

Planning and Zoning Commission City of Derby

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

Richard A. Stankye

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez

Anthony Szewczyk, Alt.

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, October 15, 2013 at 7:05 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:00 p.m. by Chairman Ted Estwan. Present were Ted Estwan, David Rogers, Richard Stankye, Raul Sanchez and Anthony Szewczyk. Also present were Mike Joyce, Milone and MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Estwan noted that Item 9a and 10a should be corrected to read Article VIII, Section 195.62.

Correspondence - None

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to approve the minutes of the September 17, 2013 meeting was made by Mr. Rogers, seconded by Mr. Sanchez and carried unanimously.

Acceptance of Applications

Mr. Estwan stated that there are no new applications to accept.

Public Hearings

(a) Application from City of Derby Planning and Zoning Commission for Zone Text Change for Article VIII, Section 195.62, Flag Lot Regulations and Article XI, Electronic Message Display in P Zone.

Mr. Joyce stated that the public hearing had been left open in order to get the referral letters from VGOC and South Central Regional Planning Commission. Mr. Estwan stated that letters were received from both of them and read them into the record. Both Agencies indicated that

there is no negative impacts from the proposed regulation changes. Mr. Joyce stated that with regard to the new regulation regarding electronic message display sign there had been some discussion on the size and also the duration of the message being displayed. He stated that the proposed size is consistent with the free standing signs in the current regulations. The members discussed the duration of the message being displayed and felt that five minutes minimum duration was appropriate. Mr. Joyce noted that the application also needs to be changed to reflect that it is Article VIII.

Mr. Joyce stated that there had been some discussion on the definition of flag lots but because this was not included in the original application it will not be done at this time. Mr. Estwan stated that the Commission has discussed making other changes in the regulations and that can be addressed when that application is submitted. The members were in favor of the proposed changes.

There was no public comment on the application.

A motion to close the public hearing was made by Mr. Stankye, seconded by Mr. Szewczyk and carried unanimously.

New Business

(a) Discussion and possible action – Application from City of Derby Planning and Zoning Commission for Zone Text Change for Article VIII, Section 195.62 Flag Lot regulations and Article XI, Electronic Message Display in P Zone.

Mr. Estwan moved For Article VIII, Section 195-62 – Flag Lot Regulations:

The Derby Planning & Zoning commission finds the Zone Text Change to Article VIII, Section 195.62 consistent with the goals of Section 195-2:

For Article XI – Electronic Message Displays:

The Derby Planning & Zoning Commission finds the following:

1. The Zone Text Change to add Article XI to the regulations is consistent with the goals of Section 195-2 and more specifically subsection 195-2.1 which encourages flexibility in the design and development of land in such a way as to promote the most appropriate use of public and semi-public land uses and associated activities which are in harmony with the surrounding development and conform with the Derby Plan of Zoning.

2. The proposed regulations strive to:

1. safeguard and enhance property values;
2. control nuisances;
3. promote the public health, safety, and general welfare.
4. prevent potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way;
5. prevent excessive and confusing sign displays;

Following review of the documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Zone Text Change Application. The effective date of the text amendment shall be November 4, 2013.

The approval shall be based upon the following documents submitted in support of this application:

1. The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100 Car Naturalistic Driving Study Data, by the National Highway Traffic Safety Administration.
2. Effects of Electronic Billboards on Driver Distraction, by the Swedish National Road and Transport Research Institute, dated July 2012.
3. Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, by the FHWA, dated September 2001.
4. Letter from Valley Council of Governments Regional Planning Commission dated September 25, 2013.
5. Letter from South Central Connecticut Regional Planning Commission dated September 17, 2013.

The motion was seconded by Mr. Stankye and carried unanimously.

Old Business

(b) Update on Redevelopment Zone

Atty. Coppola was not in attendance at the meeting and there was no update available.

Executive Session

(a) Update on Enforcement issues; discussion of pending litigation.

Mr. Estwan stated that there was no need for an Execution Session.

Payment of Bills

Mr. Rogers moved to approve the payment of the following bills from Moline & MacBroom – Invoice Nos. 65249 and 65250. The motion was seconded by Mr. Szewczyk and carried unanimously.

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

These minutes are subject to the Commission's approval at their next scheduled meeting.