

MUNICIPALITY OF BETHEL PARK
ALLEGHENY COUNTY, PENNSYLVANIA

- - - -

IN RE: PUBLIC HEARING
GENESIS OUTDOOR ADVERTISING

- - - -

COUNCIL MEMBERS

- Timothy J. Moury (President)
- Mark J. O'Brien (V. President)
- Timothy Campbell
- Todd S. Cenci
- Joseph A. Consolmagno
- David C. Espinar
- Lindsay Flinn
- Joseph Janosik
- John Oakes

- - - -

- Municipal Manager: Laurence Christian
- Police Chief: Timothy O'Connor
- Mayor: Jack T. Allen
- Solicitor: Robert L. McTiernan, Esquire

- - - -

DATE: Monday, May 23, 2022
TIME: 7:45 p.m.

PLACE: Municipality of Bethel Park
5100 West Library Avenue
Bethel Park, Pennsylvania 15102

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Reported by: Kim Simms Strnisa

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APPEARANCES:

On Behalf of Genesis Outdoor Advertising:

GOLVASH & EPSTEIN
Jeffrey A. Golvash, Esquire
9 Dewalt Avenue
Pittsburgh, Pennsylvania 15227
412-882-4717
jgolvash@golvashepstein.com

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P-R-O-C-E-E-D-I-N-G-S

(Commencing at approximately 7:46 p.m.)

PRESIDENT MOURY: Okay. I'd like to call to order the Public Hearing for Genesis Outdoor Advertising.

Mr. Christian, would you please call the roll.

MR. CHRISTIAN: Dr. Campbell?

DR. CAMPBELL: Here.

MR. CHRISTIAN: Mr. Cenci?

MR. CENCI: Here.

MR. CHRISTIAN: Mr. Consolmagno?

MR. CONSOLMAGNO: Here.

MR. CHRISTIAN: Mr. Espinar?

MR. ESPINAR: Here.

MR. CHRISTIAN: Ms. Flinn?

MS. FLINN: Here.

MR. CHRISTIAN: Mr. Janosik?

MR. JANOSIK: Here.

MR. CHRISTIAN: Mr. Moury?

PRESIDENT MOURY: Here.

MR. CHRISTIAN: Mr. Oakes?

MR. OAKES: Here.

MR. CHRISTIAN: Mr. O'Brien?

MR. O'BRIEN: Present.

1 PRESIDENT MOURY: All members are
2 present and accounted for.

3 This is for a Public Hearing for
4 Application No. 2021-0949, Tom Cregan,
5 Applicant, Genesis Outdoor Advertising,
6 requests conditional use on property located
7 at Library Road and Hillside Drive for a
8 billboard sign, Lot & Block Number No.
9 317-G-29-0, current zoning C-2, Commercial
10 District, Ward 5.

11 The Public Hearing, just for
12 everybody's information, we'll ask our
13 Municipal Planner to give an overview of the
14 application itself. The Applicant is -- have
15 the opportunity to make any comments, and then
16 we will open it up to the Public Comment
17 section for proponents, people that would be
18 in favor of this, or opponents, people that
19 would be against.

20 So at this time, I would like to turn
21 to Kirsten Primm, KP, our municipal planner,
22 if they can give us an overview, please.

23 MS. PRIMM: Before Council is a
24 Conditional Use Application. The Applicant,
25 Mr. Tom Cregan, for Genesis Outdoor

1 Advertising, as well as Mr. Jeff Golvash of
2 Golvash & Epstein, LLC, are requesting a
3 conditional use of property located at Library
4 Road and Hillside Drive for a billboard sign,
5 Lot & Block No. 317-G-29-0 in the C-2
6 Commercial Zoning District, in Ward 5.

7 As per the requirements of the Bethel
8 Park Municipal Code, Chapter 69, Zoning,
9 Article 23, Section 69.73.3, hearing
10 requirement, the municipal Council shall
11 conduct a Public Hearing pursuant to public
12 notice as required by the MPC.

13 Planning and Zoning Commission
14 recommended denial at their February 9, 2022
15 meeting; six against, one in favor, and one
16 abstained.

17 A time extension was requested and
18 signed by the Applicant to adjust the timing
19 requirement so that the Public Hearing could
20 be held today, on May 23, 2022.

21 The Public Hearing was properly
22 advertised on May 5, 2022 and May 12, 2022,
23 and proof of publication has been entered into
24 the record. In addition, the property has
25 been properly posted on May 12, 2022.

1 Attached is the Bethel Park Exhibit
2 List for the proposed Genesis Billboard
3 Conditional Use Application that includes:

4 Application for Conditional Use
5 2021-0949, dated September 16, 2021, received
6 by the Municipality on October 18, 2021;

7 Site plans prepared by Sheffler &
8 Company, Inc., dated February 1, 2022;

9 The cross-section view of billboard
10 at proposed site;

11 RMG design specs, dated March 20,
12 2021;

13 Photometric Analysis Report prepared
14 by Redcon Engineering, dated February 1, 2022;

15 Planning Conformance Evaluation
16 prepared by Environmental Planning & Design,
17 LLC, dated April 2022;

18 Electrical Riser Diagram prepared by
19 Santon Electrical Company, Inc., dated
20 March 24, 2021;

21 The Lease Agreement, dated January 6,
22 2020;

23 Associated billboard articles;

24 A staff memo to Planning and Zoning
25 Commission, dated November 16, 2021;

1 Staff memo to Planning and Zoning
2 Commission, dated December 6, 2021;

3 Planning and Zoning Commission
4 continuance letter, dated December 9, 2021;

5 Planning and Zoning Commission
6 decision and Public Hearing letter to
7 Applicant, dated February 17, 2022;

8 Executed extension of time request
9 for Public Hearing, dated February 17, 2022;

10 Billboard conditional use criteria
11 from our Zoning Ordinance;

12 Gateway Engineer's review letter,
13 dated June 21, 2021;

14 Gateway Engineer's review letter,
15 dated July 13, 2021;

16 Gateway Engineer's review letter,
17 dated July 27, 2021;

18 Gateway Engineers review letter,
19 dated May 20, 2022;

20 Staff memo and photographs for
21 placard posting, dated May 12, 2022.

22 And pending any comments or
23 objections from the Public Hearing, Council
24 may consider action on request -- on the
25 request at the June 13, 2022 Regular Council

1 Meeting.

2 PRESIDENT MOURY: Thank you very
3 much.

4 If the Applicant has any comments, if
5 you could, if you wanted to speak, to come up
6 to the microphone and state your name and
7 address. I'd appreciate you spelling your
8 last name just for the record.

9 MR. GOLVASH: Good evening. My
10 name's Jeffrey Golvash, G-O-L-V- as in Victor
11 -A-S-H. I am counsel for Genesis Outdoor
12 Advertising, Inc.

13 I have with me Tom Cregan, managing
14 partner for Genesis Outdoor Advertising; as
15 well as Graham Ferry, our professional
16 engineer who did the site plan, elevation
17 plan, and the landscaping plan; Marty Micko,
18 who did the photometric planning; and Andrew
19 Schwartz, who is providing an expert opinion
20 relative to the conformance of the application
21 to the applicable standards.

22 I just wanted to get on the record,
23 there's some confusion as to, I think, the
24 indication this was zoned C-2. Discussing
25 with my engineers and looking at the zoning

1 map, it seems to indicate that it's M --
2 District M.

3 So I'm not sure -- if you look at --
4 I was just looking at the map up there. It's
5 shaded in the sort of salmon color, which is
6 District M. I'm not sure it's overly
7 critical, but I think the billboard is
8 permissible in both the C-2 and the MLI
9 District, but there may be some point of
10 contention as to whether this is C-2 or the
11 zoning M District.

12 So, I don't know if that's an issue
13 for the Solicitor or what. But we can -- I
14 just wanted to put that on the record.

15 PRESIDENT MOURY: Sure. We can
16 verify that on the record. Thank you.

17 DR. CAMPBELL: It's on Page 49 of the
18 application.

19 MR. GOLVASH: The -- I do have an
20 exhibit list that I've furnished a copy to the
21 Court Reporter.

22 Everything -- I believe what
23 Ms. Primm has indicated is covered. There are
24 a few additional exhibits that I'm going to be
25 introducing tonight. And I think you've

1 already made mention of it. But I think the
2 --

3 I don't think when I gave it to you,
4 Kristin, I don't believe I gave you a copy of
5 the zoning -- the Conditional Use Application
6 as an exhibit that I intended on presenting.

7 But that's obviously already part of
8 the record, as well as the correspondence
9 which was attached to that application from
10 88 Investors, allowing -- permitting
11 Mr. Cregan as the leaseholder to apply for
12 whatever permits are necessary for this
13 particular use.

14 I will have the C- -- the curriculum
15 vitae for Mr. Schwartz that I will introduce
16 as part of this. And Mr. Schwartz will
17 provide that a land use vicinity map, just to
18 kind of give you a feel for what are the uses
19 in that general area, relative to that subject
20 lot.

21 So at this time, I'll call my first
22 witness, Mr. Tom Cregan.

23 Is there somewhere he can -- is there
24 a microphone or something?

25 MR. CREGAN: I'll just stand next to

1 you.

2 PRESIDENT MOURY: If you wanted to --
3 we have a microphone here you could use, if
4 you prefer.

5 MR. CREGAN: This is fine. Can you
6 hear me?

7 PRESIDENT MOURY: Yes. Just come
8 closer.

9 MR. CREGAN: Okay.
10 Will you introduce yourself, and your
11 name and address, please.

12 MR. CREGAN: Yeah. My name is Tom
13 Cregan, and that's C-R-E-G-A-N. I'm the
14 managing partner of Genesis.

15 This is -- I mean, the only thing
16 that I would add to Jeff is this originated
17 with a request by the landowner, Mr. Rich
18 Arronberg (phonetic), a couple years ago to
19 see if it might be -- if we may have some
20 interest in pursuing a -- getting a billboard
21 permit there.

22 He has a piece of property that --
23 the property in question, it's pretty much
24 useless. There's nothing he can do with it.
25 And the only viable use of it would be to put

1 a sign there, that he might be able to make a
2 little bit of money so that he could help
3 defray his taxes and his expenses.

4 And then that brings us to today. We
5 went to Planning and made our case there. And
6 here we are now.

7 MR. GOLVASH: Sure.

8 - - -

9 TOM CREGAN,

10 having been first duly sworn, testified as
11 follows:

12 DIRECT EXAMINATION

13 BY MR. GOLVASH:

14 Q. So, Mr. Cregan, you've already
15 introduced yourself. Can you just give us
16 your position with the Genesis Outdoor
17 Advertising again was? Your position with the
18 company?

19 A. Managing partner.

20 Q. What are -- what do those duties
21 entail as managing partner?

22 A. Well, I'm the person that leases the
23 properties and builds the sign and sells the
24 advertising and employs people and everything
25 associated with -- with the advertising, you

1 know, aspects of the billboard business.

2 Q. Sure. And how many billboards are
3 currently under lease with Genesis Outdoor
4 Advertising?

5 A. We have about 86.

6 Q. Are they across the country or are
7 they Pennsylvania?

8 A. No, primarily in Youngstown, Ohio;
9 New Castle, Pennsylvania, there's a couple in
10 McKeesport, Pennsylvania, and we have one in
11 Castle Shannon, PA.

12 Q. And of those billboards you
13 mentioned, how many are digital billboards?

14 A. Out of those, I think there are eight
15 that are digital structures, some of which are
16 back to back digitals, so I think altogether
17 we have about 15 or 16 digital faces.

18 And we use the Watchfire product.
19 The Watchfire Company has proven to be the
20 leader in the industry and the -- just an
21 incredible product that we're very happy to
22 have that association with Watchfire.

23 Q. And the location of these digital
24 billboards, are they similar to what is -- the
25 location that's being proposed with the

1 subject parcel, that is, at an intersection
2 between, you know, two heavily traveled or
3 moderately traveled roadways?

4 A. Yeah, I would say so. That puts --
5 this particular intersection that we're
6 talking about at Hillside and Library is a red
7 light. It's a stoplight, which I think is
8 advantageous so that people can see the
9 various displays on the sign for a longer
10 period of time because you're sitting at the
11 red light.

12 Q. And I think Ms. Primm touched upon
13 this.

14 But there is a lease that you entered
15 into with the subject -- the property owner?

16 A. Yes. Me and Mr. Arronberg have a
17 lease. I don't think he'd want me to get into
18 the specifics of it. But it's a long-term
19 lease, fairly standard, you know, lease
20 agreement for the billboard business.

21 Q. And that lease is for the use of the
22 property for the erection and maintenance of a
23 digital billboard?

24 A. Yes.

25 MR. GOLVASH: And we'll introduce the

1 lease for the subject property that is Genesis
2 Exhibit No. 1.

3 - - -

4 (Whereupon, Genesis Exhibit No. 1 was
5 marked for identification.)

6 BY MR. GOLVASH:

7 Q. In connection with the lease and the
8 proposed intent to use the property as a
9 digital billboard, did you submit a
10 Conditional Use Application with the Borough
11 of Bethel Park?

12 A. Yes.

13 Q. And I think you've touched upon that,
14 that that was -- the original application was
15 filed in June of 2021?

16 A. Yes. Uh-huh.

17 Q. And that application was withdrawn,
18 and you refiled in October of 2021?

19 A. Yeah, I reapplied -- withdrew that
20 original application because I could tell in
21 front of the Planning panel that their --
22 maybe I had not done enough homework or
23 presented them with a fully detailed plan.

24 So I went to -- Mr. Winkle at the
25 time was the Zoning Officer. And I decided to

1 pull that application and start again at
2 square one. I hired these guys to be the
3 professional engineers, the electrical
4 engineers, the civil engineers, make sure
5 everything was precise, and there would be
6 no -- no ambiguity involved with it. And then
7 we refiled the new application, I believe,
8 August -- I guess, maybe August or September
9 preliminary.

10 MS. PRIMM: The new application was
11 September 16, 2021.

12 THE WITNESS: Yeah.

13 MR. GOLVASH: And we'll introduce
14 that as Genesis Exhibit No. 2, the Conditional
15 Use Application for erection and maintenance
16 of a digital billboard at the subject parcel.
17 I think we identified that as 317G29.

18 - - -

19 (Whereupon, Genesis Exhibit No. 2 was
20 marked for identification.)

21 PRESIDENT MOURY: You supplied the
22 stenographer with all that, the documents that
23 you're entering into the record?

24 MR. GOLVASH: Pardon me?

25 PRESIDENT MOURY: Did you supply a

1 copy of everything you wanted into the record?

2 MR. GOLVASH: I did. She has -- she
3 has an exhibit list. And I submitted --

4 MS. PRIMM: I gave her a copy.

5 PRESIDENT MOURY: Okay. Thank you.

6 MR. GOLVASH: Yes. Yeah, I talked to
7 Kirsten about that.

8 PRESIDENT MOURY: No problem.

9 BY MR. GOLVASH:

10 Q. And did the property owner authorize
11 you to appear on his behalf and pursue
12 whatever permits were necessary for the
13 erection and maintenance of that billboard?

14 A. Yes, he did. In fact, Richard
15 himself appeared at the first or second
16 Planning Commission workshop that we had.

17 MR. GOLVASH: And we'll introduce
18 that as Genesis Exhibit No. 3. That would be
19 the Arronberg correspondence, dated August 27,
20 2021, allowing Mr. Cregan to appear on his
21 behalf and pursue any permits that are
22 required.

23 - - -

24 (Whereupon, Genesis Exhibit No. 3 was
25 marked for identification.)

1 BY MR. GOLVASH:

2 Q. Mr. Cregan, in connection with the
3 lease and digital billboard Conditional Use
4 Application, did you engage RMG Outdoor, Inc.
5 to prepare construction plans relative to
6 billboard project?

7 A. Yes. Yes. They are the structural
8 steel engineers and fabricators.

9 MR. GOLVASH: And we'll introduce the
10 RMG construction drawings as Genesis Exhibit
11 No. 4.

12 - - -

13 (Whereupon, Genesis Exhibit No. 4 was
14 marked for identification.)

15 BY MR. GOLVASH:

16 Q. And in connection with the lease and
17 billboard Conditional Use Application, did
18 Genesis engage Sheffler & Company to prepare a
19 site plan, elevation plan, and landscaping
20 plan?

21 A. Yeah. We originally intended to hire
22 Gateway Engineering, and they accepted the
23 job. And then we received a phone call from
24 Gateway saying, you know what, we're sorry,
25 but we are under contract or under a

1 relationship with Bethel Park, and it would
2 not be appropriate for us to do this work for
3 you too.

4 So they recommended Sheffler, saying
5 Sheffler was a very well-established and
6 respected company. Then we hired Sheffler
7 Engineering.

8 MR. GOLVASH: And we'll introduce the
9 Sheffler site plan as Exhibit No. 5, the
10 elevation plan from Sheffler as Exhibit No. 6,
11 and the Sheffler landscaping plan as Genesis
12 Exhibit No. 7.

13

- - -

14 (Whereupon, Genesis Exhibits No. 5,
15 No. 6, and No. 7 were marked for
16 identification.)

17 BY MR. GOLVASH:

18 Q. And further, Mr. Cregan, in
19 connection with the lease and digital
20 Conditional Use Application, did you engage
21 Santon Electric Company to prepare an
22 electrical riser diagram?

23 A. Yes. They're call Santon, and they
24 are a licensed Pennsylvania electrical
25 company. And they do quite a bit of these

1 types of jobs. And they -- they're the ones
2 that supplied the drawings, the electrical
3 drawings for this.

4 MR. GOLVASH: And we'll introduce the
5 Santon Electric Company electrical riser
6 diagram as Genesis Exhibit Number 8.

7 - - -

8 (Whereupon, Genesis Exhibit No. 8 was
9 marked for identification.)

10 BY MR. GOLVASH:

11 Q. And in connection with the lease and
12 digital billboard Conditional Use Application,
13 did Genesis engage Redcon Engineering to
14 prepare a photometric plan relative to the
15 billboard application?

16 A. Yes. It came under the Planning
17 process that there was some concern about a
18 term called candelas or candlepower, and then
19 the photometric study addressed that.

20 So I was not even aware there was
21 such a thing as a photometric. But we hired
22 Redcon to do the photometric site, which they
23 did.

24 MR. GOLVASH: And we'll introduce the
25 Redcon Engineering photometric plan as Genesis

1 Exhibit No. 9.

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(Whereupon, Genesis Exhibit No. 9 was marked for identification.)

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THE WITNESS: And that -- that study, by the way, was critical because it makes sure that we were in full compliance with the Bethel Park restrictions on digital lighting. So I think Gateway signed off that that was also in compliance.

11

BY MR. GOLVASH:

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16

Q. In connection with the lease and digital billboard Conditional Use Application, did Genesis have a billboard manufacturer, specifically Watchfire Signs, direct correspondence --

17

A. Yes.

18

Q. -- to --

19

20

21

22

Just so we don't talk over each other, Mr. Cregan, let me just finish the question so it's easier for the Court Reporter to take down the information.

23

24

25

So I'll rephrase. In connection with the lease of digital billboard Conditional Use Application, did Genesis have the billboard

1 manufacturer, which in this case is Watchfire
2 Signs, direct correspondence, dated January
3 22, 2022 and April 28, 2022, to Bethel Park
4 addressing billboard functionality and use?

5 A. Yes.

6 MR. GOLVASH: And we'll introduce
7 those Watchfire letters as Genesis Exhibits
8 No. 10 and No. 11.

9

- - -

10 (Whereupon, Genesis Exhibits No. 10
11 and No. 11 were marked for identification.)

12 BY MR. GOLVASH:

13 Q. And in connection with the lease and
14 digital billboard Conditional Use Application,
15 did Genesis create a digital -- a digital
16 rendering of the proposed billboard on the
17 subject parcel?

18 A. Yes. In fact, the -- one of the
19 participants is Mr. Schultheis, which Jim
20 Schultheis is on the screen above. And he is
21 available for any questions via -- via Zoom.

22 MR. GOLVASH: If everyone can see
23 that. So this is just a digital photograph
24 rendering of the billboard on the site. It's
25 to scale to some degree. But it was just

1 primarily done to give you some feel, scope as
2 to where the sign would be situated and the
3 topography and the surrounding uses relative
4 to the sign.

5 So this would be the view coming --
6 I'm not sure if my direction's --

7 DR. CAMPBELL: That would be headed
8 south on 88.

9 MR. GOLVASH: That's headed south.
10 And this would be the view coming
11 down the hillside, North Hillside Drive.

12 And as you can see, the property is
13 certainly undeveloped, surrounded by other
14 industrial and manufacturing uses.
15 Specifically, there is a railroad to the right
16 of the drawing that we're looking at. And
17 other -- nothing of any significance in the
18 area, no residences, no other R-1, R-2 uses in
19 that area.

20 So, again, this was just designed to
21 give -- in response to the Planning
22 Commission. They wanted some -- anything we
23 could show to show where that sign would be
24 located and what it would look -- generally
25 look like in the area.

1 PRESIDENT MOURY: Would you mind
2 turning that around for the public to see
3 also?

4 MR. GOLVASH: So we'll introduce the
5 photographs collectively as Genesis Exhibit
6 No. 12.

7 - - -

8 (Whereupon, Genesis Exhibit No. 12
9 was marked for identification.)

10 BY MR. GOLVASH:

11 Q. And in connection with the lease and
12 digital billboard Conditional Use Application,
13 did Genesis submit a series of media articles
14 and testimonials highlighting the potential
15 positive impact billboards can have on the
16 community?

17 A. Yeah. There's -- there's been pretty
18 good constructive use of these digital
19 billboards throughout the country when it
20 relates to Amber Alerts. In the unfortunate
21 event that some kid would be kidnapped,
22 these things can immediately, within five
23 minutes, pop up with an Amber Alert. Tornado
24 alerts, traffic alerts, escaped criminal
25 alerts, that type of thing have seemingly been

1 very helpful to police departments and safety
2 forces.

3 Q. And in connection with the --

4 MR. GOLVASH: We'll introduce the
5 articles relating to billboards and billboard
6 testimonials as Genesis Exhibit No. 13
7 collectively.

8 - - -

9 (Whereupon, Genesis Exhibit No. 13
10 was marked for identification.)

11 BY MR. GOLVASH:

12 Q. In connection with the lease and
13 digital billboard Conditional Use Application,
14 did Genesis employ the services of a land use
15 planning expert to provide an opinion as to
16 whether the application as filed was in
17 requirements with the Bethel Park's zoning
18 code?

19 A. Yes, we did.

20 Q. And did you employ the services of
21 environmental -- Environmental Planning and
22 Design, specifically Andrew Schwartz?

23 A. Yes, we did.

24 MR. GOLVASH: And we'll introduce the
25 Environmental Planning and Design report as

1 Genesis Exhibit No. 14.

2 - - -

3 (Whereupon, Genesis Exhibit No. 14
4 was marked for identification.)

5 MR. GOLVASH: I think that's all the
6 questions I have for Mr. Cregan.

7 BY MR. GOLVASH:

8 Q. Anything you want to offer beyond
9 what we've talked about?

10 A. No. I think that's pretty
11 comprehensive. I'd be glad to answer any
12 questions anybody has. But that's it.

13 MR. GOLVASH: Any questions for
14 Mr. Cregan while he's available?

15 PRESIDENT MOURY: I think this is
16 going to be a comment more than a question.

17 The two images, and I realize they're
18 just depicting the size. But the location --
19 these signs you're proposing are back to back,
20 correct?

21 MR. GOLVASH: Yes.

22 THE WITNESS: They're actually what
23 we call a slight V. So they're, yeah, like
24 that.

25 PRESIDENT MOURY: Okay. Just to --

1 THE WITNESS: Back to back would be
2 abutting each other. But these are more like
3 what --

4 PRESIDENT MOURY: Now, looking at the
5 renderings, they appear they're in two
6 different locations. I know it's just for the
7 size. But it --

8 MR. GOLVASH: Right.

9 PRESIDENT MOURY: -- appears that the
10 renderings you gave don't really depict
11 exactly where it's going to be. It shows the
12 sign, but it looks like the sign is in two
13 different locations, just as a comment.

14 MR. GOLVASH: Yeah, it does not show
15 the V-design that is going to be implemented.
16 You know, but it was just something to kind of
17 give a general scope and feel of what it would
18 look like. But it certainly is not, you know,
19 to that detail.

20 THE WITNESS: It was as close -- as
21 close of an approximation as -- I mean, the
22 sign is not there, obviously. So we tried to
23 make it as close of a rendering of
24 approximation as possible.

25 MR. O'BRIEN: Mr. Moury?

1 PRESIDENT MOURY: Mr. O'Brien.

2 MR. O'BRIEN: All the signs that you
3 talked about, you already have them existing.
4 The technology was changing so quickly over
5 the years. What location would you suggest to
6 us that the sign will be very similar to the
7 one that you're proposing at this site, in the
8 Pittsburgh area, that we all can go look at
9 and see the illumination, see what it looks
10 like within -- within the neighborhoods?

11 THE WITNESS: Yeah, there's actually
12 two in -- there's two on Library Road, a
13 mile -- maybe just a mile or so --

14 MR. O'BRIEN: Was that --

15 THE WITNESS: -- going north on
16 Library. There -- one of them is at Martin --
17 you know where the Martin Used Car Gallery is?

18 MR. O'BRIEN: Absolutely.

19 THE WITNESS: He has one there in his
20 parking lot. Then if you go down a bit
21 further on Library -- or going north on
22 Library -- do you know where Grove -- Grove
23 Street is there?

24 MR. O'BRIEN: Grove Road?

25 THE WITNESS: Grove Road, yeah.

1 MR. O'BRIEN: Yeah, I grew up in
2 Castle Shannon.

3 THE WITNESS: Cibroni's Bakery is --

4 MR. O'BRIEN: Yes. Yes.

5 THE WITNESS: So you keep on going
6 down Library a little bit, and then you'll see
7 another one. Do you know where Denny Pruni
8 (phonetic) has his --

9 MR. O'BRIEN: Absolutely. I know
10 Denny Pruni.

11 THE WITNESS: It's like almost
12 located near --

13 MR. O'BRIEN: And they are the
14 exact -- they're similar?

15 THE WITNESS: Yes.

16 MR. O'BRIEN: Okay. Thank you.

17 THE WITNESS: Yep.

18 MR. GOLVASH: Yeah, and I would just
19 reiterate -- I was actually at Mindful Brewing
20 this past weekend and was staring at that sign
21 that's on the auto lot, and I think it's very
22 similar. It's a double- --

23 Tom, it's a double- -- it's a
24 V-sided?

25 THE WITNESS: Yes. Uh-huh.

1 MR. GOLVASH: It's a V-sided sign.
2 And it's in a similar location in terms of
3 a -- sort of the -- sort of a junction point
4 between 88 and Castle Shannon Boulevard.

5 So I would think that would be the
6 one that would be most -- most similar to the
7 location that we're proposing on 88 and
8 Hillside Drive.

9 MR. O'BRIEN: Okay.

10 DR. CAMPBELL: Mr. Moury?

11 PRESIDENT MOURY: Dr. Campbell.

12 DR. CAMPBELL: Visual aid is worth a
13 thousand words, there's no doubt about that.
14 That red hatchback you have in the picture
15 there, it's coming about 4 foot high, maybe 8
16 foot, 10 foot long, that's about the extent of
17 it.

18 If you look at that in proportionate
19 to the sign on the location, you're proposing,
20 I believe, a 10 by 20 foot sign, correct? 10
21 foot off the ground? That's my understanding?

22 THE WITNESS: Yes.

23 DR. CAMPBELL: So if that's the case,
24 that sign -- that audio/visual is
25 disingenuous, if that's the case.

1 THE WITNESS: Yeah, see, this -- this
2 rectangle is representative of a 10-foot tall
3 by 20-foot long sign face.

4 DR. CAMPBELL: Okay.

5 THE WITNESS: And then the distance
6 between the ground and the bottom of the sign
7 would be 10 feet. So the total height would
8 be 20 feet.

9 DR. CAMPBELL: How far is that set
10 off from that -- from that intersection? From
11 the road where the red hatchback is?

12 THE WITNESS: How far set --

13 DR. CAMPBELL: Set back from that red
14 hatchback? That's my -- that's my thumbprint
15 right there. That's my -- my ruler right now.

16 THE WITNESS: You know, I -- I don't
17 know. Whatever the -- whatever Bethel Park's
18 requirement is. There are specific
19 requirements for setback. And I know that we
20 achieved -- we had to achieve that. So
21 whatever it is, we did.

22 MR. GOLVASH: Yeah. Mr. Ferry can
23 talk about the exact location of the sign,
24 where it's going to sit on the property.

25 DR. CAMPBELL: I think it's best we

1 go to down to the Grove and take a look at it.

2 MR. GOLVASH: Like I said, I think
3 the sign that's situated at the corner of
4 Route 88 and Castle Shannon Boulevard, I
5 think, would be very representative of what's
6 being proposed currently.

7 PRESIDENT MOURY: Don't cite me as an
8 exhibit, but if I read the drawing correctly,
9 it's 29.55 feet from the property line, which
10 is a few feet off the edge of the road.

11 DR. CAMPBELL: Right.

12 PRESIDENT MOURY: On slide 12 of our
13 packet.

14 Is there any other discussion from
15 Council?

16 (No response.)

17 PRESIDENT MOURY: Do you have
18 anything else you would like to enter into the
19 record?

20 MR. GOLVASH: Sure. We're going to
21 -- I'm going to call Graham Ferry.

22 PRESIDENT MOURY: If you could state
23 your name and organization and address,
24 please.

25 THE WITNESS: My name is Graham

1 Ferry, spelled F-E-R-R-Y. And I'm a senior
2 civil engineer with the Sheffler & Company,
3 Incorporated.

4 - - -

5 GRAHAM FERRY,
6 having been first duly sworn, testified as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. GOLVASH:

10 Q. Mr. Ferry, can you just briefly
11 identify your educational background for the
12 board, please.

13 A. Sure. I have two associate's of
14 science degree, a bachelor's degree in civil
15 engineering, and a master's degree in
16 engineering management.

17 Q. And do you hold any professional
18 licensures, certifications or registrations?

19 A. Yes. I'm a professional engineer in
20 seven states, five active, including
21 Pennsylvania.

22 Q. And, Mr. Ferry, could you discuss and
23 summarize for the board the types of land use
24 planning and zoning matters for which you have
25 been retained and -- either by a Municipality

1 and or by an Applicant?

2 A. I've been doing, you know, plan
3 preparations and presentations for large
4 commercial residential-type developments, you
5 know, in different municipalities in Western
6 Pennsylvania for over 27 years.

7 Q. Mr. Ferry, were you retained by
8 Genesis Outdoor Advertising, Inc.?

9 A. Yes, I was.

10 Q. And what was the scope and purpose of
11 that engagement?

12 A. Our services were procured to prepare
13 a site plan, landscaping plan, and sign
14 elevation plan for the subject property at
15 Route 88 and Hillside Drive.

16 Q. And can you briefly describe what a
17 site plan details?

18 A. A site plan basically graphically
19 displays all above-ground site amenities, both
20 existing and proposed, for a specific subject
21 parcel.

22 Q. And in connection with this
23 particular application, what documents did you
24 review in preparing the site plan, elevation
25 plan, and landscaping plan?

1 A. I would have reviewed the Bethel Park
2 Conditional Use Application, the zoning
3 ordinance, the zoning map. I also reviewed
4 the structural plans prepared by RMG just for
5 confirmation of the size parameters of the
6 sign itself.

7 Q. And there was some discussion at the
8 beginning of the hearing about the -- what
9 zoning district the subject property is
10 located.

11 A. It was my belief and understanding
12 that it was a C-2. But there does seem to be
13 some debate over that right now that we'll
14 have to get -- to get that settled.

15 Q. Is a billboard permissible in either
16 a C-2 or MLI or M District in Bethel Park?

17 A. Yes, they -- they are permissible in
18 both.

19 Q. And I think there was some specific
20 questions about the location of the billboard
21 on the subject property. So I don't know if
22 this is something you want to point out here.

23 But can you identify exactly where
24 the billboard would sit on the property, how
25 far off the property lines?

1 A. Well, basically, due to the fact that
2 the property lines around the property aren't
3 completely symmetrical, I mean, you know,
4 distances change consistently across the plan.

5 But the necessary setbacks are all
6 identified on the plan, as well as the -- the
7 distances from the setback where applicable,
8 and it would display that the sign and its
9 location are in conformance with the zoning
10 requirements.

11 Q. So it's your opinion -- it's your
12 testimony that the site plan as evidenced in
13 your plans, drawings submitted as --

14 Well, let me just back up. I'm going
15 to introduce this as Genesis Exhibit No. 5.

16 And so it's your testimony and
17 opinion that Exhibit No. 5 meets all the
18 requirements for setbacks and height
19 requirements as outlined in the Bethel Park
20 zoning code?

21 A. Yes, that's correct.

22 Q. And that would be Sections 69.2 and
23 3?

24 A. Yes. That sounds correct, yes.

25 Q. 89 and 69. Yeah. 69.89.2 and 3; is

1 that correct?

2 A. Yes.

3 Q. And in addition to the site plan, did
4 you prepare an elevation plan in connection
5 with this Conditional Use Application?

6 A. Yes, I did.

7 Q. There were two other drawings that
8 were submitted as part of the site plan, Mr.
9 Ferry.

10 Is there anything of significance or
11 importance that you want to alert the Council
12 to?

13 A. Not specifically. They were just
14 requested by the Gateway Engineers to either
15 review, just to provide some more consistency
16 with the site plan, just to confirm the
17 applicable setbacks and spacing requirements
18 per the zoning ordinance.

19 MR. GOLVASH: So that would be -- we
20 just looked at -- I'm just going to hold this
21 up. This was -- this is Page No. 2 of the
22 site plan.

23 BY MR. GOLVASH:

24 Q. And, again, Mr. Ferry, as it relates
25 to Page No. 3 in your site plan, anything of

1 significance that we need to alert Council to
2 on this?

3 A. I don't believe so. Again, it was
4 just intended to provide additional
5 verification for the Gateway Engineer's
6 review.

7 Q. So we're going to -- we mentioned the
8 -- you prepared an elevation plan in
9 connection with this Conditional Use
10 Application?

11 A. Yes, that's correct.

12 MR. GOLVASH: And we'll introduce
13 that elevation plan as Genesis Exhibit No. 6.

14 BY MR. GOLVASH:

15 Q. And what did that elevation plan
16 evidence?

17 A. It showed that the sign as proposed,
18 when considered with its horizontal siting on
19 the subject parcel, would meet the height
20 restriction requirements for the zoning
21 district.

22 Q. And in addition to the site plan and
23 elevation plan, did you also prepare a
24 landscaping plan in connection with this
25 project?

1 A. Yes, that's correct.

2 MR. GOLVASH: And I think we
3 previously introduced that as Genesis Exhibit
4 No. 7.

5 BY MR. GOLVASH:

6 Q. Mr. Ferry, again, if you could just
7 tell us briefly what the landscaping plan
8 evidences.

9 A. It shows a graphical representation
10 of the different plantings in terms of the
11 quantity, variety of plant, and as well as the
12 spacing of the plants, as well as a graphical
13 representation of what essentially it would
14 look like upon full build out and plantings of
15 the necessary shrubs, plants.

16 MR. GOLVASH: And, again, I think
17 we've already previously introduced this. But
18 again, this would be Genesis Outdoor
19 Advertising Exhibit No. 7.

20 BY MR. GOLVASH:

21 Q. So just in conclusion, Mr. Ferry, is
22 it your opinion that the siting plan,
23 elevation plan, and landscaping plan as
24 testified to this evening and as prepared and
25 submitted as Exhibits 5, 6, and 7 are

1 consistent with zoning code provisions
2 69.89.2, 69.89.3, and 69.89.5?

3 A. Yes, that would be correct.

4 Q. And, finally, by way of
5 correspondence dated January 10, 2022 to
6 Stacey Graph, Director of Engineering at
7 Bethel Park, did you address several --
8 several health, safety, and wellness matters
9 raised by the December 6, 2021 memorandum from
10 Jeffrey Winkle?

11 A. Yes, I did.

12 MR. GOLVASH: And I don't know if we
13 have that. I think that was part of my
14 exhibit list, Kirstin.

15 But we'll introduce that on my
16 exhibit list as Genesis Exhibit No. 17.

17 - - -

18 (Whereupon, Genesis Exhibit No. 17
19 was marked for identification.)

20 MR. GOLVASH: That's all the
21 questions I have for Mr. Ferry.

22 I'll open him up for Council, if they
23 have any questions.

24 PRESIDENT MOURY: Any questions?

25 (No response.)

1 PRESIDENT MOURY: Hearing none at
2 this time. Thank you.

3 MR. GOLVASH: Next we'll call Marty
4 Micko.

5 THE WITNESS: Hi. My name is
6 Marty Micko. That's M-I-C-K-O.

7 PRESIDENT MOURY: And who are you
8 representing?

9 THE WITNESS: I'm with Redcon
10 Engineering in Carnegie, Pennsylvania. I'm a
11 principal in electrical engineering.

12 PRESIDENT MOURY: Thank you.

13 - - -

14 MARTY MICKO,

15 having been fist duly sworn, testified as
16 follows:

17 DIRECT EXAMINATION

18 BY MR. GOLVASH:

19 Q. And, Mr. Micko, briefly identify your
20 educational background for Council.

21 A. I have a degree in electrical
22 engineering technology from the University of
23 Pittsburgh.

24 Q. And do you hold any professional
25 licensures, certifications, or registrations?

1 A. Yes. I'm a registered professional
2 engineer in Pennsylvania. And I hold six
3 other active licenses throughout western -- or
4 the eastern United States.

5 Q. And can you discuss and summarize for
6 the -- for Council the types of land use
7 planning and zoning matters which you've been
8 retained by either a municipality or a
9 developer?

10 A. Yeah. I worked on numerous
11 municipal, commercial projects, and skate
12 parks, parking lots, private drives, roadways.

13 Q. And, Mr. Micko, were you retained by
14 Genesis Outdoor Advertising in connection with
15 the billboard Conditional Use Application?

16 A. Yes. I was asked to prepare a
17 photometric study on the light output by the
18 digital billboard.

19 Q. And can you briefly describe what a
20 photometric analysis entails?

21 A. It's basically where you calculate
22 the expected light output that would reach the
23 surface of the ground. And you calculate that
24 area on the adjoining properties, including
25 the subject property.

1 Q. In connection with your engagement on
2 this project, what documents did you review in
3 preparing the photometric plan?

4 A. We looked at the Bethel Park
5 ordinance, looked at the zoning map. We
6 reviewed the Watchfire documentation. And we
7 looked at the way you actually use the
8 Sheffler background drawing to accurately
9 sight the calculations.

10 Q. And are billboards permitted in
11 either the C-2 or M District in Bethel Park?

12 A. It's in the M District.

13 Q. And are billboards permitted --

14 A. Yes, they're permitted in the M --
15 C-2 and M. I do believe it was in the MLI
16 District, Manufacturing and Industrial.

17 MS. PRIMM: Excuse me. I would like
18 to point out that this is an old map, so...

19 MR. GOLVASH: Okay.

20 BY MR. GOLVASH:

21 Q. And what was previously introduced as
22 Genesis Outdoor Exhibit No. 9, did you prepare
23 a photometric analysis report for the proposed
24 digital billboard?

25 A. Yes.

1 Q. And can you describe briefly what the
2 results of that photometric plan were?

3 A. So we used the computer model to
4 graphically place the light output of the --
5 of the sign on the surface of the -- of the
6 subject property. The results of the study,
7 you can see, are -- it's a 10-foot by 10-foot
8 grid to show the actual light and
9 foot-candles.

10 So we overlaid the -- in the
11 background data is the -- is the actual survey
12 data. We also used a Google Earth
13 representation so that, you know, we can
14 graphically show you and physically show you
15 where the calculations are projected beyond on
16 the -- on the ground.

17 So as you can see, we have -- the red
18 is the property line. These other lines are
19 called isolines. So when you do the
20 calculation, each line represents a -- a
21 foot-candle level.

22 The actual maximum foot-candle level
23 is 0.5 foot-candles, not to -- exceeded on the
24 joint property line, and we meet that.

25 We actually had Rev -- Rev 1 of this

1 calculation did not meet it. We worked with
2 the surveyor. And we had to actually move the
3 sign to get it into compliance.

4 Q. And what we're looking at, Mr. Micko,
5 is Appendix C of your report; is that correct?

6 A. That's correct.

7 Q. And what -- and what data did you use
8 relative to this particular project to arrive
9 at these numbers?

10 A. So, again, we used a computerized
11 software to model the light output. We were
12 provided with IES file, which is a data file
13 that the manufacturer has generated for the
14 signs, for the lay modules.

15 There's -- there's -- it's 1 foot
16 light modules on the billboard. So we
17 graphically represented them in the computer
18 software.

19 Q. Next I'm going to show what's -- I
20 think this is Appendix D for your report --

21 A. Yes.

22 Q. -- is that correct?

23 And, again, briefly describe to
24 Council what we're looking at.

25 A. Sure. This is the same

1 representation as the first exhibit. But it's
2 called pseudo powers (phonetic). So it's a
3 software. And it colorizes the foot-candle
4 outputs so you can better see the gradients.
5 So that the higher foot-candles are in red,
6 all the way up to one -- one's the maximum on
7 the scale. Actually, 2.5 is one of the higher
8 numbers, and it gets in the cooler colors.

9 So you can see the gradient as the --
10 as the light disperses on the ground. It's
11 more of a zoomed-in view just to give you a
12 better representation. Also, the property
13 lines are shown on here.

14 And the calculation grid is also
15 shown, too. So you can see, you know, where
16 the maximum .5 is on the map.

17 Q. So is it your testimony that Appendix
18 C and Appendix D of your report, previously
19 marked Genesis Exhibit No. 9, evidences that
20 the foot-candle output will not exceed .5 at
21 the adjoining properties?

22 A. Yes, that is correct.

23 MR. GOLVASH: I have no further
24 questions for Mr. Micko.

25 PRESIDENT MOURY: Any discussion or

1 questions from Council?

2 (No response.)

3 PRESIDENT MOURY: Hearing none.

4 Thank you very much.

5 MR. GOLVASH: Mr. Cregan just wanted
6 me to make note of it, and I think --

7 Kirsten, I think the most recent
8 comment letter from Gateway Engineers
9 indicated that our plan does not show that the
10 billboard would be off between the hours of
11 11:00 p.m. and 6:00 a.m.

12 So we will certainly make that note
13 on the site plan or wherever they require it
14 to appear that the billboard will not run
15 between the hours of 11:00 p.m. and 6:00 a.m.

16 MS. PRIMM: If you could provide that
17 in writing before their next meeting so I can
18 provide that with them, that would be great.

19 MR. GOLVASH: Do you want -- do you
20 just need the updated plan?

21 MS. PRIMM: Yes.

22 MR. GOLVASH: Yeah, we can note that
23 on the site plan. Yep, we'll take care of
24 that.

25 My next witness is Jim Schultheis. I

1 think he's appearing via Zoom.

2 Jim, are you with us?

3 THE WITNESS: Yes. Can you hear me
4 okay?

5 PRESIDENT MOURY: Could you state
6 your name, address, and organization, please,
7 and spell your last name.

8 THE WITNESS: Yes. My name is
9 Jim Schultheis, spelled S-C-H-U-L-T-H-E-I-S.
10 I live in Fort Walton Beach, Florida. And I
11 work for Watchfire Digital Signs
12 in Danville -- (inaudible.)

13 COURT REPORTER: And what was the
14 end?

15 PRESIDENT MOURY: Could you repeat
16 where you work and location.

17 THE WITNESS: I work from home in
18 Fort Walton Beach, Florida, and telecommute
19 with a factory in Danville, Illinois.

20 PRESIDENT MOURY: What is the company
21 you work for?

22 MR. SCHULTHEIS: Watchfire Digital
23 Signs.

24 PRESIDENT MOURY: Thank you.

25 THE WITNESS: Sure.

1 - - -

2 JIM SCHULTHEIS,

3 having been first duly sworn, testified via
4 Zoom as follows:

5 DIRECT EXAMINATION

6 BY MR. GOLVASH:

7 Q. Mr. Schultheis, what is the nature
8 and scope of business for Watchfire Signs?

9 A. We -- we manufacture digital
10 billboards and smaller LED signs for placement
11 in front of businesses like lawyer's offices
12 and churches and whatnot.

13 Q. And are you the manufacturer and
14 billboard -- are you providing the billboard
15 for this particular digital billboard project
16 behalf of Genesis?

17 A. Yes. In fact, Genesis has bought 16
18 digital boards from us over the years --

19 Q. But on this particular --

20 A. -- including this one.

21 Q. On this particular project, the
22 digital billboard is going to be manufactured
23 by Watchfire?

24 A. Yes.

25 Q. And I don't know if you mentioned,

1 Mr. Schultheis, what's your position with
2 Watchfire?

3 A. I'm currently a senior account
4 manager.

5 Q. And what do those duties entail?

6 A. I'm sorry?

7 Q. What do those duties entail as a
8 senior account manager?

9 A. A couple -- yeah, I basically run a
10 six-person shop that's responsible for
11 developing relationships with clients to
12 acquire new business, but also to network --
13 I'm sorry -- with new clients. But also
14 network with existing clients to make sure
15 that we keep their business.

16 I write sales tips. I help with
17 permitting, with financing, and I also teach
18 classes on selling of digital billboard spaces
19 to customers.

20 Q. And, Mr. Schultheis, what was
21 previously introduced as Genesis Outdoor
22 Exhibit No. 10, did you direct correspondence,
23 dated January 28, 2022, to Bethel Park
24 relative to several issues concerning the
25 billboard operation?

1 A. Yes.

2 Q. And, specifically, as it relates to
3 the billboard operation, what type of lighting
4 will be used on this billboard?

5 A. Well, it's LED -- LED lights. We
6 only manufacture LED signs now. We are a
7 90-year-old company. We've been building
8 digitals for about 20 years.

9 Q. And will this particular digital
10 billboard have any flashing or animated
11 components or capabilities?

12 A. I'm sorry. I couldn't hear the last
13 part of that.

14 Q. Will the Watchfire digital billboard
15 have any flashing or animated components or
16 capabilities?

17 A. No. All the ads that will appear on
18 the board will be stacked. They will not have
19 any animation or anything like that. The
20 restrictions are factory set, and the operator
21 can't override it.

22 So the ad can change instantaneously
23 with no flashing or scintillation or any type
24 of movement.

25 Q. And how are Watchfire billboards

1 manufactured so as to reduce the element or
2 risk of glare for oncoming or cross traffic?

3 A. Well, all of our boards are
4 manufactured to automatically adjust
5 brightness using a 100-step photocell. So as
6 the -- as the -- and it has to do with the
7 ambient light around the board.

8 So as the sun goes down or if clouds
9 come into the area that darken the sky, the
10 billboards automatically will follow that to
11 make it dim so that they don't interfere with
12 driving.

13 And, of course, as the sun comes up
14 in the morning or the clouds clear away, then
15 the sign automatically goes back to the
16 appropriate brightness.

17 Q. And --

18 A. A billboard operator cannot override
19 this. They are a factory settings. Well,
20 actually, that's not true. They can decrease
21 the setting to make it even dimmer. But it's
22 impossible for them to increase the brightness
23 for any reason.

24 Q. And relative to the board's
25 brightness, did you seek additional consult

1 from anyone else within Watchfire as it
2 relates to the candela output on this
3 particular billboard?

4 A. Yes. I had our senior manager -- or
5 senior electrical engineer write a letter that
6 discusses these things specifically.

7 Q. I think we've previously introduced
8 that letter as Genesis Outdoor Advertising
9 Exhibit No. 11.

10 And that was a letter dated April 28,
11 2022, authorized -- or written by Mr. Cox; is
12 that correct?

13 A. That's correct.

14 Q. And what did that letter advise
15 relative to the candela output for this
16 particular billboard?

17 A. Well, he noted what I previously
18 said, that the billboards are designed to
19 change from one ad to the next instantaneously
20 with no animation, no flashing, no
21 scintillation capabilities. It will only
22 display static images.

23 I further noted what I said earlier,
24 that the board has 100-step photocell that
25 automatically adjusts the board's brightness

1 based on the ambient light, and the board
2 automatically dims as the sun goes down, as
3 the clouds come in, and then brightens up as
4 the sky brightens.

5 Q. And did he make mention or come with
6 a computation as to the candela output on this
7 particular billboard?

8 A. Yeah --

9 COURT REPORTER: Are you saying
10 "candela"?

11 MR. GOLVASH: One second, Jim.

12 Yeah, it's candela, C-A-N-D-E-L-A.

13 BY MR. GOLVASH:

14 Q. I'm sorry, Jim. The question was:
15 Did the letter of April 28, 2022 have a
16 computation for the candela output on this
17 particular billboard?

18 A. Yes. This particular board is kind
19 of on the small size for us. And he verified
20 that the maximum output at night would be 28
21 candelas per square foot.

22 Q. And just for context, Mr. Schultheis,
23 can you give us a couple examples of what
24 that lightening would look like in another
25 setting?

1 A. Yeah. A good example -- I have two
2 examples. One is, if you go to a movie
3 theater and you're sitting out there in the
4 movie theater, I don't know if you've ever
5 noticed, but to the left and right of the
6 movie screen there are exit signs, red exit
7 signs.

8 And you don't really notice them. I
9 mean, we may notice them, but they don't
10 interfere with your viewing pleasure of the
11 movie. They're just there so you know that
12 they're there.

13 Another example would be those little
14 solar-powered lights that people put up along
15 their sidewalks or along their driveway so
16 they don't fall, you know, when they're
17 walking down their sidewalk.

18 If you're driving past the house that
19 has those, you may notice them there. But
20 they don't interfere at all with -- you know,
21 with your driving. It doesn't impact the
22 safety.

23 I think those are two good examples
24 that you would expect [inaudible/audio
25 disruption.]

1 Q. And how many Watchfire digital
2 billboards are in operation, to the best of
3 your recollection?

4 A. Well, I just happen to know because
5 the company just announced it. We're -- we
6 have built over 80,000 digital signs. Now,
7 the majority of those are the smaller signs
8 that you see in front of dentists' offices and
9 churches and things like that.

10 We have several thousand digital
11 billboards that we've manufactured and shipped
12 to every state that allows them, and Central
13 and South America, in Europe. We supply over
14 600 billboard companies with their digital
15 billboards.

16 MR. GOLVASH: That's all the
17 questions I have for Mr. Schultheis.

18 PRESIDENT MOURY: Any questions from
19 Council?

20 MR. O'BRIEN: Yes, I have one for
21 Mr. Schultheis.

22 In the two signs that were
23 recommended for us to see an actual sign
24 located at Grove Road and the other one at
25 Castle Shannon Boulevard at Route 88, are they

1 similar to the Watchfire sign that you're
2 proposing in the lighting itself and the way
3 it operates within the neighborhood?

4 THE WITNESS: Could you tell me a
5 little bit more about the signs? Were they
6 manufactured by Watchfire?

7 MR. O'BRIEN: I have no clue.

8 MR. GOLVASH: I don't have that
9 information. I don't know if they are
10 Watchfires --

11 Jim, you might be able to find that
12 out. But Tom may have some information.

13 MR. CREGAN: Jim, when you were up
14 here previously for the meeting, I think these
15 particular signs -- I don't know if I took you
16 down there or not. I'm not sure if Watchfire
17 manufactured them or not. But one of them is
18 a standard 10 or 11 by 20, 22 that is owned by
19 a company called Pittsburgh Outdoor-something,
20 or Steel --

21 THE WITNESS: What was the name of
22 the company, Tom? I'm sorry.

23 MR. CREGAN: Yeah, it's Pittsburgh or
24 Steel -- Steel Town billboard company. It's a
25 small company with just a handful of signs.

1 But it's a back-to-back digital sign similar
2 to the one that we're proposing to build.

3 And I'm not sure. I mean, I have
4 nothing -- I don't even know these people.
5 But I just know the signs are there. I have
6 no idea if they're Watchfire Signs or not.
7 You guys are the ones --

8 THE WITNESS: I have my computer open
9 right now, and I did a search here. You said
10 it was Pittsburgh Steel-something?

11 MR. CREGAN: Yeah. It's something
12 related to --

13 MR. O'BRIEN: That answered my
14 question. They're not the same sign. They're
15 not the same manufacturer, but they're
16 similar.

17 THE WITNESS: Probably not.

18 MR. O'BRIEN: That's all.

19 MR. CREGAN: And they were both
20 erected within the past 24 months. So I would
21 assume -- I would assume it's safe to say that
22 it's all the same technology.

23 PRESIDENT MOURY: Thank you.

24 BY MR. GOLVASH:

25 Q. And, Jim, I don't know if you can

1 touch upon that. Would a Watchfire sign
2 compared to a competition sign, would there be
3 any noticeable difference in output,
4 brightness, things of that nature?

5 I know it's sort of an open-ended
6 question because the manufacturer can, you
7 know, set a lower setting than what's
8 otherwise put forward.

9 A. Well, yeah, that's actually a good
10 question. You know, there are certain
11 standards that are set by the states and by
12 the federal government. A sign cannot be
13 brighter than a certain amount at night is a
14 good example.

15 There are two American manufacturers
16 that actually build and manufacture the signs
17 here in the states. One is in the Dakotas,
18 and then Watchfire is the other. There may be
19 some -- you know, there are Chinese companies
20 out there that do manufacture the signs. And
21 a couple of them have gotten in trouble for
22 being too bright or for interfering with
23 communications in the area such as cellphones.

24 Now, Watchfire and the other company
25 here in the states are both certified by the

1 FCC that we do not impact cellphones or
2 anything like that, and we do meet the
3 requirements for brightness.

4 Q. And just to close this line of
5 questioning, are you aware of any Watchfire
6 sign, digital billboards that are in the area
7 that Council could look at?

8 A. Well, I can certainly go online here
9 and pull some up and send those over to you,
10 if you want some addresses, yeah.

11 Q. Yeah, if you could provide --

12 A. Offhand, I don't have them.

13 Q. No, but if you could provide us with
14 some of the locations Watchfire digital
15 billboards are located, something of a
16 comparable size, you know, the 10 by 20. If
17 you can, provide that information for us.

18 I'll give it to Kirsten, and she can
19 share it with Council, and they might be able
20 to take a look at something that Watchfire has
21 produced.

22 A. Yeah, I'll be happy to do that.

23 MR. GOLVASH: Thank you.

24 And then our final witness is
25 Mr. Schwartz.

1 MR. SCHWARTZ: Andrew Schwartz,
2 Environmental Planning and Design, 100 Ross
3 Street Pittsburgh, Pennsylvania.

4 - - -

5 ANDREW SCHWARTZ,
6 having been first duly sworn, testified as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. GOLVASH:

10 Q. Mr. Schwartz, you've identified
11 yourself for the Council. Can you describe
12 what professional services does Environmental
13 Planning and Design offer?

14 A. We're a community planning, land use
15 planning, and urban design firm, again based
16 in downtown Pittsburgh. We work in about 13
17 states. It is 82, 83 years old.

18 - - -

19 (Whereupon, Genesis Exhibit No. 15
20 was marked for identification.)

21 BY MR. GOLVASH:

22 Q. Mr. Schwartz, I'm going to show you
23 what I've marked as Genesis Outdoor
24 Advertising Exhibit No. 15. This is your
25 curriculum vitae.

1 And can you identify your educational
2 background for the board, please.

3 A. I have a bachelor in landscape
4 architecture from Penn State University,
5 master's in urban planning with a
6 concentration in real estate from University
7 of Michigan.

8 Q. And do you hold any professional
9 licensures, certifications, and/or
10 registrations?

11 A. Registered landscape architect in
12 Pennsylvania and Ohio --

13 COURT REPORTER: Wait. Wait. Can
14 you repeat that.

15 THE WITNESS: Registered landscape
16 architect in Pennsylvania and Ohio, a
17 certified planner, American Institute of
18 Certified Planners. I'm also a certified
19 urban designer, which is a higher standard in
20 terms of AICP, lead professional, site AP
21 professional.

22 Q. And could you identify what
23 professional organizations of which you are a
24 member?

25 A. American Planning Association,

1 American Society of Landscape Architects,
2 Urban Land Institute, MAOP (phonetic). I
3 think those are probably the germane ones.

4 Q. And can you discuss and summarize for
5 the Council the types of land use planning and
6 zoning matters for which you've been retained
7 by either a municipality or a developer?

8 A. We write zoning ordinances for
9 municipalities like Bethel Park. We do
10 comprehensive plans, subdivision land
11 development ordinances, et cetera. We also
12 work for private sector developers in the
13 process of working with a developer, offering
14 an amended -- curative amendment in the --
15 (inaudible). And then from time to time
16 testing revenue in terms of expert opinions in
17 matters such as tonight.

18 Q. And have you ever been qualified or
19 accepted as an expert by a judge or other
20 fact-finding tribunal in the area of land use,
21 planning and zoning?

22 A. Yes.

23 Q. Could you provide the Council with a
24 couple examples of your experience of being
25 qualified as an expert testimony -- as an

1 expert in land use planning and zoning?

2 A. Most recent for Brentwood in terms of
3 validity matter, similar billboard situation
4 in Middlesex Township, Butler County, and some
5 other conditional use approvals that --
6 that -- they're all kind of itemized in terms
7 of the CV.

8 Q. And have you ever been offered as an
9 expert witness and not qualified as an expert
10 by a judge or other fact-finding tribunal in a
11 land use or zoning matter?

12 A. No.

13 MR. GOLVASH: At this time, I would
14 like to offer Mr. Schwartz as an expert in
15 land use planning and zoning, and offer him
16 for any cross-examination if Council has any
17 questions.

18 PRESIDENT MOURY: Any questions?

19 (No response.)

20 PRESIDENT MOURY: Hearing none.

21 Thank you.

22 MR. GOLVASH: This is previously --
23 this is the CV for Mr. Schwartz that was not
24 originally part of the information.

25 PRESIDENT MOURY: Do you have an

1 exhibit number?

2 MR. GOLVASH: Yes. I identified it
3 as Exhibit No. 15.

4 PRESIDENT MOURY: Thank you.

5 BY MR. GOLVASH:

6 Q. Mr. Schwartz, were you retained by
7 Genesis Outdoor Advertising, Inc. In
8 connection with this Conditional Use
9 Application?

10 A. Yes.

11 Q. And what was the purpose and scope of
12 your engagement?

13 A. To review the application, the
14 ordinance, the assundry [sic] materials that
15 have entered into the record, and kind of take
16 a look at how the application actually
17 complies with the ordinance, if it does, and
18 render an opinion and be able to testify this
19 evening.

20 Q. And can you identify the documents
21 you reviewed in preparation of the report?

22 A. For the sake of time, can I just
23 refer to the long list --

24 Q. Yes.

25 A. -- I previously gave.

1 Q. Yes.

2 And is it your understanding that
3 Genesis Outdoor Advertising, Inc. Is the
4 lessor of the real property located at the
5 section of Library Road and Hillside Drive?

6 A. That is my understanding, yes.

7 Q. And what is your understanding of the
8 zoning district for that subject parcel?

9 A. I believe it is manufacturing in
10 terms of Manufacturing Light Industrial.

11 Q. And you base that on what map?

12 A. The zoning map, right there, that
13 map, or another map that's online.

14 Q. Okay.

15 MS. PRIMM: I would also like to note
16 that the map in EPD's evaluation is also not
17 our current map, so.

18 MR. GOLVASH: Yeah.

19 MS. PRIMM: It's a great map. It's
20 not the current map.

21 MR. GOLVASH: So whether it's M
22 zoning --

23 MS. PRIMM: Regardless, it's the
24 same.

25 MR. GOLVASH: Right.

1 BY MR. GOLVASH:

2 Q. So whether it's zoned M or C-2?

3 A. The standards are the same between
4 the two districts.

5 Q. As it relates to billboards as a --
6 as a use?

7 A. Yeah.

8 Q. And does the zoning code identify the
9 elements or standards by which a Conditional
10 Use Application is approved?

11 A. Yes.

12 Q. And are those set forth in Sections
13 69.73 and Sections 69.73.4?

14 A. Yes.

15 Q. As it relates to the first element,
16 is a billboard a permitted use in zoning C-2
17 and/or zoning M?

18 A. Yes, as a conditional use.

19 Q. As it relates to the second element
20 for conditional use approval, do you have an
21 opinion as to whether or not the Applicant,
22 Genesis Outdoor Advertising, Inc., has met the
23 specific requirements for use of a billboard
24 as outlined in Section 69.89 of the code?

25 A. Yes.

1 Q. And what is that opinion?

2 A. That it meets the specific standards.

3 Q. And what did you base that opinion
4 on?

5 A. The specific standards and what was
6 enclosed in the applications, as well as the
7 -- (inaudible).

8 COURT REPORTER: In the applications,
9 and what?

10 THE WITNESS: And the -- the exhibits
11 that were entered in terms of the drawings,
12 the plans, the other studies.

13 BY MR. GOLVASH:

14 Q. So you based it on the drawings by
15 Sheffler & Company --

16 A. Yes.

17 Q. -- Redcon Engineering, as well as the
18 RMG construction plans?

19 A. Yes.

20 Q. As it relates to third element of the
21 conditional use approval, do you have an
22 opinion as to whether this proposed billboard
23 use is consistent with the spirit, purpose,
24 and intent of the subject ordinance, will not
25 substantially and permanently injure the

1 appropriate use of neighboring property and
2 will serve the public communities and welfare?

3 A. Yes.

4 Q. And what is that opinion?

5 A. That it does meet the spirit in terms
6 of those general standards.

7 Q. And are those general standards set
8 forth in the Section 69.73.9?

9 A. The general standards of statements.
10 There's no specific metric like the specific
11 standards. But, yes, they're -- they're
12 statements that are in the general standard.

13 Q. And if we can, we're just going to
14 run through those briefly. Now, you have the
15 report that we submitted --

16 A. Yeah.

17 Q. -- in connection with this matter?

18 A. Yeah.

19 MR. GOLVASH: I think we previously
20 identified Mr. Schwartz's report as Genesis
21 Outdoor Advertising Exhibit No. 14.

22 BY MR. GOLVASH:

23 Q. And in that report, you went through
24 each one of the general standard requirements
25 as outlined in 69.73.9 --

1 A. Yes.

2 Q. -- is that correct?

3 A. Yes.

4 Q. As it relates to Section 69.73.9.1,
5 in what way is the location and use and size
6 of the proposed billboard compatible in or
7 harmonious with existing and/or potential
8 future land use?

9 A. Okay. So what you just read was the
10 general standard that's listed in the
11 ordinance. So what I needed to do is then go
12 look at the application and the drawings that
13 were in the submission and then equate that
14 information to the specific standards.

15 So in the case of size, right now
16 your ordinance allows up to 300 square feet.
17 The application shows 200 square feet. So
18 from the size perspective, I think they meet
19 the general standards or the spirit of what
20 they're being expressed in that general
21 standard.

22 Q. And that's based on the fact that
23 the sign is in conformance or less than what
24 is --

25 A. It's less, correct. It's either

1 conformance or less. In virtually every
2 topic, their -- their application is less.

3 Q. And as it relates to -- in your
4 report, you have some comparisons to
5 freestanding signs in the area where the
6 square footage is allowed.

7 A. Right.

8 Q. Can you touch upon that briefly?

9 A. Correct. And so you're -- the
10 billboards are for conditional use. You would
11 have different standard for size from the
12 billboard or for the freestanding sign. You
13 all know that the corridor -- that Sheetz has
14 a freestanding sign, just on the other side of
15 Hillside Drive.

16 You go further down, I used an
17 example, which was in the C-2 District, which
18 was Hillcrest sign, the shopping center sign.
19 Those signs actually are based -- freestanding
20 signs are based on the square footage of the
21 development. And I just used Hillcrest to
22 make an example.

23 That sign -- so that's kind of that
24 directory sign that's right out on the road
25 right-of-way is about 260 square feet. And

1 that would be consistent, then, with the
2 amount of square feet that are in that
3 shopping center.

4 So the square footage allowance for
5 the freestanding sign is significantly greater
6 than what you permit in terms of what the
7 application is. And then when we get to
8 lighting and some other things, they're kind
9 of across the board.

10 Things like height is another one,
11 height of the sign that is proposed --
12 Dr. Campbell had asked the question earlier.
13 It's 20 feet was what's in the application.

14 Your ordinance actually for the
15 billboard in the manufacturing of C-2
16 District, the allowance is 35 feet. So
17 they're well under the -- (inaudible) in terms
18 of the height.

19 Q. So this particular board is below the
20 threshold for both height and area?

21 A. Yeah. Yes.

22 Q. And there are freestanding signs in
23 the C-2 and/or M District that are of greater
24 area and greater height?

25 A. Yes.

1 Q. And, specifically, you were
2 mentioning the Hillcrest --

3 A. Yeah.

4 Q. -- Shopping Center?

5 A. Yeah.

6 Q. Under Section 69.73.9.1, in what way
7 is the nature and intensity of operations
8 involved with this proposed billboard
9 compatible and/or harmonious with existing
10 and/or potential future land uses?

11 A. It is -- the sight's located,
12 obviously, in the Route 88 corridor. So it's
13 auto kind of centric, it's auto oriented.
14 It's in the Manufacturing District, on the
15 edge of the C-2, on the other side of the
16 road.

17 Surrounded on the backside, so that
18 would be east side of the property is the
19 railroad, which is elevated on the embankment.
20 On the other side are a couple commercial
21 buildings. Hillside Drive forms kind of the
22 southern boundary hitting Sheetz.

23 So in the vicinity is, as you guys
24 all know, the communication tower and the
25 series of other industrial types of uses, a

1 couple warehouses and assembly types of
2 businesses in the area.

3 Q. Did you have an opportunity for
4 purposes of this hearing to create a vicinity
5 use map?

6 A. Yes.

7 - - -

8 (Whereupon, Genesis Exhibit No. 16
9 was marked for identification.)

10 BY MR. GOLVASH:

11 Q. And we'll introduce that as -- we
12 have that as Genesis Exhibit No. 16.

13 A. So the map, I was just trying to
14 identify what are those uses -- (inaudible.)

15 COURT REPORTER: Wait. Wait. Wait.
16 I can't hear you with your back away --

17 THE WITNESS: Sorry. Sorry.

18 The map was trying to just depict
19 the -- what the establishments are in terms of
20 the area, and kind of identifying -- color
21 coding in terms of the parcels themselves,
22 rail (phonetic) versus other privately
23 (phonetic).

24 You can see the residential uses are
25 further up the hill in terms of the R-3

1 District. Anything adjoining immediately is
2 nonresidential in nature. It's either vacant
3 or nonresidential in nature.

4 Q. And under Section 69.73.9.1, in what
5 way is the size of the site in relation to use
6 of the proposed billboard compatible and/or
7 harmonious with existing and/or potential
8 future land uses?

9 A. And so I think a comment was made
10 earlier in terms of how that parcel had been
11 -- was created. None of us could probably
12 tell that story. It's kind of irregular
13 shaped. It's almost residual property. It
14 does have some dimensional difficulties to
15 meet, the yard requirements, et cetera,
16 because of its small and narrow size.

17 And in comparison of that parcel to
18 other portions of the Route 88 corridor, it's
19 not unique. You guys all know that you have a
20 series of parcels in that corridor that have
21 some dimensional challenges.

22 You know, so it doesn't -- there's
23 nothing peculiar about it. You know, so
24 there's not -- it's not an aberration. It's
25 not an oddity in any way, shape or form.

1 Q. And would the sort of irregular,
2 small nature of the size make it difficult to
3 develop it for uses outside of what's being
4 proposed?

5 A. The other lawfully permitted uses
6 that are in the district would be very
7 difficult to actually practically,
8 pragmatically be able to fit on that site.
9 So, hence, the comment that was made earlier
10 by Tom in terms of that that site has really a
11 lot of limitations in terms of use.

12 Consequently, it's been normal, as
13 you guys know. It's just been vacant land. I
14 think there's a milling machine sitting on it
15 right now.

16 Q. And under Section 69.73.9.1, in what
17 way is the location of the billboard site with
18 respect to existing streets compatible and/or
19 harmonious with existing and/or potential
20 future land uses?

21 A. Okay. So, again, Route 88, Library
22 Road forms one boundary. Hillside Drive forms
23 another boundary, and the railroad on the
24 other side. The site can be serviced either
25 by 88 or Hillside. It can't be serviced on

1 the north side. North would be serviced on
2 the railroad side.

3 So there's -- there's limited access.
4 Again, it's not unique or an oddity in that
5 case. So there's really no limitations in
6 terms of existing streets, nor does it pose
7 any detriments to the existing streets.

8 Q. Under Section 69.73.9.1, in what way
9 is the location of the billboard site with
10 respect to future streets compatible and/or
11 harmonious with existing and/or potential
12 future land uses?

13 A. I'm not sure where we'd put another
14 street in terms of that site. So either
15 running into the embankment of the railroad,
16 and the railroad would have to go away. Or it
17 would be using that land for an expansion of
18 Route 88, which I don't think is necessarily
19 desirable. So I don't think there really is
20 future streets in that particular area.

21 Q. We'll move on. As it relates to the
22 second general standard as outlined in Section
23 69.73.9.2, do you have an opinion as to
24 whether the location, nature and height of
25 buildings, walls, fences, and signs will not

1 discourage the appropriate development and use
2 of adjacent land and buildings or impair their
3 value?

4 A. As a use in terms of the billboard,
5 it has probably the least amount of activity
6 that goes with it. It's a -- it's a use that
7 has very infrequent visitation. There's no
8 occupancy in terms of there's no real noise
9 vibration created. So I don't think there's
10 any detriment to any of the surrounding land
11 or the other adjoining uses, you know, to
12 their detriment.

13 Q. And, obviously, this application does
14 not propose building walls or fences?

15 A. Right.

16 Q. So that's not a relevant
17 consideration?

18 A. It's a sign structure. The billboard
19 faces themselves and landscaping.

20 Q. And, again, as it relates to -- maybe
21 we can just touch upon this again, what we've
22 previously introduced as Genesis Exhibit
23 No. 16.

24 Regarding the appearance to land
25 value in the surrounding area, can you just

1 describe generally the uses in that area and
2 how a billboard may or may not impact the
3 values of those properties?

4 A. The -- the majority is industrial in
5 nature. I don't see the billboard having any
6 detrimental impact in terms of their economic
7 vitality, their kind of assessed value,
8 however you want to describe that. And nor
9 will the commercial uses. So there's a
10 handful of commercial uses on the adjoining
11 side, which all have similar signage and
12 whatnot.

13 So it's, again, not introducing an
14 activity that is unique and within a corridor
15 itself. So I don't see any detriment.

16 Q. As it relates to the third general
17 standard as outlined in Section 69.73.9.3, do
18 you have an opinion as to whether the proposed
19 billboard use would conflict with long-range
20 development planning?

21 A. Yes, I don't see any conflicts with
22 what's in the Comprehensive Plan.

23 Q. And did you review the Comprehensive
24 Plan?

25 A. Yes.

1 Q. And is there anything in particular,
2 any element, goal, objective in the long-range
3 development plan or community development plan
4 that would be pertinent or you'd want to raise
5 here tonight to discuss with Council?

6 A. I think, again, we tried to go down
7 through what we saw, the different -- again,
8 in the Comprehensive Plan, those different
9 development objectives or the goals.

10 You know, as an example, you have a
11 goal for in terms of innovation, environment,
12 et cetera. As was explained a little bit
13 earlier, the LED actually can be used for
14 public safety and other stuff, which in
15 previous, you know, in decades back, when we
16 didn't have that ability, putting up notices
17 in terms of alerts, those types of things. I
18 think that is an innovation.

19 There are a few goals that are in the
20 comp plan that I don't think necessarily apply
21 to the application itself. But I don't
22 believe that there's any goal that this plan
23 is running across -- (inaudible.)

24 COURT REPORTER: Say the end again.

25 THE WITNESS: I don't believe there's

1 any goals in the Comprehensive Plan that this
2 application would be running across grain --

3 COURT REPORTER: "Across grain"?

4 THE WITNESS: In opposition --
5 (inaudible.)

6 COURT REPORTER: Just the word you
7 said. That's all I need.

8 BY MR. GOLVASH:

9 Q. And I just wanted to point out,
10 Mr. Schwartz, with respect to the
11 Comprehensive Plan, there's some noted
12 community development objectives?

13 A. Yes.

14 Q. One was a strong and diverse local
15 economy supported by -- (inaudible.)

16 A. Yeah.

17 Q. Can you touch upon how a billboard
18 would be in line and/or would promote that
19 particular community objective?

20 A. Advertising, you know, in terms of
21 the two -- the businesses and the corridor,
22 et cetera. Clearly, you know, that would be
23 supportive of that objective itself.

24 Q. And what about the committee
25 development objective noted as an engaged

1 educated citiz- -- engaged educated citizenry
2 that actively cultivates a sense of community,
3 mutual trust, and belonging?

4 A. Again, back to the public notices,
5 community, events, those types of things can
6 be posted. A lot of what we've seen over the
7 years in terms of billboards is the --
8 (inaudible), as a great example on Route 28.
9 All their community events are advertised
10 through kind of that billboard -- that LED
11 digital billboard.

12 Q. And I'll note there were certain
13 relevant long-range development strategy. One
14 was strategy No. 6, support small business. I
15 think you may have touched upon that.

16 A. Yeah.

17 Q. But, again, how a billboard would
18 promote and support small business?

19 A. Yeah, advertising and, obviously,
20 community awareness of the offerings within
21 the community, in terms of business community.

22 Q. And there was strategy No. 7,
23 illuminate light throughout the community?

24 A. I said it earlier, the property is
25 kind of vacant. There's a milling machine

1 sitting on it today. Oftentimes, it's just
2 kind of fallow land. It's not really
3 maintained.

4 The improvement in terms of the
5 billboard and the landscaping definitely will
6 clean up that site. But I think that deals
7 with kind of that less attractive area as it
8 is currently.

9 Q. And, Mr. Schwartz, as it relates to
10 the fourth general standard outlined in
11 69.73.9.4, do you have an opinion as to
12 whether the proposed billboard use would be
13 more objectionable to nearby properties by
14 reason of noise, fumes, vibration or lights
15 than would be the operation of any other
16 permitted use in that district?

17 A. Again, it's surrounded largely by
18 industrial or more intense commercial uses in
19 terms of traffic, et cetera. And the proposed
20 billboard is not abrasive of any of those
21 types of impacts or noise effects. There is
22 no noise vibration. It itself does not
23 generate traffic.

24 Q. What about lighting concerns emitting
25 from the operations of the proposed billboard

1 and its impact on nearby properties?

2 A. The -- the photometrics, I think,
3 clearly demonstrate that what was in the
4 ordinance in terms of the standards of the
5 property lines is -- is -- they're within --
6 they conform with the ordinance within the
7 standards.

8 The billboard does not have -- face
9 directly any of the buildings or properties on
10 the adjoining street, so the other side of
11 Route 88. So the fence is perpendicular to
12 that. So none of those properties are looking
13 directly at the -- faces themselves. So I
14 don't see any -- any detrimental impact.

15 Q. And as it relates to the fifth
16 general standard as outlined in Section
17 69.73.9.5, do you have an opinion as to
18 whether the proposed billboard use would cause
19 or create a stormwater surface runoff concern?

20 A. Again, the threshold in terms of
21 with -- typically, like, if you want to DEP,
22 the conservation is 5,000 square feet of
23 impact or disturbances -- they're kind of a
24 minimum threshold standard. The footing
25 design, from what I understand in terms of the

1 billboard itself, is literally 10 square feet.

2 So the -- you can actually even make
3 the argument with the increase of landscaping,
4 that probably there will be less runoff on
5 that property than there is currently today in
6 terms of just the gravel lot that's there
7 today.

8 So, no, I don't think there's any
9 impact in terms of stormwater runoff.

10 Q. As it relates to the six general
11 standard as outlined in Section 69.73.9.6, do
12 you have an opinion as to whether the proposed
13 billboard use would obstruct fuller (phonetic)
14 access to adjacent properties?

15 A. Yeah, so in the report, what we did
16 is we did a little 3-D model. We placed the
17 actual structure on the property and then did
18 a solar study. So, I know it's tiny. I'll
19 walk you through this a little bit.

20 The further outreaching ones are the
21 December solstice.

22 Q. If I could just -- for the record,
23 you're looking at Page 11 of your report?

24 A. Yes.

25 Q. Okay.

1 A. Yes, diagram A.

2 So you'll see there's always -- on
3 every one of those spokes, it looks like two
4 corn dogs. There's one closer to the sign
5 structure, that's the summer solstice. And
6 then the winter solstice is the one that has
7 the longer stick.

8 So on the far right side over by
9 Sheetz, closer to Hillside, is where,
10 basically, the sunrise is. So that's, again,
11 where the sun is coming up over the hill. On
12 the far left side would be where the sunset
13 is.

14 So the only impact in terms of solar,
15 meaning -- and why were we doing a solar
16 study? It was merely to show where we
17 actually cash out on adjoining property.

18 So in the wintertime, between, my
19 guess is, about 3:00 to maybe 5:00, we would
20 actually be casting a shadow on the parking
21 lot on the other side of Route 88. And that
22 is it.

23 Now, that is if it's moving.
24 Remember, the sun is moving. So it's only for
25 that little window that there actually would

1 be any shadow effect. So my conclusion is,
2 we're not restricting or constraining
3 anybody's solar access in terms of the
4 property.

5 And then, obviously, anything that is
6 casting towards the railroad, again, it's on
7 the railroad property. And the rest of the
8 shadows all are staying within -- because of
9 the configuration of the property being long
10 and narrow, is all staying within the property
11 itself.

12 Q. And as it relates to the seventh
13 general standard as outlined in Section
14 69.73.9.7, do you have an opinion as to
15 whether the proposed billboard use causes or
16 would create a glare so as to impair a
17 driver's vision?

18 A. Yeah, okay. So this is one of these
19 that you don't have a metric in the ordinance
20 to -- you don't really have a definition for
21 glare. You don't have a metric to define for
22 exactly what constitutes glare.

23 But what I was able to do was get
24 the information from Watchfire and then
25 compare it to -- oddly enough, in your

1 freestanding sign section, you do have a
2 measurement of glare. So I was able to just
3 compare that.

4 And those numbers, if you remember
5 earlier, the gentleman from Watchfire had
6 noted the 28 candela is what the LED billboard
7 output would be in terms of its peak.

8 Your freestanding signs, you actually
9 allow -- again, in the C-2 and the M District,
10 if you go look at residential districts or
11 other districts, you have different standards.
12 But if you're in the C-2 and M District,
13 you're allowed up to 100 candela.

14 So I can put a spotlight, which is,
15 you know, the approximate same height of what
16 is proposed in terms of the billboard, and you
17 allow the freestanding sign up to 100. The
18 LED is a 28. So the higher the number, the
19 more outputs.

20 So, to me, again, I'm making a
21 conclusion, there is less impact with the LED
22 than there is on the freestanding signs that
23 you currently allow in your ordinance.

24 Q. So, just so we're clear,
25 Mr. Schwartz, you're indicating that the

1 freestanding sign, the candela limitation in
2 the C-2, M District is 75 candelas per square
3 foot?

4 A. No. I think it actually goes up to
5 100.

6 Q. I think it's -- I think it's 75 for
7 freestanding signs.

8 A. Sorry. Sorry. Sorry. You are
9 correct.

10 Q. And it's 100 --

11 A. For flood lighting signs.

12 Q. Right.

13 A. You are correct.

14 So the 28 -- again, I'm rounding --
15 it's about a third -- 28, close to 25, till
16 75. It's about a third of the intensity that
17 you allow with your freestanding signs.

18 And, yes, if the freestanding sign
19 was flood lit, so I have the lights on the
20 ground going up to the sign face -- again, for
21 motorists, there could be some glare there.
22 That is what you allow to 100 in terms of your
23 current ordinance.

24 And so, no matter what, it would
25 appear that the candelas that are proposed

1 with the Watchfire sign are significantly less
2 than your other types of signs that you have
3 in the municipality.

4 Q. And as it relates to the eighth
5 general standard as outlined in Section
6 69.73.9.8, do you have an opinion to whether
7 the proposed billboard use would cause or
8 create a fire, explosion, or safety hazard?

9 A. I believe the municipality engineer
10 has reviewed that and has a knowledge that it
11 meets the standards. So, again, I don't see
12 that there's any problem with the application
13 related to that general standard.

14 Q. And as it relates to the ninth
15 general standard as outlined in Section
16 69.73.9.9, do you have an opinion as to
17 whether the proposed billboard use will cause
18 or create a traffic concern for vehicles
19 entering or exiting the site?

20 A. Again, the billboard itself has very
21 rare traffic in terms of maintenance. There's
22 no customers coming and going. There's no
23 supplies or materials being dropped off like
24 you have in some of your industrial uses.

25 No, I don't see that there's any

1 issue with any traffic that would be generated
2 because of the billboard on that site.

3 Q. And so does it conclude you have an
4 opinion as to whether the billboard
5 Conditional Use Application filed by Genesis
6 Outdoor Advertising, Inc. Is in conformity and
7 compliance with all applicable Bethel Park
8 zoning code requirements?

9 A. Yes, I believe it conforms both with
10 the specific standards as well as the general
11 standards.

12 Q. And are those opinions and
13 conclusions summarized in the report prepared
14 and dated April 2002 [sic], and previously
15 admitted into the record as Genesis Outdoor
16 Advertising Exhibit No. 14?

17 A. Yes.

18 MR. GOLVASH: That's all the
19 questions I have for Mr. Schwartz.

20 PRESIDENT MOURY: Is there any
21 questions from Council?

22 DR. CAMPBELL: Mr. President?

23 PRESIDENT MOURY: Dr. Campbell?

24 DR. CAMPBELL: I appreciate the due
25 diligence and all the subject matter experts

1 giving the information. If you'll indulge me
2 for just one question. I promise I'll be
3 quick.

4 In my reading, I took the liberty and
5 time to go to the street view on Google Map
6 while we were here. And you mentioned
7 reference to a similar digital board at the
8 intersection of Castle Boulevard -- Castle
9 Shannon Boulevard and Route 88, Library Road,
10 across the street from Mindful Brewing.

11 I just want to know, is that -- is
12 that sign also comparably sized? Is that a --
13 (inaudible) foot sign?

14 THE WITNESS: I don't know the
15 details of that.

16 Tom, I don't know if you could speak
17 to that.

18 DR. CAMPBELL: I got it. It's on
19 Google Map. It's 3799 -- (inaudible) on
20 Castle Shannon Boulevard. I just want to make
21 sure we're comparing apples to apples.

22 MR. GOLVASH: I mean, again, I don't
23 know the nature of that sign. I can just -- I
24 guess from a layman's view of it, it seems to
25 be of comparable size to what's being proposed

1 here. We're talking a 10-foot post and a sign
2 that's 10 by 20.

3 That did not look to be
4 significantly, you know, higher and/or lower
5 than what's being proposed. But I can't tell
6 you that exactly.

7 DR. CAMPBELL: If counsel could get
8 that information, I would be grateful.
9 Because that's the nearest metric to compare.
10 I'd be grateful.

11 MR. GOLVASH: Yeah, I mean, I can
12 even go so far as reaching out to the
13 dealership and see if I can get some
14 information about the sign.

15 DR. CAMPBELL: Thank you.

16 MR. GOLVASH: Yeah, I would be happy
17 to do some legwork on that to get you some
18 more details.

19 MR. CREGAN: I can tell you, Doctor,
20 the board that's done at -- right near Denny
21 Pruni's Auto Body, that one is much smaller.
22 That's only about 35 feet tall. Whereas, our
23 application is only -- we're only asking for
24 20 feet. And it's also a larger sign face. I
25 think it's a 12 by 25, which would be 300

1 square feet. And, of course, ours is much
2 smaller than that at 200 square foot.

3 COURT REPORTER: Dr. Campbell, can
4 you repeat what you were reading off that
5 computer, the number?

6 DR. CAMPBELL: The number, 3799 88
7 Castle Shannon, Pennsylvania. That's the
8 street view on Google Maps.

9 COURT REPORTER: Thank you.

10 PRESIDENT MOURY: Any other
11 questions?

12 (No response.)

13 PRESIDENT MOURY: I just have a
14 couple.

15 MR. GOLVASH: Sure.

16 PRESIDENT MOURY: I learned a lot
17 tonight. One is, I think we should -- based
18 on your description of the lot, we'll be
19 sending code enforcement tomorrow to check out
20 the current existing conditions. It seems
21 like it's in disarray.

22 Is this one sign or two? We talked
23 about -- is it a single unit or is it
24 considered two units?

25 MR. GOLVASH: Tom?

1 MR. CREGAN: It's one -- it's one
2 single --

3 PRESIDENT MOURY: Speak in the
4 microphone.

5 MR. CREGAN: It's one sign, one
6 single structure with one pole supporting it.
7 So it's just one structure. But it has that
8 V-shape. So there's two -- two -- there's a
9 north and south face on it, but it's only one
10 sign.

11 PRESIDENT MOURY: I don't know if you
12 can answer this or not. The limitation for a
13 sign is 300 square feet. And I'm not a
14 planning person nor an engineer here. But
15 you're looking at 200 feet per square feet per
16 side.

17 Could that be considered since it's
18 one unit, 400 total square feet, and we only
19 allow 300?

20 MR. CREGAN: No. The ordinance
21 allows for two faces.

22 MS. PRIMM: I can also add that it's
23 a total gross surface area of 300 square feet
24 per sign face. And we do allow for a V-shape
25 as long as the angle is no more than 30

1 degrees.

2 PRESIDENT MOURY: Okay. Thank you
3 very much.

4 Is there any other questions?

5 MR. O'BRIEN: I have one more
6 question.

7 Does Camelot have one of these signs?

8 MR. GOLVASH: Pardon me?

9 MR. O'BRIEN: I said, does Camelot
10 have one of these signs? It's a joke. Since
11 it's so wonderful.

12 PRESIDENT MOURY: When he has to
13 explain what the joke is, we all --

14 MR. O'BRIEN: Does Camelot have one
15 of those signs?

16 PRESIDENT MOURY: Okay.

17 MR. GOLVASH: Let me just introduce
18 this as one exhibit that was outside. This is
19 the land use vicinity map, Exhibit No. 16.

20 PRESIDENT MOURY: Thank you. That's
21 Exhibit 16.

22 MR. GOLVASH: And if I could just
23 make sure we have all the exhibits entered.

24 PRESIDENT MOURY: We got them all.

25 MR. GOLVASH: Yeah, I think we're

1 good. Thank you.

2 PRESIDENT MOURY: Thank you very
3 much.

4 At this time, I would like to turn to
5 the Public Comment section.

6 You can just set microphone back on
7 the stand, that would be fine.

8 Are there any proponents, people in
9 favor?

10 (No response.)

11 PRESIDENT MOURY: Hearing none; are
12 there any opponents, people that are opposed
13 to this?

14 (No response.)

15 PRESIDENT MOURY: Hearing none; any
16 discussion from Council?

17 (No response.)

18 PRESIDENT MOURY: May I have a motion
19 to adjourn?

20 MR. O'BRIEN: So moved.

21 DR. CAMPBELL: Second.

22 PRESIDENT MOURY: Second by
23 Dr. Campbell.

24 All favor say aye.

25 DR. CAMPBELL: Aye.

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MR. CENCI: Aye.

MR. CONSOLMAGNO: Aye.

MR. ESPINAR: Aye.

MS. FLINN: Aye.

MR. JANOSIK: Aye.

PRESIDENT MOURY: Aye.

MR. OAKES: Aye.

MR. O'BRIEN: Aye.

PRESIDENT MOURY: Opposed?

(No response.)

PRESIDENT MOURY: The Public Hearing
is adjourned. Council, thank you.

(Whereupon, the hearing was concluded
at 9:35 p.m.)

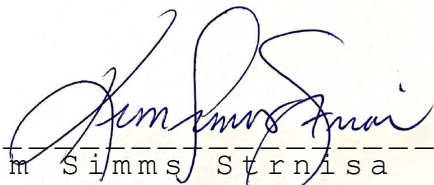
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I hereby certify that the transcript of the proceedings and evidence contained herein are a true and accurate transcription of my stenographic notes taken by me at the Bethel Park Public Hearing of the within cause, taken on May 23, 2022, and that the transcription was reduced to printing under my direction, and that this is a true and correct transcript of the same.

July 5, 2022



Kim Simms Strnisa
Certified Court Reporter

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