

**ZONING HEARING BOARD OF WARWICK TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

Docket No. 20-04

Applicant: Laboratory Corporation of America Holdings
69 First Avenue
Raritan, NJ 08869

Owner: DG Warwick, LLC
P.O. Box 479
Ambler, PA 19002

**Subject
Property:** Tax Parcel No. 51-003-099-004, which is located at 2319 York Road, Warwick Township.

**Requested
Relief:** Applicant seeks to install signage in the nature of additional window signs and a projecting sign at the drive-thru window area. In order to do so, the Applicant seeks the following variances from the Warwick Township Zoning Ordinance (“Ordinance”):

1. from §195-97B(2)(b), to permit four (4) additional window signs where the maximum permitted wall/window signs (two) is already exceeded, and
2. from §195-97B(2)(c)[2], to allow one (1) projecting sign up to 8.0 square feet in conjunction with a wall/window sign.

**Hearing
History:** The application was filed in Warwick Township on February 25, 2020. The hearing was held on June 8, 2020 at the Warwick Township Administration Building, 1733 Township Greene, Jamison, PA 18929.¹

Appearances: Applicant by: Dean J. Donatelli, Esq.
Inglesino Webster Wyciskala & Taylor, LLC
600 Parsippany Road, Suite, 204
Parsippany, NJ 07054

Mailing Date: July 7, 2020

¹ Applicant was provided with an Act 15 notice, among other things, notifying Applicant that the hearing timeframes under MPC §908(1.2) were tolled or suspended as a result of the COVID-19 emergency declaration. Applicant further signed a waiver of the first hearing timeframes to accommodate the stay at home orders and social distancing protocols of the COVID-19 health emergency.

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Warwick Township met the requirements of the Zoning Ordinance, the Municipalities Planning Code, and other relevant statutes as to legal notice of the hearing held.

2. The Applicant is the subtenant of the Subject Property, and as Lessee, is therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the C-2, Highway Commercial District of Warwick Township. It presently accommodates an existing approximately 14,458 square foot Walgreens store with a drive-through. The Subject Property is approximately 2.06 acres in size fronting on York Road, with additional “frontage” along the signalized entrance drive to the adjacent shopping center.

4. The property at issue has previously been the subject of two zoning decisions. The first is October 4, 2006 which granted sign variances for the existing Walgreens’ use. The second one is December 19, 2019, granting a variance for the second (LabCorp) use, but not addressing any request for additional signage.

5. In conjunction with the additional use permitted by the December 19, 2019, decision (#19-05), Applicant seeks additional signage. Applicant presented as available for testimony, two witnesses, Stephen Devine, Associate Vice President of Leasing, Northeast, LabCorp; and Katherine Sharp, District Manager, Walgreens Company.

6. The Applicant proposes a sign package for the LabCorp use, consistent with Site Identification sign package, dated July 15, 2019 (ZHB-1), and in conjunction with that package requests zoning relief for the following:

- a. two (2) new window box signs 24h x 36w inches, illuminated;
- b. two new “door clings” (window signs on the doors) 8h x 36w inches;
- c. one “Drive Thru” blade or projecting sign; and
- d. one acrylic replacement to the face of the existing pylon sign to reflect the two uses: Walgreens and LabCorp.

7. The Applicant indicated that the need for additional signage is driven by the need to identify the services being provided, and available to be seen from busy Route 263 upon which the building fronts. The Applicant further characterized the window and door signs as helpful to patrons in identifying the services provided within the building. In order to mitigate the impact of the additional signage, Applicant has documented “sign swaps”, essentially replacing Walgreens specific signage with LabCorp signage, consistent with Site Identification sign package, dated July 15, 2019 (ZHB-1).

8. Warwick Township took a position with regard to the application, in issuing correspondence dated May 4, 2020 (ZHB-6) indicating the following:

Please be advised that the Warwick Township Board of Supervisors, at its meeting on March 16, 2020, reviewed the above-mentioned Zoning Hearing Board application. The Applicant, Lab Corp, seeks relief to add additional signage to advertise its presence at the Walgreen's store located at 2319 York Road.

After deliberation, the Board of Supervisors determined that it was appropriate to remain neutral on this application, with one exception. If the Zoning Hearing Board decides that the grant of relief is appropriate, the Board of Supervisors asks that the Zoning Hearing Board deny the request for four additional window signs. The Board of Supervisors asks that the monument stay as proposed, is neutral on the request for relief for drive-up window sign and the door sign.

The Board of Supervisors would like to thank the Zoning Hearing Board for its consideration of this matter.

9. No one spoke in opposition to this application.

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance, as modified by the two previous aforementioned zoning decisions.

2. The competent evidence presented leads the Board to conclude that, if the variance relief is granted, there will be no negative impacts upon surrounding properties or uses.

3. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary. In so finding, the Zoning Hearing Board has denied the Applicant's request for illuminated window signs. The Zoning Hearing Board considers the grant of relief for non-illuminated window signs to represent the minimum variance necessary. The ZHB is also mindful that the Applicant has proposed a "sign swap" to reduce the amount of relief requested.

4. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.

5. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested.

6. Accordingly, the Warwick Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief, in part, as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Warwick Township Zoning Hearing Board hereby GRANTS the following variances from the Warwick Township Zoning Ordinance in order to permit Applicant to install greater than the number of additional signs allowable on the Subject Property:

1. From §195-97B(2)(b), to permit four (4) additional window signs where the maximum permitted wall/window signs (two) is already exceeded. This variance allows the two (2) 8"h x 36"w "door cling" and two (2) 24"h x 36"w window signs as modified from Applicant's request. These signs shall be non-illuminated.
2. From §195-97B(2)(c)[2], to allow one (1) projecting sign up to 8.0 square feet in conjunction with the aforementioned wall/window signs, to allow the blade sign at the drive through as requested.
3. To allow modification to the monument sign as proposed and presented for the addition of the LabCorp identification sign to fit within the existing non-changeable panel identifying the existing Walgreens.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
WARWICK TOWNSHIP**

/s/ Kevin J. Wolf

Kevin J. Wolf

/s/ Dave Mullen

Dave Mullen

/s/ Lorraine Sciuto-Ballasy

Lorraine Sciuto-Ballasy

IMPORTANT NOTE: Pursuant to §195-115 and §195-116 of the Warwick Township Zoning Ordinance, variances or special exceptions granted by the Zoning Hearing Board shall expire one (1) year from the date of the Decision, unless the applicant or owner or successor in interest has commenced construction within that time. Construction will be deemed commenced upon the issuance of a building and/or zoning permit for the approved use.