MINUTES OF PUBLIC MEETING
BOARD OF COMMISSIONERS
SPRINGFIELD TOWNSHIP

The Board of Commissioners of Springfield Township met in a special public meeting on Wednesday evening, September 8, 2011 at 7:30 PM in the Springfield Township High School auditorium for the purpose of receiving a presentation on a zoning validity challenge involving billboards and to receive public comment on the validity challenge.

Mr. Harbison opened the meeting by providing a context of the special meeting of the Board of Commissioners related to a validity challenge of MC Outdoor LLC related to the installation of two billboards on Bethlehem Pike in Springfield Township. Mr. Harbison indicated that the validity challenge is actually before the Township Zoning Hearing Board, and not the Board of Commissioners. The Board wished to provide an opportunity for the general public to receive information on the validity challenge and to receive public comment from residents. He indicated that the Board of Commissioners would not deliberate over the information received, nor would a decision be made at the public meeting with regard to the Board's involvement in the validity challenge. Mr. Harbison thanked the school district for making their facility available for the public meeting.

Mr. Kilkenny, Township Solicitor, indicated that MC Outdoor LLC is in the business of developing, constructing and maintaining off-premises advertising signs and billboards. Over the past couple of years, MC Outdoor has been challenging the legality of local zoning ordinances throughout Pennsylvania with regard to their regulations pertaining to off-premises advertising signs/billboards. In November 2010, MC Outdoor challenged the legality of the Springfield Township zoning ordinance alleging that the Zoning Code failed to permit off-premises advertising signs and billboards. MC Outdoor suggested that the Zoning Code excluded a legitimate business use within the Township in violation of Pennsylvania law. If the Court agrees with MC Outdoor that the zoning law was defective, MC Outdoor would be entitled to what is called "site specific relief", or the ability to place billboards wherever they would like. The zoning code validity challenge includes the installation of billboards at two locations: (1) at 601 Bethlehem Pike, and (2) at 1020 Bethlehem Pike. As a result of the challenge, the Board of Commissioners took immediate action to cure any perceived defect in the local zoning code to prevent any additional challenges to the validity of the zoning ordinance. In April 2011, Ordinance No. 908 was enacted revising the sign ordinance within the zoning code that would permit the construction of billboards in industrial zoning districts only. Mr. Kilkenny indicated that the Board of Commissioners is in the process of determining the appropriate action to take with regard to the MC Outdoor zoning validity challenge and as stated before, the purpose of the public meeting was for the Commissioners to hear from the community and for MC Outdoor to present their proposal to the Board and general public.

Thaddeus Bartkowski, of MC Outdoor LLC, indicated that he is a founding partner of MC Outdoor, and that they have been placing off-premises advertising signs in communities for the past 11 years. As stated previously, Mr. Bartkowski stated that MC Outdoor has challenged the validity of the Springfield Township zoning code, and has requested permission to install a billboard at 601 Bethlehem Pike and one at 1020 Bethlehem Pike. Mr. Bartkowski indicated that the Board of Commissioners made it clear from the beginning of the process that the installation of billboards and the locations suggested by MC Outdoor were not acceptable. Both billboards are proposed to be two-sided. One side will be a digital, changeable copy billboard, and the other side will be a standard static billboard. The billboard proposed for 601 Bethlehem Pike would stand 47 feet in height, and the billboard proposed for 1020 Bethlehem Pike would stand 50 feet in height. Mr. Bartkowski reviewed the alternate locations suggested by MC Outdoor, for the installation of one billboard rather than 2 as initially submitted. The alternate locations were: (1) Paper Mill Road and Stenton Avenue; this location was eliminated as a lease arrangement would not be available, (2) Stenton Avenue and Ivy Hill Road; this site was eliminated due to the lack of traffic, (3) Flourtown Shopping Center, where a monument sign was proposed; this was eliminated because there did not appear to be enough sight visibility, (4) two locations on Ridge Pike, one at Manor Road and one at Northwestern Avenue; both were eliminated due to the proximity to residential properties, (5) three locations along route 309, one at Sandy Hill Road and Willow Grove Avenue, one at Summit Lane adjacent to Shepherds Way, and one adjacent to southbound route 309 in the vicinity of the LaSalle and Lloyd properties; Mr. Bartkowski explained that PennDOT provides limitations on where billboards can be placed on limited access highways, and given the long on and off ramps of route 309, the aforementioned three locations were the only areas that PennDOT would grant permission. The first two sites along route 309 were discounted due to their proximity to residential properties, but the third location was examined more closely.

The billboard proposed on southbound route 309 at the Lloyd tract would be a double-faced digital, changeable copy billboard on both faces. The size would be 20 ft. x 60 ft. The top of the sign would be at 35 ft. in height, and the bottom of the sign at approximately 12 ft. above the ground. Extensive landscaping, including berms and evergreens would be planted at a height of 25 ft. to 30 ft. to obscure the sight of the sign and support structure from all angles except for a tunnel vision from motorists traveling both northbound and southbound on route 309 expressway.

Due to the perceived concern that the billboard might be visible from Summit Lane properties across route 309 from the billboard, Mr. Bartkowski took photographs from ten locations in the Summit Lane neighborhood. While the high tension tower directly adjacent to the billboard might be seen, due to the height of existing vegetation and sound barriers on the expressway, the billboards would not be seen from the Summit Lane neighborhood. Mr. Bartkowski also attempted to demonstrate that the billboard would not be seen from residences near the intersection of Sandy Hill Road and Willow Grove Avenue, and explained that through a combination of existing vegetation, sound barriers and the angle of route 309 expressway, vision of the billboard would also be obscured at this location.

Questions from the Board of Commissioners

Mr. Harbison asked for a clarification on the size of the billboards proposed for Bethlehem Pike and Route 309. Mr. Bartkowski indicated that the signs proposed for Bethlehem Pike would be approximately 14 ft. x 48 ft., or 672 sq. ft. Those on route 309 expressway would be 20 ft. x 60 ft., or 1200 sq. ft. He indicated that the size of the billboards is a function of the speed of traffic on the adjacent roadways. Mr. Harbison inquired whether there would be hours of operation. Mr. Bartkowski suggested that the billboards typically operate from 6:00 AM until 11:00 PM. Mr. Harbison asked about the interval of the messages changing on the signs. Mr. Bartkowski indicated that PennDOT requires a minimum of 5 seconds, and he typically operates between 6 and 8 second intervals. The messages are static view, which means there are no videos associated with the advertisements.

Mr. Gillies asked if this was the first public meeting in Springfield Township in which Mr. Bartkowski participated. Mr. Bartkowski indicated it was. Mr. Gillies asked if the route 309 expressway was the most favorable option, why is he pursuing the original proposal on Bethlehem Pike. Mr. Bartkowski indicated his preference is actually the two billboards located on Bethlehem Pike. Mr. Gillies inquired what distance might residents see a glow from the billboards. Mr. Bartkowski indicated that the LED billboard technology does not project light, and furthermore, there is an ambient light sensor that adjusts the light of the billboard, depending upon whether it is day or evening. Mr. Gillies made comment that the Pennsylvania legislature is considering a bill that would restrict the installation of billboards within 1000 feet of residential properties. He expressed concern with the impact of the legislation on the proposal. Mr. Gillies inquired from what distance would motorists be able to see the sign. Mr. Bartkowski answered that motorists would see the sign for 1100 feet.

Mr. Dailey asked how many residents would be affected comparatively between the Bethlehem Pike, Ridge Pike and route 309 expressway locations. Mr. Bartkowski indicated that he had not calculated the number of residents affected. Mr. Dailey noted that the leases in the application before the Zoning hearing Board had information redacted. He suggested that the information redacted would be a point to be raised at the Zoning Hearing Board meeting. Mr. Dailey asked for the origin of the settlement agreement presented to the Board of Commissioners. Mr. Bartkowski indicated that his firm offered the settlement agreement, and that the origin was not from the Board of Commissioners. Mr. Dailey suggested that no authorization was provided by the Board of Commissioners to settle the zoning validity challenge, and he believes the Board should fight the application before the Zoning Hearing Board. Mr. Dailey also explained the manner by which individual residents or organizations can become a legal party to the proceedings before the Zoning Hearing Board, and therefore, be involved with the outcome or settlement of the matter. He asked if the Friends of Historic Bethlehem Pike were provided party status. The Friends have not been provided party status. Mr. Dailey asked if rezoning of property would be required. Mr. Bartkowski indicated that it would

because PennDOT requires that the underlying zoning classification be either commercial or industrial and the zoning is residential.

Ms. Peirce questioned why the current application would not be required to follow the State's safety regulations for signage along state highways such as Bethlehem Pike. Mr. Kilkenny indicated that that is one of the arguments made by municipalities when testifying on the difference in safety issues of major highways vs. local arterial roads.

Mr. Heller asked if Mr. Bartkowski could outline his existing litigation in other municipalities. Greg Adelman, counsel for MC Outdoor, indicated that they are currently pursuing billboards in ten municipalities throughout the Delaware Valley. In one community, they have had somewhere between 17 and 20 hearings, and the cost to the municipality is between $200,000 and $250,000 to defend. He suggested that the position of MC Outdoor is that the local ordinances are exclusionary, and this exclusion is actually easy to prove. Conversely, municipalities discussed safety related issues with the installation of billboards. Mr. Adelman indicated that some municipalities have worked with the applicants to select a more appropriate location for billboards than those proposed by the applicant. There are still costs associated with that process, but they have been in the range of $15,000.

Mr. Standish asked if MC Outdoor had spoken to the owners of the Lloyd tract with regard to placing the billboard at this location. Mr. Bartkowski said that the owner is the Hansen Group, and an agreement is in place, but the agreement has simply not been executed.

Mr. Harbison commented that the Pennsylvania Supreme Court has indicated that municipalities must provide for the billboard use and while the municipalities may defend the challenges, the consideration of settling the case provides more freedom in negotiating the size and location of the billboards. The Township is officially in opposition to the zoning validity challenge, and hopes that public safety issues would prevail in the challenge.

Mr. Gillies inquired whether MC Outdoor provides for other outdoor advertising other than billboards. Mr. Bartkowski indicated that they do.

Peter Amuso, legal counsel for the Friends of Historic Bethlehem Pike, expressed his understanding of the zoning code validity challenge, but believes consideration must be given to the suitability of the billboard locations and safety related issues. Mr. Amuso suggested that Bethlehem Pike is a major historic corridor that others in attendance will touch on. Mr. Dailey asked if the Friends of Historic Bethlehem Pike were focused on Bethlehem Pike, or the larger impact of the billboards. Mr. Amuso indicated that his client is currently focused on Bethlehem Pike, but will consider the broader implications of the challenge.

Charles Zwicker, of the Springfield Township Historical Society, stated that the Historical Society had not looked beyond their concern for Bethlehem Pike. He inquired of Mr. Bartkowski whether their preference was Bethlehem Pike or Route 309 expressway. Mr. Bartkowski indicated his preference was 2 signs on Bethlehem Pike, but was told that Bethlehem Pike was not acceptable, therefore, he is open to considering the route 309 expressway location. Mr. Zwicker provided a brief history of Bethlehem Pike, and noted clearly that billboards were not in the spirit of Bethlehem Pike. He suggested that the Springfield Township Historical Society would be working to support the legacy of Bethlehem Pike.

Rob Ryan, of the Friends of Historic Bethlehem Pike, outlined the purpose of the Friends to help preserve the historic nature of Bethlehem Pike, and described various activities that the group performs in support of their purpose. Mr. Ryan stated that the proposed billboards along Bethlehem Pike would detract from the appearance of Bethlehem Pike, and at the same time distract drivers thereby creating additional safety concerns along Bethlehem Pike. He expressed his concern for the impact the billboard would have on the residential properties directly adjacent to Bethlehem Pike, and stated his appreciation for the risks and costs associated with defending the zoning code validity challenge, but stated his belief that it was worth defending the challenge.

Holly Kisailus, 7800 Queen Street, suggested that when she moved to Springfield Township she considered the nature or culture of the neighborhoods, and discussed how billboards would disrupt and forever change the culture. She suggested that all laws are challengeable, and hoped that the Board of Commissioners maintains their defense of the validity challenge. She inquired as to the process of the curative amendment, and creation of the new ordinance. She asked if the Township would be in the position to influence the nature of the advertisement on the billboard in the event the validity challenge was successful. Mr. Kilkenny explained that a curative amendment is an opportunity for the Township to correct its zoning ordinance, and the Board of Commissioners enacted an ordinance to effect the cure. Mr. Kilkenny stated his belief that if the Township loses the validity challenge in Court, the Township will not have an opportunity to influence the nature of the advertisement on the billboards. Ms. Kisailus indicated her interest in seeking party status in the zoning code validity challenge.

Mickey Howell, 705 Sandy Hill Road, stated that she believes she will indeed see the lights of the billboard at her residence which is located near the intersection of Sandy Hill Road and Willow Grove Avenue.

Bob Fasold, College Avenue, suggested that it might make more sense to install a billboard along route 309 expressway than on Bethlehem Pike. He noted that the vegetation or buffers discussed by the applicant seem to be within season, therefore, at that time leaves and other materials would buffer the sight of the billboard.

Gail Zimmerman, Grove Avenue, stated her concern for the long term maintenance of the buffers associated with the billboards.

Jim Meyer, President of the Eagleview Townhouse Development, stated his concern, on behalf of the entire development, with any commercial signage along Ridge Pike that would have an adverse effect on the Eagleview development.

Janeen Crawford, 711 Sandy Hill Road, stated that the photographs presented by the challenger were not taken from within the second floor of her residence. She too believes that she will be able to see the lights from the billboard. She opined that the proposed sign is ugly and she does not like it, and asked the Board to fight the installation of the billboard.

Brennan Preine, 265 Northwestern Avenue, reviewed the existence of the Bethlehem Pike revitalization plan noting that the proposed locations of the two billboards along Bethlehem Pike are primary gateways into the community. He believes that the installation of the billboards along Bethlehem Pike is in opposition to the Township Comprehensive Plan and the FEEA Vision Plan. He is generally in opposition to billboards anywhere within the community. He also suggested that the Township consider reviewing the PennDOT and Federal Beautification Act as it may apply to the route 309 expressway corridor and improvements along same.

Morgan Pape, 76 College Avenue, stated that his residence is approximately 200 yards from Bethlehem Pike and he can see the much smaller electronic Walgreens sign, which he dislikes. He asked the Board of Commissioners to fight the installation of billboards along Bethlehem Pike.

Paul Sehnert, 864 Skyline Drive, expressed his opposition to billboards and wondered if it was the intention of the challenger to locate the billboards along Bethlehem Pike, or route 309. Mr. Sehnert places great value on the quality of life in the community, and believed the billboards will degrade the quality of life.

Joy Bergey, 100 College Avenue, suggested that she moved to Springfield Township because of its friendly, walkable community, and believes that the installation of billboards along Bethlehem pike would disrupt that atmosphere.

Betty DeStephano, 53 Grove Avenue, suggested that Springfield Township is a small Township and asked if the challenger had considered larger townships, or even just walking away from the challenge in Springfield Township. Mr. Bartkowski indicated he understood the population in Springfield Township, and that he works in other communities with larger populations. Mr. Bartkowski's interest is trying to fit signs into the proper locations, not necessarily the size of the community. He stated that initially, he looked at the route 309 expressway as the preferred choice, but from preliminary review of the PennDOT restrictions, he did not believe it was truly an option.

Mr. Gillies asked if the two sites on Bethlehem Pike were indeed the best sites for the billboards, or whether he selected these locations for shock value within the community. Mr. Gillies expressed his disappointment that the applicant had not

completed his homework with regard to the site for the billboards until after the application was made.

Roger Sollie, of Whitemarsh Township, suggested that if defending this application is open to others beyond Springfield Township, he believes support would be available from surrounding communities. He hopes that the Township will fight the installation of the billboards along Bethlehem Pike.

Sandra Sanders, a 7th grade student, stated her love for her little simple town of Springfield. She hopes that as she grows up in Springfield Township, it will be able to maintain its little town feel.

Robert Cope, 7721 Beech Lane, suggested that the Springfield community is very united against the installation of billboards. No one wants the billboards in their neighborhood, and suggested that the community will remain united in that regard.

Carol Heller, Flourtown, express her opposition to billboard signs. She asked that if signs are installed, the Township maintain the ability to veto messages.

Mr. Harbison announced that Commissioner Schaum was unable to attend this public meeting as his employer asked him to attend to issues out of town related to the recent storm event. Mr. Harbison also noted that the zoning validity challenge discussed at this public meeting is scheduled before the Zoning Hearing Board for September 19, 2011 at 7:00 PM. He also noted the Board of Commissioners would be meeting on September 12 and 14, 2011 in the Springfield Township Building and may discuss the zoning validity challenge. Residents were encouraged to consider participating in the meetings and entering themselves as a “party” in the proceedings. It was noted that the Zoning Hearing Board is the beginning of the litigation process and it is important to become involved at that stage.

There being no further business, the meeting was adjourned at 9:40 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary

DEB:cmt
9/23/11