

**WARRINGTON TOWNSHIP ZONING HEARING BOARD  
MINUTES FOR THE JULY 20, 2009, MEETING**

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at 7:00 p.m. on July 20, 2009, at the Township Building located at 852 Easton Road, Warrington PA 18976.

**Pledge of Allegiance:** The meeting opened with a pledge to the flag.

**Introduction of Members:** The members present were as follows:

Frank Shelly	Chair
Janice Devito	Vice Chair
Kevin Lawlor	Secretary (not present)
Wayne Bullock	Member
Fred Gaines	Member (not present)
Robert Baldi, Esq.	Solicitor
Michael Mrozinski	Zoning Officer

**Stenographic Record:** A stenographic record of the meeting will provide a record of the proceedings. Copies of the stenographic record may be purchased from Blum-Moore Reporting Services Inc.

**Public Comment:** None

**Hearing 1**

**Interstate Outdoor Advertising, L.P.**

**Premises: 366 and 424 Easton Road**

**TMP: 50-031-015 and 50-031-101**

**Zoning: C-2**

**This matter had been continued from February 10, 2009.**

The Applicant is appealing a decision of the Zoning Officer to reject the Applicant's request for a Sign Permit to erect a commercial outdoor advertising sign at 366 and 424 Easton Road. The Applicant is specifically challenging the validity of Sections 2209 and 2210 of the Warrington Township Zoning Ordinance as amended alleging that the Zoning Ordinance fails to provide a "commercially reasonable location" for outdoor advertising signs and therefore "de facto" excludes off premise commercial outdoor advertising signs.

**Parties Representing the Applicant:** Jeffrey Gerber, Chief Operating Officer, Interstate Outdoor Advertising, Patrick Kissinger, Director of Leasing, Interstate Outdoor Advertising, and Charles Marte, Esq., attorney for the applicant.

**Parties Requesting Party Status:** No additional parties

**Exhibits:** Those in addition to exhibits previously introduced:

**ZHB 7 – Letters concerning scheduling**

**ZHB 8 – Letter to Mr. Robert Lang,**

**ZHB 9 – Letter from Robert Baldi, Esq. concerning judicial notice under Pennsylvania Rule of Evidence 201**

**ZHB 10 – Letter from Robert Baldi, Esq. directing Michael Mrozinski to investigate certain billboards in Bucks County**

**ZHB 11 – Memorandum from Michael Mrozinski dated July 6, 2009, concerning findings of billboard study of July 5.**

**ZHB 12 – Pictures from billboard study of July 5**

**ZHB 13 – Printed copy of traffic data from the PennDOT website**

**A-14 – Permit Card – Middletown Twp. (ZHB 12A+B)**

**A-15**

**A-16 – Five signs – Document from PennDOT**

**A-17 – Sign data concerning Paragraph 6 from Mrozinski memo July 6, 2009**

**A-18 – Sign data sheet concerning Paragraph 7 (3 sheets)**

Board Solicitor, Robert Baldi asked that Michael Mrozinski, Warrington Township Zoning Officer, testify about pictures and measurements taken from existing billboard type signs in other municipalities in Bucks County. This action was pursuant to the Board's direction to Mr. Mrozinski, in a letter from Mr. Baldi dated June 23, 2009. Mr. Marte raised an objection to Mr. Mrozinski's testimony and to exhibits ZHB 9 and ZHB 10. Mr. Baldi responded to the objections. Mr. Marte also objected to testimony being reopened after being closed in February 2009. Mr. Jeffrey Gerber, Chief Operating Officer, Interstate Outdoor Advertising, testified and exhibits were entered.

The Zoning Hearing Board met in executive session.

On a motion by Wayne Bullock, seconded by Janice DeVito, the Board voted to deny the relief requested by the applicant. The motion further stated that Ordinance sections 27§2210B(2)(b)(i), 27§2210B(2)(c)(i), and 27§2210B(2)(c)(ii) are **defacto** exclusionary. The vote was 2-1 (Shelley dissenting)

Respectfully submitted,

Kevin Lawlor  
Recording Secretary