



# TOWN OF MIDDLEBURY

## *Zoning Board of Appeals*

MINUTES  
ZONING BOARD OF APPEALS REGULAR MEETING  
**Wednesday, January 3, 2024 – 7:30 p.m.**  
Shepardson Community Center  
Room 26

**Present:** Linda Herrmann  
Robert Marages  
Joe Mancini  
Brandon Cyr  
Bryan Ferrucci—arrived 7:35pm

**Also** Curt Bosco, ZEO  
**Present:** Rachel Primus, Recording Clerk

**Excused**

**Absent:** Candice Graziano

**Call to Order with the Pledge of Allegiance**

The meeting was called to order by Linda Herrmann at 7:31 P.M.

**VOTED:** Unanimously on a motion by Robert Marages and seconded by Joe Mancini to  
**APPOINT** Bryan Ferrucci as a regular voting member in place of Candice Graziano.

**Approval of December 6, 2023 Regular Meeting Minutes**

**VOTED:** Unanimously on a motion by Robert Marages and seconded by Joe Mancini to  
**APPROVE** the December 6, 2023 meeting minutes with the following corrections: Add  
Brandon Cyr as present to the meeting.  
Linda Herrmann abstained.

**Public Hearing:**

**Appeal of Decision of the Zoning Enforcement Officer #23-74Z regarding the use of an electronic sign from JSD Partners Southford, LLC – Dean Yimoyines regarding property at 1101 Southford Road.**

Linda Herrmann reported she had received a correspondence from Neil Cybart on December 6, 2023 who wrote in opposition of the sign. She read the letter into the record.

Attorney Michael McVerry, 35 Porter Avenue Naugatuck Ct, representing JSD Partners Southford LLC said there was a question at last months meeting regarding the sign being on late at night. They have now upgraded the signs software and it will shutoff at 10:00 PM. He noted they have also turned down the brightness of the sign as well. He said originally there was a loop of advertisements that were changing on a weekly basis. Since the cease and desist it has been stagnant. Dean Yimoyines said they are no longer looking to do the loop of advertisements. They don't like how it looks. He noted that he thought this was approved at the Planning and Zoning meeting. He said that if there is a loop advertisement on the sign in the future it will just note that Middlebury is a great place to live. Attorney McVerry said it is not the ideal time to request a change in the text of the Zoning Regulations. Linda Herrmann said she drives by the

sign on a daily basis and she feels it is bright. Attorney McVerry said the brightness has been reduced. Dean Yimovines said since the sign has been put up it has brought in many more residents to the store. Attorney Dana Dangelo noted that she has spoken to Chairman Terry Smith of the Planning and Zoning Commission. He sent an email which she read into the record, regarding the intent of the regulation of digital signs.

**VOTED:** Unanimously on a motion by Bryan Ferrucci and seconded by Robert Marages to **ENTER** into Executive Session at 7:45 PM.

**VOTED:** Unanimously on a motion by Bryan Ferrucci and seconded by Joe Mancini to **EXIT** Executive Session at 8:05 PM.

**VOTED:** Unanimously on a motion by Bryan Ferrucci and seconded by Robert Marages to **CLOSE** the Public Hearing at 8:06 PM.

**VOTED:** Unanimously on a motion by Robert Marages and seconded by Joe Mancini to **UPHOLD** the Cease and Desist order of the Zoning Enforcement Officer.

**Old Business**

None

**New Business**

None

**Correspondence**

None

**Adjournment**

**VOTED:** Unanimously on a motion by Joe Mancini and seconded by Robert Marages to **ADJOURN** the meeting at 8:12 P.M.

These minutes are submitted subject to approval.

Respectfully submitted,

Rachel Primus

Recording Clerk

ZBA Members

CC: Town Clerk, Z.E.O.

## Curt Bosco

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**From:** Neil Cybart <neil.cybart@gmail.com>  
**Sent:** Wednesday, December 6, 2023 10:43 AM  
**To:** Planning Zoning  
**Subject:** Vote NO to Appeal #23-74Z (The Digital Sign)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Email support@computercompany.net if you doubt the validity of this email.

### Middlebury Zoning Board of Appeals:

I write in opposition of the applicant's appeal (#23-74Z) regarding use of an electronic sign. It is not right for an applicant to gain approval for a proposal from Middlebury P&Z by giving certain promises and assurances, in this case that the digital "sign" will not change more than once a week, and then once it's constructed make up their own rules.

From the meeting minutes of P&Z Dec 1, 2022 meeting: *"Attorney Michael McVerry added that revisions or changes to the digital panel can only occur every seven days, unless in the case of an emergency."*

The applicant knew the sign should not change more than once a week and yet there was complete disregard for the rule for months until P&Z sent a cease-and-desist letter. The P&Z commission was 100% in the right to send that letter as the applicant was breaking stipulations/guarantees given to secure approval. For the applicant to now appeal the rules from being enforced is absurd and reflects poorly on them in terms of having Middlebury's best interests in mind.

As a Middlebury resident who frequently travels by this electronic sign, including at night, the sign is a major hazard. When the digital sign changed after only a few seconds, the safety issue was made worse as it was a major distraction to drivers.

It remains difficult to drive by the sign due to its brightness. I recommend all of you to drive by the sign once the sun goes down. It throws off a significant amount of light pollution on adjacent lots and the road, posing a major safety hazard. This would seem to go against what the applicant said would happen – that the sign's brightness could be dimmed and that it's not in use at night. From the meeting minutes of P&Z Dec 1, 2022 meeting: *"Dean Yimoyines confirmed that it will not interfere with the sight lines and agreed to find out for sure but he believes that the sign does have that capability. He also added that it will not be left on all night and will most likely turn it off at 10:00 p.m."*

*Attorney Michael McVerry offered to make it part of the approval."*

## **Dana Dangelo**

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**From:** Terry Smith <tw0815@aol.com>  
**Sent:** Wednesday, January 3, 2024 11:49 AM  
**To:** Dana Dangelo  
**Cc:** Curt Bosco; Bill Stowell; Erika Carrington; Gerald Lukowski; Matthew Robison; Frank Mirovsky; Paul Anderson  
**Subject:** Digital Sign

Dear Atty. D'Angelo

I am unable to attend the Zoning Board of Appeals meeting tonight, but I wanted to convey the intent of the regulation change that allowed the digital sign at Middlebury Furniture. Our existing regulations at the time did not allow for digital or moving signs. At Mr. Yimoyne's request and in a spirit of cooperation, it was voted to allow for digital signs in the GIDD zone only, with the proviso that it can be changed once a week to start.

I specifically remember stating on the record that we wanted to go slow with the sign changing to judge the reaction to it. Possibly at a future date we can revisit the frequency of rotation.

Respectfully

Terry Smith

Chairman

Middlebury Planning and Zoning