

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
September 17, 2019
9:00 A.M.**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, September 17, 2019 in the New Castle Room of the Government Center Building, 87 Reads Way, Corporate Commons in New Castle, DE.

The meeting was called to order by Chairperson Karen Peterson at 9:01 a.m.

The following Board members were present:

Leone Cahill
Joseph Daigle
William McGlinchey
Karen Peterson
Linda Porrás-Papili
Ruth Visvardis

The following Board members were absent:

Robert Snowden
Kiana Williams

Planning Board Attorney, Office of Law

Randolph Vesprey

The following Department of Land Use employees were present at the meeting:

Antoni Sekowski

Matthew Rogers

The following members of the public were in attendance:

None.

MINUTES

August 20, 2019

DEFERRALS

None.

BUSINESS

App. 2019-0396-T, Text amendment to amend New Castle County Code Chapter 40 Article 6 (“Sign Regulations”) regarding electronic variable messaging signs. **Ord. 19-072 is a text amendment to amend Article 6 of the Unified Development Code regarding electronic variable messaging signs (EVMS).**

At a business meeting held on September 17, 2019, the Planning Board considered the Department of Land Use recommendation. On a motion by Ms. Visvardis, seconded by Ms. Cahill, the Planning Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance No. 19-072 by a **VOTE of 6-0-0-2** (YES: Peterson, Cahill, Daigle, McGlinchey, Papili and Visvardis. NO: none; ABSTAIN: none; ABSENT: Snowden, Williams) with the following conditions:

1. The ordinance should clearly reflect that EVMS billboards are not included in the simplified sign replacement process.
2. The ordinance should maintain that a replacement sign would not need to return to the Board of Adjustment provided the sign is consistent with any prior BOA decision.
3. The ordinance should include language concerning light intensity levels for all EVM signs. The Department recommends an illumination standard of 5,000 nits daytime and 250 nits at night.
4. The ordinance should reflect that a permit must have been issued for the original sign being replaced.
5. The ordinance should address road names errors identified in the DelDOT PLUS comments.
6. The ordinance should provide signage requirements for the Extractive District (EX).
7. That replacement signs require a zoning permit.

In discussion preceding the vote the Board members offered the following comments:

Ms. Asked if adding signage provisions for the EX districts would take care of all districts. Mr. Rogers stated that providing regulations for the EX district would cover all districts that exist today in the County. Ms. Papili asked if the current ordinance proposed provisions for the EX district. Mr. Rogers explained that the Department’s conditions would require a substitute ordinance. Mr. Rogers further explained that any time that an ordinance is changed to address conditions set by the Department and/or Planning Board a substitute ordinance is required. Ms. Papili asked about exceptions to the static time requirement. Mr. Rogers explained that exceptions include date, time and emergency messages and that the ordinance does not propose any changes to the existing exceptions. Ms. Papili also asked about current EVM sign regulations and enforcement responsibilities. Mr. Rogers explained the existing EVM sign provisions, that deviations require variances and that the Department’s conditions would require consistency with Board of Adjustment conditions. He also stated that most sign violations were complaint driven, however if Code Enforcement sees a deviation from the code, they’d issue violations. Mr. McGlinchey inquired as to the rationale for the 30-minute static requirement and asked why the proposed limitation is not an hour. Mr. Rogers explained that as discussed by Antoni Sekowski, Planning Manager for the Department of Land Use at the public hearing, that the 30-minute period was chosen to as a balance between facilitating businesses to effectively utilize EVM signs for advertising and safety concerns.

Mr. Daigle asked how a business owner would be aware of the static time requirement. Mr. Rogers stated that EVM signs require an affidavit signed by the owner. Mr. McGlinchey asked how replacement signs would be verified for compliance with the UDC and/or existing

variances. Mr. Rogers stated that the Department would require a zoning permit. He asked if the requirement to receive a zoning permit was included in the conditions made by the Department. Mr. Rogers stated that it was not specifically identified as a condition, however the Department intended its inclusion in the substitute ordinance.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

None.

REPORT OF CHAIRPERSON

None.

OTHER BOARD MEMBER COMMENTS

None.

COMMENTS FROM THE PUBLIC

None.

OTHER BUSINESS

None.

ADJOURNMENT

The Board voted to adjourn the meeting at 9:43 a.m.

ATTEST:

Richard E. Hall, AICP Date
General Manager
Department of Land Use

Karen Peterson Date
Chair
Planning Board