

I. OPENING

CALL TO ORDER: The Planning Commission of Lower Saucon Township was called to order on Thursday, June 26, 2014 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Landis, Chair, presiding.

ROLL CALL: Present: John Landis, Chair; Tom Maxfield, Vice Chair; John Noble, Sandra Yerger, members; Judy Stern-Goldstein, Boucher & James; Dan Miller, Hanover Engineering; Chris Garges, Zoning Officer; Linc Treadwell, Solicitor. Absent: Scott Kennedy, Craig Kologie and John Lychak.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS – None

III. BUSINESS ITEMS

A. REVIEW OF DRAFT AMENDMENT TO CHAPTER 180 (ZONING ORDINANCE)

Mr. Landis said the draft ordinance would amend the Zoning Ordinance relative to billboards, advertising, signs and digital billboards. Township Council is requesting any comments prior to July 3, 2014. A public hearing before Lower Saucon Township Council is scheduled on July 16, 2014. Mr. Garges had maps that showed all the billboards located in the Township.

Attorney Treadwell said the Township received a challenge to its zoning ordinance regarding the ability to put up digital billboards so they took that challenge to Council and Council said look through our ordinance and come up with some reasonable regulations regarding digital billboards and where they can be located and constructed. What you see in front of you is the draft that Council has given to you to review and comment. It has also been sent to the LVPC and we didn't receive a comment back from them yet. Ms. Stern-Goldstein can go over some of the different regulations and how we've attempted to address the concept of digital billboards in LST.

Ms. Stern-Goldstein said the draft ordinance starts off with a series of definitions that have been added. These definitions are to clarify and augment the existing definitions and they deal with the difference between billboard and video billboards and the different words used in the remainder of the ordinance amendment.

Ms. Stern-Goldstein said Section 2 is a minor amendment to the sign ordinance that deals with the electronic display. That had not been previously part of your ordinance.

Ms. Stern-Goldstein said Section 3 is in regards to signs and billboards and adds wording and regulations for electronic changeable copy signs. The digital electronic changeable copy signs had not previously been part of the ordinance. This adds regulations and requires flashing and blink, duration of message time so that it's safe enough to not be flashing and changing while motorists are trying to navigate the roads. This is every six seconds. Time and temperature is included as a separate message. The regulations regarding brightness are in there. Mr. Landis asked about the time/temperature being covered by the six second rule. Mr. Miller said it would not be a static display. Attorney Treadwell said if you check the changeable copy sign electronic definition, it states "a sign which the message changes more than every six seconds except time and/or temperature signs should be considered an animated sign". We've allowed the sign/temperature sign to change more than once every six seconds. It's a short enough thing to read. You aren't reading an entire message. Attorney Treadwell said sometimes you see the sign and then it changes to the temperature, but other times you see just the time with the temperature below it and it changes every minute. He's never seen one with seconds on it. If it did change more, you would be seeing one or two digits of it change.

Mr. Maxfield said there is a time and temperature sign in Hellertown on the bank. His question is if we're not having the six seconds cover the time and temperature, do all the other parts of the ordinance cover a time and temperature sign - size, brightness, all of that. Mr. Garges said there's a provision in the existing ordinance that has a separate exclusion for time and temperature when it comes to certain regulations.

Ms. Stern-Goldstein said the next section we're dealing with the digital copy signs in general. It deals with the brightness. The phrase she wants to say applies to the digital billboard and changeable copy the regulations you see regarding brightness are not the most stringent, not the most lenient. Signs have to have a functioning default mechanism so that it goes black if there's something wrong as opposed to white. The community service and emergency announcements would be part of it, like Amber alerts, severe weather warnings, road closings, any emergency message or community message. Ms. Stern-Goldstein went on to further describe the other sections within the ordinance.

Attorney Treadwell said he has not been 100% convinced that Township's are required to permit digital billboards no matter what. When we talked to Council about it, the feeling was it seems to be an upgrade and we actually had some Council members who thought that the digital ones were somewhat cleaner than the old painted or the ones they drape things over that sometimes fall into disrepair. Council sent it to the P/C to get their opinion.

Mr. Garges said to get back to Mr. Maxfield's question, he gave you Section 180-99 which is our current signs and billboard regulation. To answer Mr. Maxfield's question, the current ordinance says you can have time and temperature as long as your sign complies with all the other regulations, location, size, that type of thing. There was an application to the ZHB in the last two years where the Exxon across the street wanted to take their existing sign which was conforming and add a digital component to it. They could have legally put the time/temperature in their animated sign and had a digital section, but they were seeking relief for having on premise advertising for a portion of their sign that would say donut sales or whatever. This ZHB denied that application on site specific issue, and that's what got us thinking of upgrading this ordinance. This ordinance has not only the digital billboard aspect of it for it for off premise advertising but for the on premise advertising aspect of it as well.

Ms. Peg Opthof, 2700 Redington Road, said she wants to clarify that the change in the ordinance does not expand what billboards are going to be allowed to put in. Mr. Garges said that's correct.

Mr. Lawrence Opthof, 2700 Redington Road, questioned how bright the signs are allowed to be. Mr. Opthof asked what above normal ambient levels means? Does that mean if he has a sign brighter than sunlight? Ms. Stern-Goldstein said no, it's relevant to the ambient light, so at night time it's not as bright as the background is so much darker. Mr. Opthof said is there any provision in the draft ordinance that provides for light pollution and if there was anything for light pollution with the digital ones? Ms. Stern-Goldstein said when they are in violation Mr. Garges will respond. Light emanating from the billboard should not be coming onto adjacent properties.

Mr. Harte discussed the amount of nits and the ability the read the billboards during different times of the day. Ms. Stern-Goldstein said they felt that the companies involved in the preparation of many of these ordinances considers what is proposed to be a fair and equitable standard by most of the billboard companies.

Ms. Lois Arciszewski, Corporate Development Director at Adams Outdoor Advertising, along with her was the General Manager of the Lehigh Division, Tommy Geoffe and some of their real estate staff. She spoke about the lighting as it's always the focal point of any digital ordinance. She handed out an exhibit that that she discussed that shows an actual lighting study proposed billboard in the Lehigh Valley, which has been done by a digital company and lighting engineer. It's a standard lighting study that's done and the definition of nits is how much light is being emitted.

Ms. Arciszewski said you can do it at any distance you want. She wanted to assure your residents that it's a standard study that almost every billboard company does. They have submitted a number of comments and they appreciate the fact that you are willing to address digital billboards and to take a look at your ordinance as a whole.

Ms. Arciszewski said she wants to acknowledge that at Adams they recognize no municipality is going to wholesale the billboard industry, but they ask you to take a look at it because in this Township you have a unique situation and it's just east of where we are now where you have I-78 and Route 378, which forms a V. You have a situation where there are a handful of parcels that front on those two roadways. They did meet with the Zoning Officer. She went over all of her comments with the P/C. One comment was they are asking you to consider two billboards on a lot if they are to be viewed on separate streets. One would be visible from 378 and the other one on the same land parcel could be visible from I-78. The second comment deals with the height. The maximum height in the ordinance is 18'. They ask you to consider that the maximum size is 300 square feet. Their comment is with a maximum height of 18', if you had a sign face that's 12', the clearance underneath is only 6'. Most ordinances require billboards to conform with clear site triangles. Your ordinance also has a distance from an intersection of a roadway. If there's a request to do a study and they can visualize it and the engineers can formulate it, it can be done. Mr. Noble said he doesn't care if it can be seen from six roadways, if someone can see it from their master bedroom, there's a problem.

Ms. Stern-Goldstein said that would be a difficult study to put into words and make it an actual performance standard to meet, not be visible from someone's master bedroom. Mr. Garges said the only thing he could envision is in the GB-1 and GB-2, they are permitted by conditional use, so maybe there's a provision in the ordinance that says if you exceed 18', there's a limit that you would have to do a study per the conditional use. Ms. Stern-Goldstein said it could be detrimental to the surrounding properties as part of the conditional use procedures.

Mr. Maxfield said in the Zoning Ordinance, it doesn't say you can't do it; you would just have to do it by variance. We have a limited number of parcels and instead of taking a blanket ordinance of 80', he'd rather see it achieved variance to variance. Ms. Stern-Goldstein said you would have two per lot if they would be viewed by different streets. Mr. Maxfield said have you thought about stacking and is there much difference from visible from I-78 to 378? Ms. Arciszewski said stacking billboards are a previous generation of billboards but not to be seen by both roadways, stacked to be seen by one. In this instance, where that would pose a challenge is because the purpose of a billboard is for a motorist to see it in the peripheral vision. For those of us that have been in the business a long time, they call it the windshield view, so that the motorist is driving and can see that billboard.

Attorney Treadwell said part of the theory in drafting the document was that they kept in mind there are 12 billboards in LST now. It's not like some Township's where there are none and you are starting from scratch and trying to write regulations that deal with where billboards go. The point of the draft was to discuss regulations for digital, not to necessarily change the ordinance to change for 15 more billboards.

Mr. Garges said what Lois is saying is the way our ordinance reads and this goes for any non-conformity, if you have any non-conformity, per the MPC, it allows alteration, expansion, enlargement under a certain criteria – special exception, site plan, approval, that type of thing. What would happen is if she would pick one of these billboards that she would want to convert to digital, that was non-conforming because it's not in a zoning district that permits it, it would require special exception to convert it from the regular to a digital billboard. The staff has discussed this and if you have a billboard that conforms and you want to change it to digital, it's as simple as a building permit and compliance with our regulations for a digital. Even if its not conforming they want to be able to come in and get a permit and not have to worry about going through special exception.

Attorney Treadwell said the purpose of a special exception in the non-conforming use is to show that what you are changing it to is not going to alter the character of the neighborhood where you are. In this specific case, changing a non-digital billboard that's non-conforming for any reason, could have an effect on the surrounding properties and that's why you go through the special exception process. To allow one to be changed to digital in a residential area without that special exception requirement is to open yourself up to the neighbor and saying why is it so bright in my bedroom.

Ms. Arciszewski said the comment was not founded in a desire not to go through a special exception or conditional use; the comment was founded in the physical nature of the structure itself. It's something that from the initial development of digital billboards across the country has been a consideration that's often overlooked. It was merely stating that you just can't take it and put it on a structure, there's some type of modifications that need to be done. They are in no way suggesting bypassing any review process.

Attorney Treadwell said if you looked at the non-conforming section of the ordinance now, it's got somewhat similar language. You can increase it to a certain percentage. Ms. Arciszewski said they are suggesting you can't increase any non-conformity if it's 29' high, it has to remain 29' high. If it's 300 square feet, it can't be larger than 300 square feet.

Ms. Peg Opthof said her home faces Route 378 and she can see it from her house and her bedroom window. She said Ms. Arciszewski had mentioned something about regulations along the highway, in LST they are not. The law didn't work in Williams Township. She said we do have a good ordinance and if there's an exception needed, Adams would go through the variance as people impacted by any changes would be notified by mail and they would know there was a change.

Mr. Bill Bakus said he owns Tri-Outdoor. With respect to your height variance, Lois asked for an increase as it's at 18' right now, he would recommend taking a visual of that if you had a billboard on your property and you wanted to back a truck in and unload it or wanted to have your son or daughter ride a bike and they hit their head on a billboard, their parents wouldn't be too happy. A 30' billboard height is not unreasonable. It gives you clearance underneath for your lawn care guys to operate safely, for your trucks to go in and out safely and for your children.

Mr. Maxfield said there are two on the same property off of Route 412 in Hellertown at the intersection of Meadows Road that are about 6' from the ground.

Mr. Bakus said there are only a couple different sizes of billboards in the industry. You only have a 6'x12', a 12'x25', and in most instances a 14'x48' for off site. Attorney Treadwell said the billboard industry standard of three different sizes; however, there's nothing that would stop someone from building their own and not contracting with one of the industry standard billboards and selling the space. It's something to consider as to maybe there should be one or two different ways to measure the height. Ms. Stern-Goldstein said the height is something that we can change, but a couple of the comments of walking under it, like the location of the sign, and one on the sidewalk, it wouldn't be the public walking by, it would be whoever owns the property as they are being paid to have it there.

Mr. Landis said we should be addressing the digital signs. Attorney Treadwell said we talked before about changing the entire sign section. Ms. Stern-Goldstein said that's a major revamping. Mr. Garges said the height they are talking about is under Section 180-04, which is where we are adding the digital. It may make sense to add the height and we can compare with other ordinances to see how that jives, the 18' max. We certainly could change it again. Mr. Maxfield said he thought maybe an amendment incorporated into it sometime however you want to change it.

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Mr. Opthof said they were addressing the change of the digital billboards, and now listening to this, it seems you want to address the whole billboard issue and turn LST into billboard city. He was warned about this as his daughter said they are going to try to open up the floodgates and try to change the ordinance. If that's where this is going, you owe it to the residents of this Township to let them know that any change in our ordinance will result in more and bigger billboards and let them come down here.

Mr. Landis said he suggests they only address the electronic portion and agree on that and then go back to the table and see what comes out of it. Then they would come up and do this again. Mr. Maxfield said all they are recommending is discussion. Mr. Opthof said the existing ordinance you have already allows for whatever billboards we have in town. If we change that existing ordinance, so we allow taller or bigger ones, he can figure where this is going. Mr. Landis said we're not addressing that. We asked our staff to look at it.

Mr. David Harte said they operate 15 digital signs in the Lehigh Valley. They talk a lot about standard size billboards, but they are different. He has half of his billboards that are square. If he was going to do 300 square feet in LST digital, he would do a 17' x 17' billboard that fits in with his format, and with 18', he'd be a foot off the ground. He'd like you to consider something that's got a height of 30' to 35'. A lot of municipalities are at 30' or 35' so you can see under the sign. He'd like to support having the sign out to the highway. If you are set back off the road, the sign isn't visible. Many times they are further off the road and may cause more problems for neighbors. Mr. Landis said let's deal with this change in the ordinance.

MOTION BY: Mr. Maxfield moved to recommend to Council that the P/C approves the amendment to Chapter 180 section dealing with electronic billboards.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0 (Scott Kennedy, Craig Kologie and John Lychak – Absent)

MOTION BY: Mr. Noble moved to recommend that our Staff review our sign ordinance and see if it needs any improvements.

SECOND BY: Mr. Maxfield

ROLL CALL: 4-0 (Scott Kennedy, Craig Kologie and John Lychak – Absent)

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MAY 22, 2014 MINUTES

MOTION BY: Mr. Maxfield moved for approval of the May 22, 2014 minutes.

SECOND BY: Mr. Noble

Mr. Landis asked if there were any comments? No one raised their hand.

ROLL CALL: 4-0 (Scott Kennedy, Craig Kologie and John Lychak – Absent)

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None

VI. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 8:30 PM.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0 (Scott Kennedy, Craig Kologie and John Lychak – Absent)

Submitted by:

Mr. John Landis, Chair