

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COUNCIL FOR THE CITY OF SCRANTON  
PUBLIC HEARING

IN RE: RESOLUTION NO. 159, 2021 -  
ACCEPTING THE RECOMMENDATION OF THE HISTORICAL  
ARCHITECTURE REVIEW BOARD ("HARB") AND DENYING  
THE CERTIFICATE OF APPROPRIATENESS FOR JOYCE  
OUTDOOR ADVERTISING, 317 POPLAR STREET, 2B,  
SCRANTON, PA 18509 FOR THE MODIFICATION OF  
SIGNAGE AT 539 LINDEN STREET, SCRANTON, PA  
18503.

DATE: May 4th, 2021

TIME: 5:45 p.m.

LOCATION: Zoom

Maria McCool, RPR  
Official Court Reporter

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C O U N C I L M E M B E R S :

WILLIAM GAUGHAN, PRESIDENT

KYLE DONAHUE, VICE PRESIDENT

MARK MCANDREW

JESSICA ROTHCHILD

THOMAS SCHUSTER

FRANK VOLDENBERG, CITY CLERK

KATHY CARRERA, ASSISTANT CITY CLERK

KEVIN HAYES, COUNCIL SOLICITOR

1 MR. GAUGHAN: Roll call, please,  
2 Miss Carrera.

3 MS CARRERA: Mr. Schuster.

4 MR. SCHUSTER: Present.

5 MS. CARRERA: Mr. McAndrew.

6 MR. MCANDREW: Present.

7 MS. CARRERA: Dr. Rothchild.

8 DR. ROTHCHILD: Here.

9 MS. CARRERA: Mr. Donahue.

10 MR. DONAHUE: Here.

11 MS. CARRERA: Mr. Gaughan.

12 MR. GAUGHAN: Here. Mr. Voldenberg.

13 MR. VOLDENBERG: The purpose of said  
14 public hearing is to hear testimony and discuss  
15 the following:

16 RESOLUTION NO. 159, 2021 - ACCEPTING  
17 THE RECOMMENDATION OF THE HISTORICAL  
18 ARCHITECTURE REVIEW BOARD ("HARB") AND DENYING  
19 THE CERTIFICATE OF APPROPRIATENESS FOR JOYCE  
20 OUTDOOR ADVERTISING, 317 POPLAR STREET, 2B,  
21 SCRANTON, PA 18509 FOR THE MODIFICATION OF  
22 SIGNAGE AT 539 LINDEN STREET, SCRANTON, PA  
23 18503.

24 MR. GAUGHAN: Thank you. At this  
25 time would someone please make a motion to

1 accept public comment?

2 MR. DONAHUE: I make a motion to  
3 accept public comment.

4 MR. SCHUSTER: Second.

5 MR. GAUGHAN: There's been a motion  
6 and a second to accept public comment for  
7 Resolution No. 159 2021. Mr. Voldenberg, were  
8 there any comments received for this public  
9 hearing?

10 MR. VOLDENBERG: Councilman Gaughan,  
11 there was no public comment received related to  
12 this resolution.

13 MR. GAUGHAN: Very good. Thank you.  
14 On the question? All those in favor signify by  
15 saying aye.

16 MR. SCHUSTER: Aye.

17 MR. MCANDREW: Aye.

18 MR. DONAHUE: Aye.

19 DR. ROTHCHILD: Aye.

20 MR. GAUGHAN: Aye. Opposed? The  
21 ayes have it and so moved.

22 Okay, at this point I'd like to --  
23 anyone who is offering testimony and that would  
24 be Mr. Kevin Joyce who is here with us tonight  
25 to please raise their right hand and be sworn

1 in by the stenographer Maria McCool.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

KEVIN JOYCE, having been called as a witness and being duly sworn, was examined and testified as follows:

MR. GAUGHAN: Thank you. And, Mr. Joyce, can you just identify yourself, first and last name, just spell it out for the stenographer and then your business affiliation as well.

THE WITNESS: Sure. Yeah, my name is Kevin Joyce, K-E-V-I-N, Joyce, J-O-Y-C-E. And I'm the owner of Joyce Outdoor Advertising.

MR. GAUGHAN: Okay. Thank you. So we are here today to conduct this public hearing regarding the application for appropriateness which was submitted by the City of Scranton's Historical Architectural Review Board by Joyce Outdoor Advertising, specifically the application in question requested authorization to modify signage at 539 Linden Street in downtown Scranton.

By way of procedural history, Joyce Outdoor Advertising presented the application

1 on March 11th, 2021 and that application was  
2 denied. The Mayor's administration has  
3 prepared a resolution in which it accepts the  
4 recommendation of HARB with regard to the  
5 application's denial.

6 Pursuant to the City Code, City  
7 Council has notified Joyce Outdoor Advertising  
8 of HARB's denial of the application will be  
9 reviewed at tonight's public hearing. Joyce  
10 Outdoor Advertising has been directed to be  
11 prepared to offer evidence and testimony in  
12 support of the application. And, Mr. Joyce,  
13 you're now authorized to proceed and offer your  
14 testimony.

15 MR. JOYCE: Thank you. And if  
16 anyone has problems hearing me, please just let  
17 me know. Thank you everyone for the time  
18 tonight. And like Mr. Gaughan just said, this  
19 is a modification application. And to frame a  
20 little bit of history of the building known as  
21 Sheeley's Drug Store on Linden Street in  
22 Scranton, that building has had signage  
23 specifically billboards on it since at least  
24 the 1950s.

25 There is photographic evidence that

1 was admitted into the record for the HARB  
2 hearing. At that time Adams Avenue was going  
3 in the other direction. So the signage was on  
4 what is now the rear of the building. And  
5 after that -- that change in traffic flow, the  
6 signage was then moved to Linden Street and a  
7 number of sign companies over the years have  
8 operated billboards or billboard at that  
9 location.

10 That being said and the longevity of  
11 the history with outdoor advertising on that  
12 property in that specific area, it's obviously  
13 fitting and it's part of what I think the  
14 landscape of the downtown. And the application  
15 comes as an operational issue for us.

16 So some may or may not be aware  
17 that the upper levels of Sheeley's Drug Store  
18 is a halfway house. So it's operated by the  
19 Department of Corrections. And each and every  
20 time when we had to get into that building to  
21 access the sign, some people may realize or may  
22 have noticed that the same advertiser for  
23 several years has had the same ad up there.

24 It's actually starting to look  
25 dated and faded because accessing the sign has

1 started from a small bump in the road and  
2 obviously with COVID evolved into a problematic  
3 issue for us operationally like I said.

4 Accessing the building is tough.  
5 Getting into the building to get to the roof  
6 which is where we started with installation of  
7 the sign poses challenges, safety challenges.

8 When we go in, it's difficult to  
9 bring certain tools and certain items into the  
10 building so we can access the roof and change  
11 the sign. That being said, I expressed that to  
12 the HARB it's very difficult to sell an ad on a  
13 sign that you have so many challenges to  
14 change.

15 The other challenges are -- and  
16 we've had the sign for maybe four years or  
17 more. And we looked at and explored in pretty  
18 good detail every option out there prior to  
19 applying for digital which would take away all  
20 these challenges.

21 Another challenge was accessing --  
22 using a bucket truck, park it on the sidewalk  
23 and go above to access the wall, which previous  
24 sign companies had done in the past. However,  
25 this City has a history of problems with



1 vaults caving in the City. Specifically we  
2 know Sheeley's Drug Store has remedied their  
3 vault situation because they are our landlord  
4 and we've been in the basement. We've accessed  
5 all that.

6 However, there is no level of  
7 comfort to park a bucket on anyone else's  
8 sidewalks, especially not knowing what is under  
9 there. So there's that risk in using a bucket  
10 truck on a sidewalk to access the sign. The  
11 other option was perhaps using a crane on  
12 Linden Street.

13 And the utility lines that's run up  
14 and down Linden Street pose a problem because  
15 you go from using a standard size crane, now  
16 you need what they would call an articulating  
17 crane. It actually has an elbow in it so you  
18 could go up and then over.

19 So now you have a massive crane on  
20 Linden Street which would require street  
21 closure. And to HARB's credit they said, well,  
22 streets are closed all the time. But I don't  
23 think that is sufficient. Not many advertisers  
24 can afford to pay for a crane to change their  
25 ad especially when 99 percent of our business

1 is local advertisers.

2 You know, we don't get a lot of big  
3 national stuff around here like Coke or Pepsi,  
4 a little bit but not much to justify that and  
5 as well as the disruption it would cause the  
6 downtown in changing the street -- or excuse  
7 me, changing the -- closing the street because  
8 of that.

9 I understand the streets are closed  
10 for events, Fall Fest or Race For The Cure or  
11 St. Patrick's Day; but to change a sign which  
12 could happen on a monthly basis. We do have  
13 advertisers who change their ad on a static  
14 sign every month, that's kind of the point of  
15 the billboard.

16 So that's really not an option, not  
17 only from the cost perspective but again  
18 logistically closing down the street. So that  
19 brought us to how do we overcome all of these  
20 things on one of our assets, all of these  
21 hurdles.

22 And that would be reverting it to a  
23 digital so the only time we do have to go up  
24 there would be to troubleshoot any technical  
25 issues. I have digital signs and I've been on

1           some of them more than others. But we're, you  
2           know, a good way into 2021 and I haven't been  
3           up on any yet this year.

4                     And, you know, obviously I think I  
5           would rather -- I would rather do that a couple  
6           times a year than if we had to access the sign  
7           on Sheeley's Drug Store -- for digital. I'm  
8           very good friends with some of the owners at  
9           the Backyard Ale House, actually all of them.  
10          And I expressed this years ago when I knew I  
11          was having problems.

12                    And I never went for the application  
13          because I was fearful of what they would think  
14          or what their feedback was. And I've had  
15          quite a few conversations with Patrick Nasser,  
16          one of the owners. Pat was in my wedding.  
17          He's one of my good friends. And he said,  
18          Kevin, we have no problem with it. We don't  
19          think it would be intrusive in any way.

20                    We understand the business. We're  
21          in a downtown. We know things come with that.  
22          And we honestly don't see an issue. So we  
23          actually said it might be a positive for us  
24          because then we could advertise in realtime  
25          some of the events once things get back to

1 normal.

2 So that's the long and the short of  
3 it. It's really mostly an operational and  
4 logistical problem for us. And this would be a  
5 solution. And so I'm prepared to answer any  
6 questions you have.

7 MR. GAUGHAN: Thank you, Mr. Joyce.  
8 Does anyone on Council have any questions?

9 MR. DONAHUE: I have a couple. So  
10 will the modification impact the existing  
11 structure at all?

12 MR. JOYCE: No. We submitted  
13 structural plans for the sign permit itself to  
14 Mr. King, stamped signed, engineer drawings.  
15 Essentially in layman's terms, it will be two  
16 high beams into the building supporting the  
17 sign.

18 Every year they get lighter and  
19 lighter, which is a good thing. So again, he  
20 went through that, did the study, did the work  
21 and we submitted the drawings accordingly.

22 MR. DONAHUE: Okay. So in terms of  
23 signs, how would you compare to what you are  
24 proposing to what is currently there now?

25 MR. JOYCE: Well, the application on

1           its face to avoid any -- changing any  
2           nonconformity or grandfather status of the  
3           sign, we put it in as the size it is. But we  
4           were planning on eventually doing something  
5           smaller. I think a digital that size in the  
6           downtown isn't appropriate.

7                        I expressed that to the HARB.  
8           Currently the 672 square feet, pretty much the  
9           same as you would see on a highway billboard,  
10          which they call a bulletin. I don't think that  
11          is necessary for this. We would put a smaller  
12          sign and we would actually have it a little bit  
13          lower under the wall.

14                       So, for example, in the City outside  
15          of the interstate or the expressway, you're  
16          allowed 300 square feet. We were thinking  
17          something along those lines. It's a standard  
18          size. It's a good size. Advertisers are used  
19          to using it. So we would go from 672 to 300.  
20          That's a pretty substantial shift from the size  
21          that it's at now.

22                       MR. DONAHUE: All right. And there  
23          are lights -- if I remember correctly, there  
24          are lights on the current billboards, correct?

25                       MR. JOYCE: Correct. Yeah, we use

1 LED lighting fixtures, 200 watt lighting  
2 fixtures. They have two fixtures within each  
3 lamp. And those are comparable to maybe a  
4 streetlight in terms of bright.

5 MR. DONAHUE: Okay, so just in terms  
6 of the level of brightness on the proposed  
7 change compared to what's currently there, do  
8 you have any idea what that is?

9 MR. JOYCE: Yeah, I have an idea.  
10 So my manufacturer where we buy the sign from  
11 gave me the CliffsNotes so-to-speak because a  
12 lot of it is engineering and technical. What  
13 he said is, light is measured in candles,  
14 lumens, and candles. He said a digital  
15 produces .3 foot candles at night, which are  
16 pointing downward as opposed to upward.

17 He said so as a result, there is  
18 less light pollution from a digital from a  
19 lighting fixture. So he said digital  
20 billboards are just not to go above .3 candles  
21 of ambient light. So what he said to me is to  
22 put that into perspective, a streetlight gives  
23 off 1 foot candle.

24 So they are technically three times  
25 brighter than a digital, which is why a

1 streetlight has a halo or a glowing effect  
2 around it, whereas if you were standing behind  
3 a digital billboard -- a newer one I should  
4 specify or at least from this manufacturer  
5 there is a lot of different types you could  
6 buy.

7 There wouldn't be ambient light.  
8 You wouldn't be seeing this halo effect from  
9 behind it, from the side. It would be almost,  
10 you know, how televisions evolved over the  
11 years.

12 MR. DONAHUE: Okay. That's all I  
13 have for right now.

14 MR. GAUGHAN: Thank you, Councilman  
15 Donahue. Anyone else have any questions for  
16 Mr. Joyce?

17 MR. SCHUSTER: Yeah, is the current  
18 board illuminated at night?

19 MR. JOYCE: It is, yeah. It has 200  
20 watt what they call a double (inaudible) it has  
21 two fixtures within the light housing itself.  
22 And that is illuminated, yeah.

23 MR. SCHUSTER: Okay. I was going to  
24 ask some illumination questions. Kyle handled  
25 those. Any thoughts on illumination and some

1 of the neighbors other than the Backyard Ale  
2 House? Have had you any complaints in the past  
3 from --

4 MR. JOYCE: No. We've never had  
5 complaints from the current sign. I'm trying  
6 to think in terms of -- no, we never had  
7 anything. Downtown I think everyone has been  
8 accustom to it because, like I said, there's  
9 been signage on that particular property since  
10 the 50s.

11 So it's part of the landscape I  
12 would think in terms to people down there who  
13 are working there. Yeah, that's -- that's all  
14 I got.

15 MR. SCHUSTER: All right. Thank  
16 you.

17 DR. ROTHCHILD: I was wondering if  
18 there were other signs that your company has  
19 been transitioning from billboard to  
20 electronic?

21 MR. JOYCE: We haven't transitioned.  
22 All the electronic ones we built were built  
23 from the ground up as electronic; Clarks  
24 Summit, Dunmore. We have one at 81 at the edge  
25 of Scranton and Moosic. That was built as a



1 digital.

2 There's one on the border of  
3 Scranton and Dickson City by Best Buy and  
4 Staples on Viewmont Drive there. That was  
5 built as a digital. So we haven't converted  
6 any existing what they call static to a  
7 digital.

8 DR. ROTHCHILD: Would you say that  
9 this is more of a trend that the company is  
10 going towards an increase in electronic  
11 signage?

12 MR. JOYCE: No, it's tough to say in  
13 terms of a trend because my industry is pretty  
14 consolidated. It's like the phone business.  
15 There's three major players that control almost  
16 all of it. So they usually set the trends.  
17 But in terms of, you know, if I see a spot that  
18 I -- that we think would be worthy of the  
19 investment with digital, you know, because it's  
20 a small business we go borrow the money. We  
21 have to make sure it makes sense.

22 So we usually build a digital from  
23 the ground up. But this was a bit of an  
24 outlier because of the logistical and  
25 operational issues we have.

1 DR. ROTHCHILD: Okay, because I  
2 think one of the concerns with HARB was that  
3 this would set a precedence for an increase in  
4 electronic signage downtown. And so I --

5 MR. JOYCE: Yeah, absolutely. I  
6 recall that. I do understand their concern.  
7 Obviously everybody does. I live in the City  
8 and, you know, believe it or not I believe in  
9 certain aesthetics too which is why years ago I  
10 didn't want to -- when I spoke to Patrick and  
11 his partners there at the Backyard Ale House  
12 certain things before the problems had  
13 snowballed so-to-speak.

14 But, you know, I was trying to  
15 explain to HARB that there really -- you can't  
16 set a precedent -- they have deference to say,  
17 but they really can't set a legal precedent on  
18 opposing or denying one application to another.  
19 That's for the Court of Appeals.

20 Just because they approve one,  
21 doesn't mean they have to approve another. And  
22 similar to a zoning, just you go to a zoning  
23 hearing board and you get a permit to put a  
24 fence too close to your neighbor's property  
25 line, doesn't mean every single person in town

1           could do it.

2                         It's a case-by-case application  
3           basis. And that's -- that's really all I have  
4           to say in terms of a precedent. That's all  
5           legal battles. So I can't -- plus there's not  
6           really much signage downtown you would think  
7           with all the gentrification I guess in the  
8           downtown.

9                         And more and more people are moving  
10          downtown, you would think there would be more  
11          signage. But the City has a cap on that. So  
12          in terms of that proliferating, I couldn't see  
13          that, no.

14                        DR. ROTHCHILD: Okay. Thank you for  
15          your response.

16                        MR. SCHUSTER: My next question in  
17          that line is with the other players in the area  
18          when it comes to billboards, is there any  
19          other -- and I know each of the companies knows  
20          where each of the other companies signs are  
21          located at, to your best knowledge, do you know  
22          of any other companies that have signs in  
23          courthouse square or nearby courthouse square?

24                        MR. JOYCE: Nearby courthouse  
25          square, well, yeah, there's some on Mulberry

1 Street which is right on the other side of  
2 Linden. And when you go across to Spruce,  
3 technically at the top of Spruce and Jefferson  
4 there's a digital sign up there. And that's  
5 been there longer than my lifetime.

6 And then when you go around to  
7 Lackawanna, there is a sign on Buona Pizza.  
8 There's signs coming into town on Mulberry  
9 Street, both sides, you know, up by Turkey Hill  
10 there by the University of Scranton. So, yeah,  
11 but not on courthouse square specifically.

12 MR. SCHUSTER: Yeah, as for that  
13 precedent they were talking about, if there is  
14 other signage there on courthouse square that  
15 would flip over to digital. But the closest  
16 digital that you know is the one, I'd say on  
17 top of Boccardo Jeweler there on Spruce?

18 MR. JOYCE: That or I couldn't tell  
19 you the exact distance or the one on the  
20 parking garage across from the firehouse.

21 MR. SCHUSTER: Thank you.

22 MR. JOYCE: Yep.

23 MR. GAUGHAN: Okay. Any other  
24 questions? Okay. Mr. Joyce, thank you very  
25 much for your testimony tonight.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. JOYCE: Thank you.

MR. GAUGHAN: That concludes the testimony. If there is no further business, I'll entertain a motion to adjourn the public hearing.

MR. DONAHUE: Motion to adjourn.

MR. GAUGHAN: This public hearing is adjourned. Thanks everyone.

C E R T I F I C A T E

1  
2  
3 I hereby certify that the proceedings and  
4 evidence are contained fully and accurately in the  
5 notes taken by me of the above-cause and that this copy  
6 is a correct transcript of the same to the best of my  
7 ability.

8  
9  
10 \_\_\_\_\_  
11 Maria McCool, RPR  
12 Official Court Reporter  
13  
14  
15  
16  
17  
18  
19  
20  
21

22 (The foregoing certificate of this transcript does not  
23 apply to any reproduction of the same by any means  
24 unless under the direct control and/or supervision of  
25 the certifying reporter.)