

BEFORE THE
NORRISTOWN BOROUGH ZONING HEARING BOARD

- - -
A public hearing was held before the above Board to consider Application Number 15-19 a request for variances of NORRISTOWN CENTER A LP, NORRISTOWN CENTER B LP, for a property located at 1800 Markley Street, Norristown, Pennsylvania.

The hearing was held in the Norristown Borough Hall, 235 East Airy Street, Norristown, Pennsylvania, on June 25, 2019, commencing at 8:10 P.M. before Carol L. Skipper, Court Reporter and Notary Public for the Commonwealth of Pennsylvania.

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BEFORE:

KELLY DEVINE, CHAIRWOMAN
ANDRE HAYES
DARCHELLE PIERCE
JASON DENNIS

ROBERT SARACENI, JR., ESQUIRE, SOLICITOR

BETSY HELSEL, PLANNING DEPARTMENT

APPEARANCES:

ROSS WEISS, ESQUIRE
FOR THE APPLICANT

KATE HARPER, ESQUIRE
FOR KKR INVESTMENTS

COPY

E-X-H-I-B-I-T-S

- - -

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>MARKED</u>
A-1	Affidavit of publication.	5
A-1	A copy of the deed.	7
A-2	Aerial.	7

1 THE CHAIRWOMAN: The next case before
2 us is 15-19, a request for variance, and
3 the applicant is Norristown Center A LP
4 and Norristown Center B LP of 41
5 University Drive, Suite 100, Newtown, PA.
6 The property is located at 1800 Markley
7 Street, Norristown, PA. 19401. The
8 property owner is Norristown Center A, LP
9 and Norristown Center B LP of 41
10 University Drive, Suite 100, Newtown, PA,
11 18940.

12 As stated on the Zoning Hearing Board
13 application, the applicant is requesting
14 the following variances from the
15 requirements of Article 27, signs, of
16 Chapter 320, zoning, of the Code of the
17 Municipality of Norristown:

18 Section 320-328 Use Table by
19 District.

20 1. Freestanding Signs-Maximum Number
21 (one) to allow for four free standing
22 signs.

23 2. Freestanding Signs-Maximum sign
24 area (15 square feet) to allow for two 168

1 square feet and two 152 square feet.

2 3. Wall Signs-Maximum Number (one per
3 frontage) to allow for five wall signs.

4 4. Wall Signs-Maximum Sign Area (35
5 square feet) to allow for three with an
6 area of 37.85 square feet.

7 5. Gas Canopy Signs to allow for two
8 with an area of 37.85 square feet where
9 none are expressly permitted.

10 6. Fuel Dispensary Signs to allow for
11 16 with an area of 1.2 square feet, where
12 none are expressly permitted, and finally

13 7. Directional Signs to allow for
14 three with an area of four square feet
15 where none are expressly permitted.

16 Good evening.

17 MR. WEISS: Good evening my name is
18 Ross Weiss. I represent the applicant.

19 MS. HARPER: Madam Chair, I would
20 like to enter my appearance, Kate Harper,
21 on behalf of KKR Investment, a property
22 owner in the neighborhood.

23 THE CHAIRWOMAN: Would you like to
24 present your application?

1 MR. WEISS: Yes, thank you. Before
2 we get started, I would like to request
3 that the Zoning Hearing Board enter into
4 the record a copy of the Affidavit of
5 Publication as your exhibit. Do you have
6 copies?

7 MR. SARACENI: Do you have a copy,
8 Betsy?

9 MR. WEISS: I have extra copies if
10 you need them.

11 MS. HELSEL: No, I have them. You
12 wanted the Affidavit?

13 MR. WEISS: Since Miss Harper is here
14 on behalf of KKR, I would like to ask if
15 she will stipulate that her client
16 received notice of this zoning matter?

17 MS. HARPER: She did, and I will
18 stipulate to that.

19 MR. WEISS: Thank you.

20 MR. SARACENI: We are going to mark
21 this as A-1, the Affidavit of Publication.

22 - - -

23 (Exhibit A-1 marked for identification.)

24 - - -

1 MR. WEISS: Members of the Board, I
2 have handed everyone, and I have also
3 given Miss Harper and her client a copy of
4 our exhibits for tonight's hearing, and
5 the exhibits are numbered 1 through 5.
6 We'll probably only have one witness, Sam
7 Renauro, the civil engineer, and the
8 witness will testify as to the plan and
9 the signs. Sam, would you please come
10 forward and be sworn.

11

- - -

12 SAMUEL RENAURO, having been first duly sworn, was
13 examined and testified as follows:

14

- - -

15 BY MR. WEISS:

16 Q. Sam, by whom are you employed?

17 A. SR 3 engineers.

18 THE COURT REPORTER: May I have the
19 spelling of your name, please?

20 THE WITNESS: R-E-N-A-U-R-O.

21 MR. WEISS: Sam, do you want to stand
22 up here? Members of the Board, our first
23 exhibit is identified as Applicant's
24 Exhibit 1, and it is a copy of the deed.

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I would ask that you accept that and take notice of it.

Sam, our second exhibit is the aerial. Would you please put that on the board for everyone to see.

MR. SARACENI: Mr. Weiss, you also included in the package the application with addendum?

MR. WEISS: Yes.

MR. SARACENI: Do you want to mark that as well? You have it on your index as A, so we'll leave it as that.

MR. WEISS: That is fine, and the exhibits will be A-1 through 5.

THE WITNESS: A-1?

MR. SARACENI: The aerial is actually A-2.

MR. WEISS: The deed is A-1.

MS. HARPER: I have no objection on behalf of my client.

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(Exhibits A-1 and A-2 marked for identification.)

- - -

1 BY MR. WEISS:

2 Q. Sam, did you or your office, under
3 your direction, prepare A-2, the aerial?

4 A. Yes.

5 Q. And would you please explain to the
6 members of the public and the Zoning Hearing
7 Board what the aerial depicts. Where is Markley
8 Street? Where is Johnson Highway?

9 A. Yes. The property is at the
10 intersection--

11 Q. I'm sorry, Sam, are you a civil
12 engineer?

13 A. Yes.

14 Q. And, in addition to being a civil
15 engineer, do you also prepare applications for
16 sign variances and plans for signs?

17 A. Yes, I do.

18 Q. What is the name of your company?

19 A. SR 3 Engineers.

20 Q. Where are you located?

21 A. In Bellmawr, New Jersey.

22 Q. Do you also practice and are licensed
23 to practice in Pennsylvania?

24 A. Yes.

1 Q. And are you a professional engineer?

2 A. Yes, I am.

3 Q. Have you testified before other
4 zoning hearing boards as well as this Zoning
5 Hearing Board and qualified as an expert?

6 A. Yes, I have testified before 70
7 boards, twenty in Pennsylvania, including this
8 Zoning Board, and Norristown Council.

9 Q. Have you done these types of
10 applications for Royal Farms, which is a
11 convenience store with 24 hour, seven day a week
12 gasoline sales?

13 A. Yes, I have.

14 Q. Have you had similar applications for
15 other clients?

16 A. Yes, I have, including Wawa.

17 Q. Members of the Board, --Have you
18 testified before this Board and before other
19 Boards of Norristown?

20 A. Yes, I have.

21 Q. That would be Norristown Council as
22 well as the Planning Commission?

23 A. This Board, Norristown Council,
24 Planning Commission, and Design Review Committee.

1 Q. Thank you.

2 MR. WEISS: Members of the Board, I
3 would ask you to accept Sam Renauro as an
4 expert witness.

5 MR. SARACENI: Any objection?

6 MS. HARPER: No objection.

7 MR. WEISS: Thank you.

8 - - -

9 BY MR. WEISS:

10 Q. All right, Sam, back to A-2, go
11 ahead.

12 A. Okay. The property is at the
13 intersection of Markley Street and Johnson
14 Highway. It is a 23, approximately a 23 acre
15 property with several buildings located on the
16 property. In addition, there is proposed
17 construction that is about to occur. The signage
18 application is for that application.

19 Q. Is the plan that led to the signage
20 application; is that an approved and recorded
21 land development plan?

22 A. Yes, it is.

23 Q. And is that a plan that was prepared
24 by you, dated January 7, 2017, last revised April

1 4, 2019?

2 A. Yes.

3 Q. And, for the Royal Farms, would you
4 please go to your Exhibit A-4.

5 A. Signage exhibit?

6 Q. Yes.

7 - - -

8 (The witness places a plan on the easel.)

9 - - -

10 MR. WEISS: You can mark that as A-4,
11 please.

12 - - -

13 (Witness complies.)

14 - - -

15 (Exhibit A-4 marked for identification.)

16 - - -

17 BY MR. WEISS:

18 Q. Would you please point on A-4 to
19 Markley Street and Johnson Highway again.

20 A. Referring to Exhibit A-4, Markley
21 Street runs north/south. On the west side of the
22 property Johnson Highway runs east west on the
23 north side of the property.

24 Q. And is there a driveway on Markley

1 Street into the shopping center?

2 A. There is an existing driveway and a
3 proposed driveway, yes.

4 Q. Where is the existing driveway and
5 where is the proposed driveway?

6 A. The existing driveway is across the
7 street from the Sav-A-Lot on Markley Street, and
8 there is a second proposed driveway as part of
9 the application you referred to in April, that is
10 across the street from Logan Street.

11 Q. Is the second driveway, the proposed
12 driveway; is that intended to be signalized?

13 A. The southerly driveway we call
14 driveway B is proposed to be a traffic signal.

15 Q. That driveway, driveway B, does that
16 have a highway occupancy permit from PennDOT that
17 was issued on January 30 of this year?

18 A. Yes, approved and ready to go.

19 Q. The Royal Farms, where is it located
20 on the property?

21 A. The Royal Farms is located between
22 the Logan Street driveway and the Dunkin Donuts
23 along with it faces Markley Street.

24 Q. How large is the Royal Farms with how

1 many parking spaces and how many gas stations,
2 gas pumps?

3 A. The Royal Farms lease area is
4 approximately 2.7 acres. There is 8 multi
5 product dispensers for the building. The
6 building is approximately 6100 square feet, and
7 there is 81 parking spaces.

8 Q. What is the size of the entire
9 shopping center in which Royal Farms' parcel is
10 located?

11 A. Royal Farms is located in the entire
12 parcel, which is approximately twenty three
13 acres.

14 Q. Is the new driveway to be right in
15 and right out only?

16 A. No, the new driveway is going to be
17 restricted left out only. It will allow left in,
18 rights in, right out across from Logan street.

19 Q. Will there be improvements to the
20 existing driveway?

21 A. Yes. The existing driveway in front
22 of building one, which is the USM building, will
23 receive a traffic signal, and there will be
24 widening also along the frontage of Markley

1 Street.

2 Q. What other uses are in the shopping
3 center? First in proximity to the proposed Royal
4 Farms and elsewhere?

5 A. In the shopping center there is a
6 variety of uses. There is an existing Dunkin
7 Donuts at the intersection of Johnson and
8 Markley. We call it building five. It is the
9 building adjacent to Johnson highway. There is
10 an Aarons. There is other uses, a medical use,
11 and then the larger building we call building one
12 is where USM's headquarters is located. In
13 addition, there is Social Security, and a couple
14 of other medical uses that are in that building,
15 and so there is a variety of mixed uses on the
16 site.

17 Q. Does the -- You may have already
18 mentioned this while I was looking down; does the
19 Department of Transportation, PennDOT, have a
20 testing facility on the property?

21 A. Yes, thank you. PennDOT does. It is
22 located in building one, and they have a testing
23 facility driving area near Johnson Highway.

24 Q. On Johnson Highway are there

1 driveways?

2 A. Yes, there are several driveways on
3 Johnson Highway. In the existing condition there
4 are five driveways including the right in right
5 out, Dunkin Donuts driveway. The proposed
6 application will reduce that to four driveways on
7 Johnson Highway.

8 Q. Does the proposed improvements to the
9 property related to Royal Farms, you mentioned it
10 includes parking; does it also include curbing,
11 sidewalk, handicap ramps, et cetera?

12 A. Yes.

13 Q. And storm water facilities?

14 A. Yes.

15 Q. Would you please go to Applicant's
16 Exhibit 3.

17 A. That is the photos?

18 Q. Yes, that is the photos.

19 - - -

20 (Exhibit A-3 marked for identification.)

21 - - -

22 BY MR. WEISS:

23 Q. Would you please tell everybody,
24 starting at the upper left hand corner, what the

1 photos depict, and did you take the photos?

2 A. We did, yes. These photos are in
3 your packet, so I will briefly go through these
4 photos. First is a view of Johnson Highway along
5 the property frontage facing, I guess that is a
6 northwesterly direction.

7 Second photo is a photo of the existing
8 Aarons sign that will remain. That is a photo
9 facing south in a southwesterly direction. There
10 is a third photo we have titled "existing center
11 sign to be removed." That is along Johnson
12 Highway facing south. Next sign is a Dunkin
13 Donuts store front sign to remain at the
14 intersection of Johnson and Markley. We have a
15 sign that is labeled, "existing center sign to be
16 removed". This is along Johnson Highway,
17 approximately half way along the frontage. There
18 is a photo labeled, "existing center sign to be
19 removed along Markley. " That is also
20 approximately half way across the frontage of
21 Markley Street.

22 Next panel shows Markley Street property
23 frontage facing north, self explanatory. It
24 shows an existing sign that will be relocated,

1 and finally Markley Street property frontage
2 facing south. That is the location of the
3 proposed signal.

4 Q. Would you now please go back to
5 Exhibit A-4. Sam, on A-4 you have numbers and
6 circles at different locations?

7 A. Yes. The rendering you see--

8 Q. Hold on, let me ask a question first.
9 Are those locations indicated locations of
10 proposed signs?

11 A. Yes.

12 Q. Now, referring to the application
13 that we filed, did you identify six sign types,
14 sign locations, in the application?

15 A. Yes.

16 Q. And do those numbers, by chance,
17 correspond with the numbers on the plan? They
18 don't have to, I just want to make sure the
19 Zoning Hearing Board knows.

20 A. Yes, we provided a number system on
21 the exhibit, Exhibit A-4, that shows the sign
22 numbers with circles pointing to the signs.

23 Q. As to the pole signs, how many pole
24 signs are currently on the property?

1 A. There are currently five pole signs.

2 Q. How many pole signs are being
3 replaced?

4 A. We are keeping two of those existing
5 signs, and three of them are being replaced.

6 Q. Which two are being kept and which
7 three are being replaced?

8 A. The two signs that are going to
9 remain are the Dunkin Donuts sign, that will
10 remain unchanged along Markley Street near the
11 intersection, and the second sign is the Aarons
12 sign. That is the tenant in what we call
13 building five along Johnson highway. It is the
14 sign furthest to the east, on the property, and
15 that sign will remain, Aarons sign.

16 Q. In our application in the request for
17 relief, the first request for relief is to allow
18 two 168 square foot free standing signs and two
19 162 square foot free standing signs, where
20 fifteen square feet is permitted. Is that the
21 limitation in Section 320-328, the sign table of
22 the Zoning Code of Norristown?

23 A. Yes.

24 Q. And would you please show everybody

1 where the two 168 square foot free standing signs
2 that are proposed are located?

3 A. Yes, referring to Exhibit A-4, the
4 two 168 square foot signs are the signs for Royal
5 Farms, and one is located along Johnson Highway
6 at the main entrance. We are calling that the
7 main entrance of driveway C. The second Royal
8 Farms 168 square feet is along Markley Street in
9 front of the Royal Farms near driveway A across
10 from Logan Street.

11 Q. And what about the 162 square foot
12 free standing signs?

13 A. We are also proposing two 162 square
14 foot signs. These signs are for the overall
15 development known as Royal Farms, Dunkin Donuts,
16 and two signs are proposed, one is at the
17 proposed signal. We are calling it driveway B,
18 but it is along Markley Street at the proposed
19 signal. The second development sign is 162
20 square feet. We have labeled it number six in
21 your packets. That sign is located near building
22 four along Johnson Highway.

23 Q. Now, going back to driveway B, it
24 will be signalized; was that a signal that was

1 required by PennDOT when we sought a highway
2 occupancy permit?

3 A. Yes, the signal and location was
4 required by PennDOT.

5 Q. In your opinion, considering the size
6 of the shopping center, the driveways, the uses
7 that are in it, is fifteen square feet enough
8 signage area for this type of a shopping center?

9 A. No, that is not nearly enough.

10 Q. Let's go to number two. The second
11 relief that we sought was to allow five wall
12 signs where one is permitted. Again, is the
13 limitation to one wall sign in Section 320-328,
14 the signage table?

15 A. It is, I believe, one wall sign per
16 frontage.

17 Q. And we are requesting five wall
18 signs?

19 A. We are requesting five.

20 Q. Are those all Royal farm signs?

21 A. They're all Royal Farms signs, and
22 they're all on the Royal Farms building, and I
23 would like to clarify the signs.

24 Q. First, on A-4; are those signs

1 identified and numbered?

2 A. Yes, they're the signs with the
3 number 2, and 2 A on the labels, and those are
4 all wall signs for the Royal Farms.

5 Q. Do you want to go to Applicant's
6 Exhibit A-5?

7 A. Yes.

8

- - -

9 (The witness places documents on the easel.)

10

- - -

11 BY MR. WEISS:

12 Q. This is one of the sheets in A-5,
13 correct?

14 A. This is A-5, okay. Referring to A-5,
15 this is a listing of the signs. It is the second
16 sheet of your packet.

17 Q. That is a plan that your office
18 prepared?

19 A. That is correct, yes.

20 Q. And now, please show everybody what
21 we are talking about in terms of wall signs.

22 A. Okay. The wall signs we are talking
23 about is for the Royal Farms channel letters, and
24 if you look on the bottom right corner of the

1 plan, referring to Exhibit A-5, you will see the
2 shape of Royal Farms, there are three of those
3 signs on the building; one is on the south side
4 of the building, and then there is one on the
5 front and one on the back.

6 Q. Now, do you have a rendering of a
7 Royal Farms store?

8 A. I do.

9 Q. Can you just show, approximately, the
10 location and type of these wall signs that we are
11 talking about?

12 A. Yes. The Royal Farms channel letters
13 I was just referring to is shown on this exhibit.

14 MR. SARACENI: What exhibit is this,
15 Ross, Part of A-5?

16 THE WITNESS: Referring to the photo
17 rendering of Exhibit A-5, the Royal Farms
18 is a wall mounted sign, and that sign is
19 shown in the center of the building. We
20 are also going to have the Royal Farms
21 identical sign on the south side of the
22 building and at the rear entrance.

23

- - -

24 BY MR. WEISS:

1 Q. Is there direct access to Royal Farms
2 from Markley Street?

3 A. Yes.

4 Q. Is there a driveway into the Royal
5 Farms?

6 A. I'm sorry, traffic will gain access
7 to the Royal Farms from--

8 Q. Go back to Exhibit A-4.

9 A. Traffic will gain access to Royal
10 Farms either via the traffic signal at driveway B
11 or turning into driveway A and then making a left
12 into the site. If traffic is entering from
13 Johnson Highway, they will be entering from the
14 main driveway that we call driveway C and
15 entering Royal Farms. That is how they will
16 access the site.

17 Q. In your opinion, considering the size
18 of the shopping center, the number of buildings
19 and uses, and the location of the Royal Farms on
20 two state roads, is one wall sign sufficient for
21 this type of a use under these circumstances?

22 A. No, because I think you need multiple
23 signs in a development here where you have
24 different people going to different kinds of uses

1 at different times. The Royal Farms, it may be
2 difficult to see the Royal Farms from the
3 different places where people will be accessing
4 the site. In addition, about 20 percent of the
5 people using Royal Farms would not necessarily
6 have planned on going to Royal Farms. We do know
7 about 80 percent have planned to go to Royal
8 Farms, they're going to go on their way, but
9 there are other people that need to know.
10 They're going to look at the sign and say where
11 is the Royal Farms. These signs will help them.
12 They're going to say what is the gasoline price?
13 These signs will help them with that task. There
14 may be other people looking for a different use
15 on the site. Those people will know because of
16 our signage. This is Royal Farms, that is not
17 where they want to go.

18 Q. Our third request for relief is three
19 37.85 square foot wall signs where 35 square feet
20 is permitted. Is that limitation also contained
21 in 320-328, the table?

22 A. Yes, it is.

23 Q. Where are those three proposed signs?

24 A. Referring to the photo renderings of

1 Exhibit A-5, that is the sign -- That is the
2 first sign is the Royal Farms on the front of the
3 building. That identical one will be on the
4 south side and on the rear of the building.

5 Q. Your plan proposes that it be 3.85,
6 each sign be 3.85 square feet larger than the 35
7 square feet?

8 A. Yes, that is correct.

9 Q. The next request?

10 A. I'm sorry, 2.85.

11 Q. Correct, yes, right, thank you.

12 A. No problem.

13 Q. In your opinion are those signs
14 diminimus, that additional square footage for
15 these wall signs?

16 A. Yes. They're -- The requirement is
17 35 feet. Royal Farms' prototype, the sign is
18 37.85, so, yes, I agree with that.

19 Q. What did you want to clarify?

20 A. We talked about five signs. I only
21 mentioned three. The two other signs are below
22 the "Royal Farms". It says, "World Famous
23 Chicken" and "Fresh Kitchen." We have shown that
24 as a separate sign, even though it is below

1 "Royal Farms". We think we took a conservative
2 approach there. That sign is smaller than the 35
3 square foot requirement, but that is part of the
4 five signs we are showing.

5 So, to summarize, Royal Farms channel
6 letters and two "World famous chicken", and
7 "Fresh Kitchen" signs front and back. That sign
8 will not be on the side.

9 Q. The fourth request for relief is to
10 allow two gas canopy signs, each with an area of
11 37.85 square feet where none are expressly
12 permitted. Where are those signs?

13 A. Those signs are mounted on the sides
14 of the canopy, referring to the photo rendering,
15 A-5. It is on the north and south side of the
16 canopy, referring to Exhibit A-4, again on the
17 north and south side of the canopy. It is not
18 located on the front of the canopy.

19 Q. So, in that situation, would that
20 enable someone driving -- I don't know which is
21 west or whatever, but someone driving from
22 Johnson Highway down Markley Street, would that
23 enable them to see that canopy and that is where
24 the Royal Farms is?

1 A. Yes, it identifies Royal Farms gas
2 canopy, that is correct.

3 Q. The same if you're going in the
4 opposite direction on Markley Street heading
5 towards Johnson Highway?

6 A. Yes.

7 Q. Will those signs also help the
8 traveling public once they enter the shopping
9 center to get to the Royal Farms if they enter
10 from Johnson Highway or Markley Street?

11 A. Yes, it will.

12 THE CHAIRWOMAN: Could I ask a
13 question there?

14 MR. WEISS: Yes.

15 THE CHAIRWOMAN: So, if you're
16 heading from Fornance, from the bottom of
17 the plan, you're saying on the south side
18 of the building and south side of the
19 canopy there will be Royal Farms signs on
20 both facing the same direction; you will
21 see two Royal Farms signs?

22 THE WITNESS: Correct.

23 - - -

24 BY MR. WEISS:

1 Q. In relief number five we asked to allow
2 sixteen fuel dispenser signs, each with an area
3 of 1.2 square feet where none are expressly
4 permitted. This is kind of a, would you call it
5 a hybrid in terms of signs? Let me tell you why
6 I say that. Is the gas station use permitted in
7 the zoning district in which the Royal Farms is
8 located?

9 A. Yes.

10 Q. Is it typical, in your experience, to
11 see certain signage on gas pumps?

12 A. Yes.

13 Q. And what are the signs that are
14 proposed for these gas pumps?

15 A. Royal Farms is proposing a very
16 small, I would really call it a gas pump number
17 sign. There is no advertising on these signs,
18 and they're very small, 1.2 square feet. We have
19 included them in the application because the
20 Ordinance does not specifically permit these
21 signs, so we wanted to be conservative, but these
22 signs are not advertising signs, and they're not
23 intended to be seen from the road either. These
24 are for patrons so they know which pump they're

1 at, so if they pay inside they know what pump to
2 tell the attendant.

3 Q. Everybody goes to a gas station and
4 pumps gas in Pennsylvania; are there signs that
5 tell you don't leave the car while it is being
6 pumped, and other warnings that the State
7 requires?

8 A. Other various signs, yes.

9 Q. In requested relief number six, we
10 asked to allow three directional signs, each with
11 an area of four square feet where none are
12 expressly permitted. Now, when we use the phrase
13 expressly permitted, are they prohibited, these
14 signs that we state are not expressly permitted?

15 A. They're not prohibited.

16 Q. So, where are the three directional
17 signs?

18 A. We are proposing three directional
19 signs--

20 Q. Now, you're looking at Applicant's
21 Exhibit A-4?

22 A. Yes, referring to Exhibit A-4 there
23 are three directional signs proposed on the
24 property. These signs are not intended to be

1 viewed from the highway. They're much smaller.
2 They're four square feet, and the first one is
3 located as you enter from the traffic signal in
4 driveway B. It directs traffic to the left to
5 the Royal Farms. The second sign would be as you
6 proceed in that same direction. There is a sign
7 at the driveway off of driveway A into the Royal
8 Farms. That driveway proceeds between the canopy
9 and the building, so that would be a relatively
10 busy driveway. That sign is the second
11 directional sign, and, finally, a third
12 directional sign at the driveway to the Royal
13 Farms from driveway C. Again, these are smaller
14 signs, not intended as a big advertising plan.
15 This is more just to direct traffic internal to
16 the site to make sure they officially go where
17 they want to go.

18 Q. Are you familiar with Section
19 320-357, variances, of the Norristown Code?

20 A. Yes, I am.

21 Q. And, in requesting this relief I'm
22 going to ask if you have opinions as to the
23 requirement of a variance contained in that
24 section?

1 First, in your opinion, for all of
2 the signs, if these variances are allowed, would
3 they be contrary to the public interest?

4 A. No.

5 Q. Would they help the public?

6 A. I believe they will, because of the
7 discussion earlier about how a portion of the
8 patrons will be using Royal Farms that had not
9 specifically planned to use the Royal Farms. It
10 is important that our signage is very clear and
11 large to direct traffic and avoid having people
12 craning their neck at the last minute, to avoid
13 those kinds of turns. So, we have requested the
14 signs. Royal Farms-- This is Royal Farms
15 standard sign. They're not using a larger sign
16 in Norristown. This is the sign they request
17 everywhere. The free standing sign is also, a
18 minority of that sign is advertising. Royal
19 Farms is shown, the Royal Farms channel letters.
20 However, the remainder of the sign is gas prices,
21 four gas prices. Pennsylvania law requires gas
22 prices to be shown prominently on the site, so in
23 that way the price is shown on the signs.

24 Now, referring to the 162 square feet signs,

1 those signs, again, are showing multiple tenants
2 on the site. You heard me rattle off many
3 tenants currently in the site. These are -- Some
4 of these are busy uses, Social Security,
5 PennDOT-- We want these panels on these signs to
6 be large enough so people can know where they're
7 going and is the use they're looking for in this
8 development. If the answer is yes, we want them
9 to be able to see that on the sign. There are
10 many panels on these signs, so I believe it
11 encourages safety by having the property
12 location, size, and number of signs.

13 Q. . . 320-357, variances, subparagraph A,
14 standards, Subparagraph 1, small A, talks about
15 unique physical circumstances to justify the
16 variance. Do you have an opinion as to whether
17 the circumstances here, considering size of the
18 shopping center, the other buildings, et cetera,
19 whether that would satisfy that requirement?

20 A. I do. This is a large site, and the
21 frontage on this site is unusually large,
22 especially for this area. The frontage on this
23 site is over one third of a mile. So, if you
24 think about that, the number of signs existing

1 here and how we are reconfiguring these signs, it
2 makes sense these signs are properly sized,
3 number of signs that we are showing is very
4 reasonable, and it fits in with this neighborhood
5 with the commercial area of Markley Street and
6 Johnson Highway.

7 Q. In your opinion, because of the
8 circumstances, would it be possible to properly
9 design and utilize the shopping center for these
10 uses if you didn't have this relief?

11 A. It would be a very undesirable
12 condition in my opinion as an engineer.

13 Q. And, the configuration and design of
14 the shopping center and Markley Street and
15 Johnson Highway, is that something that existed
16 when our client acquired this property?

17 A. The condition -- I'm sorry, Ross the
18 condition?

19 Q. The size of the shopping center, it's
20 layout, the driveways, Johnson Highway and
21 Markley Street; did our client create that, or
22 was that something that they acquired?

23 A. No, and the property owners have
24 improved it tremendously since they have owned

1 it.

2 Q. Will the signage that we are
3 requesting tonight change the character of this
4 neighborhood with all of these commercial uses?

5 A. No, this is a commercial retail zone.
6 There are, as I said, there are already existing
7 signs on this property. This is really a
8 reconfiguration of these signs and especially for
9 the retail use of Royal Farms.

10 Q. In your opinion, are the signs that
11 we have requested, both number and size and
12 location, is that the minimal variances that you
13 think are appropriate for this proposed use?

14 A. Yes, especially considering the
15 considerations of the size of the sign for
16 traffic driving by at speeds -- We are widening
17 Markley Street to be two lanes, and also the
18 request, the comparison of our signs to the
19 existing condition.

20 Q. If the relief is granted would it
21 negatively effect the logical, efficient, and
22 economic extension of provisions of public
23 services such as public water, et cetera--

24 A. No.

1 Q. --to the facility?

2 A. No.

3 Q. Would the health, safety, and welfare
4 of the community be adversely effected if these
5 signs were approved?

6 A. No.

7 Q. Do you have an opinion, considering
8 the size of the shopping center and the number of
9 buildings and uses whether the proposed relief is
10 diminimus?

11 A. I believe it would be considering the
12 large frontage on this property and in comparison
13 to the number of existing signs on the property
14 as well.

15 MR. WEISS: Members of the Board, I
16 have no further questions. I just would
17 like to point out that also in tab 5 are
18 detailed plans that show the detail for
19 the signage.

20 I don't intend to ask Sam any
21 questions, but I just wanted you to be
22 aware of what the additional information
23 was should you have any questions on the
24 design detail. Other than that, I would