

**RESOLUTION OF THE FRANKLIN TOWNSHIP
(SOMERSET COUNTY)
ENVIRONMENTAL COMMISSION**

RESOLUTION TO OPPOSE revisions to the township code, ordinance #2971-12 that would allow digital billboards in Franklin Township.

WHEREAS, the primary objective of the Environmental Commission is to advise the governing bodies, planning boards, zoning boards of adjustment and boards of health on environmental issues including preserving and protecting the natural resources of the Township as well as the impact of proposed developments and ordinances within the Township; and

WHEREAS, The Bell v. Stafford decision essentially stated that billboards cannot be banned unless suitable reasons are provided; and

WHEREAS, Franklin's legitimate interests to ban digital billboards include traffic and public safety, quality of life, property values and aesthetics; and

WHEREAS, In September 2011 the U.S District Court in Camden ruled in favor of Mount Laurel, upholding its ordinance banning billboards based on traffic safety and aesthetics; and

WHEREAS, On February 28th the Township Council heard testimony from a retired Franklin Township police officer about the multitude of accidents he responded to in the exit 10 area of Route 287, some of which resulted in deaths, most recently two in November 2011; and

WHEREAS, Billboard executives have been widely quoted about their intent to create ads that will divert our attention from the road and the cars around us and at least one study showed that drivers take their eyes off the road for two seconds or longer to view digital billboards twice as frequently then they do to view static billboards and another recent study showed that a two second distraction of any kind more than doubles the risk of a crash or a near crash; and

WHEREAS, The State of NJ spends a considerable amount of taxpayers' dollars warning us about distracted driver issues and a digital billboard at or near Exit 10 would be contrary to this effort; and

WHEREAS, Franklin's ordinance states, "Illuminating lights shall be arranged so as to direct illumination only towards the billboard display area and to reduce over glow and glare. Illuminating lights shall be arranged so that over glow and glare shall not be visible from any residential properties at any time of the year." Dozens of Franklin homes, if not many more, on the northbound side of 287, will be affected by the lights and glare from a digital billboard, which would be a violation of our ordinance; and

WHEREAS, Properties on the northbound side of Route 287 would be devalued by a digital billboards' presence, which will subsequently reduce the value of the surrounding properties and also greatly diminish the quality of life of the families who make these properties their homes; and

WHEREAS, Quality of life issues cannot and should not be measured in dollars; and

WHEREAS, The First Amendment does not assure absolute free speech. Public displays of pornography, profanity, slander or yelling "fire!" in a movie theater are examples of speech which is not protected; and

WHEREAS, Two years ago the Council drafted and approved an ordinance that the township attorney said would withstand a law suit even though it did not allow digital billboards; and

WHEREAS, Exit 10 is the gateway to Franklin, a large digital billboard is aesthetically unpleasant and not what we want people to see and base their first impression of our town upon.

NOW THEREFORE BE IT RESOLVED that the Environmental Commission of the Township of Franklin, Somerset County, State of New Jersey, opposes ordinance #2971-12 revisions that would allow digital billboards in Franklin Township.

Adopted April 2, 2012 by vote of the Environmental Commission.

The listed members voted unanimously in favor of this resolution. Commission member John Clyde was absent at the time of the vote.

Arnold Vernick, PE., Chairman
Arnold W. Schmidt, Vice Chair
David Triggs
Dianne Pydeski
Paul Walitsky
Cecile Maclvor
Walter Andrews
Timothy Biercz