am very  
20 happy to hear that. But I will second that motion.

21                   All in favor.

22                   MR. OPALINSKI: Aye.

23                   MS. JOCHIMS: Aye.

24                   MS. KANE: I'm not in favor. The things  
25 that I object to are -- it's been water over the dam for a

1 long time -- but there are plenty of places in Richland  
2 Township that would have been a wonderful place to have a  
3 restaurant, extremely visible outparcels in existing malls.

4 Now, I understand that wouldn't have given  
5 Mr. Dolan any business. But I kind of regret that you  
6 aren't doing well, and I kind of want to say, you know, you  
7 should have come to us and talked to us because we would  
8 have told you where to put it. But it's just one more sign.

9 I looked today at the signs at the  
10 restaurants that you mentioned, Mr. Boff, that are up in the  
11 next shopping plaza. You're right, they do have monument  
12 signs in front of them, but they're not on the big pylon,  
13 you know, the pylon type signs.

14 MS. JOCHIMS: Because they're outparcels and  
15 they're allowed.

16 MS. KANE: That might have been a better  
17 solution here, that if we could have gotten rid of the big  
18 Rite Aid sign maybe it would have been better to have this  
19 type of sign. But according to the question I asked you  
20 don't really have any control over that, that's Rite Aid's.  
21 So that kind of went out the window.

22 I came in here thinking if I could  
23 compromise in that respect you could have your sign and we  
24 could diminish the impact of those two large signs that I  
25 don't think are very attractive to begin with. But you got

1 your two votes that you needed. So that's where I stand.

2 I just wish that the empty storefronts and  
3 the empty parcels along Route 8 somebody would choose to  
4 locate in them as opposed to creating more and more  
5 commercial development that obviously we can't sustain.  
6 It's just very unfortunate.

7 Our township, in my mind, is going to look  
8 like Route 22 out by Monroeville, past Monroeville. That's  
9 just something I don't want to live with.

10 That's all. I have vented.

11 MS. JOCHIMS: The motion is granted. Motion  
12 to adjourn?

13 MS. KANE: I move to adjourn.

14 MS. JOCHIMS: All in favor.

15 MS. KANE: Aye.

16 MR. OPALINSKI: Aye.

17 MS. JOCHIMS: We're adjourned.

18 (Whereupon, at 8:10 p.m., the proceedings  
19 adjourned.)  
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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 Penn Hills Township, Pennsylvania this 14th day of November 2008.

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Karen L. Cross  
Reporter - Notary Public

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