



Town of Cromwell Zoning Board of Appeals

*PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. TUESDAY, JANUARY 24, 2012
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET*

AGENDA

1. Call to Order
2. Roll Call
3. Seating of Alternates
4. Approval of Agenda
5. Public Comments
6. Public Hearing:

a. Application #11-09: Variance from Article 5.3H (Sign Standards) to replace the existing non-conforming single establishment free-standing sign with a new one with more than the allowed sign area at 115 Berlin Road. Bergmann Associates, applicant; Sunoco Inc, owner. Continued from December 21, 2011.

7. Old Business: None.
8. New Business: None
9. Commissioners Comments
10. Approval of Minutes:
 - a. December 12, 2011
11. Annual Meeting:
 - a. Election of Officers
12. Adjourn

RECEIVED FOR FILING
1/18 2012 at 9:24AM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Gloria Runderkast, Asst.
TOWN CLERK

Memo

To: Zoning Board of Appeals
From: Craig Minor, AICP
Town Planner
Date: January 18, 2012
Re: ZBA meeting on January 24, 2012

6. Public Hearing:

a. Application #11-09: Variance from Article 5.3H (Sign Standards) to replace the existing non-conforming single establishment free-standing sign with a new one with more than the allowed sign area at 115 Berlin Road. Bergmann Associates, applicant; Sunoco Inc, owner.

(The public hearing on this application was formally opened last month, but it was immediately continued to this month because there were only three ZBA commissioners present. No testimony was presented so there is no need for the absent members to listen to the recording.)

This gas station has an existing sign which is 59 s.f. in size. The maximum size allowed under the zoning regulations is 40 s.f. (see Page 116 of the Zoning Regulations, attached).

The owners would like to replace this existing non-conforming sign with a new sign that is slightly larger. The new sign would be 68.8 s.f. in size.

There does not appear to be any hardship; just the owners desire to use "off the shelf" sign parts.

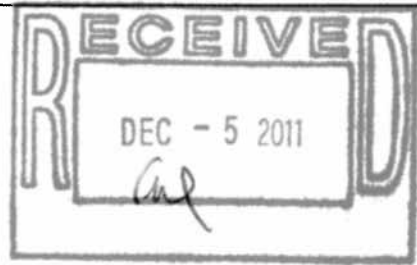
We have received a written objection dated December 21, 2011 from an abutting property owner, Mr. Bhavesh Patel (attached).

cc:
file

TOWN OF CROMWELL ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE, ZONING APPEAL, DMV LOCATION APPROVAL, OR CHANGE OF NON-CONFORMING USE SPECIAL PERMIT

Address: 115 Berlin Road	PIN #: 00445600
Zoning District: Highway Business (HB)	Volume/Page: Map 7 Parcel 00445600 Book 79 Page 457
Applicant: Bergmann Associates (contact: Yelann Momot)	Property Owner: Sunoco, Inc.
Home or Business Address: 28 East Main St. 200 First Federal Plaza Rochester, NY 14614	Home or Business Address: 140 Lee Burbank Highway Revere, MA 02151
Phone #: (585) 232-5135 x468	Phone: (617) 529-3932
Email: ymomot@bergmannpc.com	
<i>I hereby certify that the information presented is to the best of my knowledge true and accurate, and that should such information be proved to be inaccurate or misleading, any permit issued on the basis of this information may be revoked.</i>	<i>I hereby consent to the Applicant acting as my agent for the purpose of this application.</i> (please see attached owner authorization form)
Signature:	Signature:
Type of Application (check one):	
<input checked="" type="checkbox"/> Variance from Section <u>5.3 (Signs)</u> of the Zoning Regulations.	
<input type="checkbox"/> Appeal from ZEO Decision dated _____.	
<input type="checkbox"/> Change of Non-Conforming Use Special Permit.	
<input type="checkbox"/> Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)	
Description of Request:	
Sunoco, Inc. is in the process of converting the existing service station at the above referenced location into a convenient store, as well as making some minor site improvements. These improvements include updating the signage on site. The existing freestanding sign is currently 59 SF in area per side and the proposed sign is 68.8 SF in area. Therefore we are seeking a variance of 9.8 SF in area. Please see attached sign package for additional details.	



Justification for Request:

If Applying for a variance, state the hardship and explain why the variance is required.

If Appealing a decision of the ZEO, explain why you feel the ZEO is wrong.

If Applying for a change in non-conforming use Special Permit, explain how the new use will be less non-conforming than the current use.

If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

The existing freestanding sign has a Sunoco sign panel along with (3) panels containing fuel pricing information. The proposed sign is only being altered in connection with the addition of the Aplus convenient store. The Sunoco panel will remain and one of the pricing panels will be removed. It will be replaced with a slightly larger Aplus panel, however it is in line with corporate branding standards. Further, if relief is granted a custom manufactured panel would not be required. The site is located in the HB District and surrounded by a mix of commercial uses which utilizes a variety of sign combinations and will not adversely impact or change the character of the area. The proposed signage is in proportion with the site and appropriately sized to meet the needs of customers who will rely on signage for fuel pricing information and services offered at the location. Moreover, the (2) remaining pricing panels will be slightly enlarged and switched to LED lighting

to increase safety for employees, since they will no longer need to manually change the price information. This will also provide increased visibility and safety for pedestrian and vehicular traffic.

1. I will send written notice of this application to the owners of property within 100' of the site not less than 14 days before the public hearing. I will submit the "certificate of mailing" not less than 10 days before the hearing.
2. I will post a sign on the property not less than 14 days before the public hearing per Section 8.10.H. of the Cromwell Zoning Regulations. I will submit an affidavit of posting at the hearing.
3. If my request is dimensional in nature, I have submitted a site plan prepared by a surveyor in accordance with Sec. 10.4.B.2 of the Cromwell Zoning Regulations.

Yelann Mamet ^{on behalf of} Sunoco Inc.
applicant

12/1/2011
date

#11-09

December 2, 2011

Mr. Craig Minor
Town Planner
Town of Cromwell
41 West Street
Cromwell, CT 06416

Re: 115 Berlin Road, Cromwell, PA - Sunoco Gas Station Variance Application

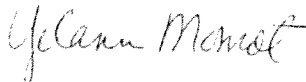
Dear Mr. Minor:

As you are aware through our coordination to date, Sunoco Inc. will be converting the existing service station at the above referenced location into a convenient store, as well as make some minor improvements to the site. During the review process, it was determined that an area variance for proposed revisions to the existing freestanding sign would be required. The existing freestanding sign is 59 SF in area and the proposed sign is 68.8 SF in area, therefore we are seeking a variance for 9.8 SF.

Enclosed please find our application and supporting materials for your review. We respectfully request to be placed on the December 21, 2011 Zoning Board of Appeals agenda.

Please feel free to contact me at (585) 232-5135 x 468 if you have questions or concerns at any time.

Sincerely,



Yelann L. Momot
Project Expediting Coordinator

Enc.
Variance Application
Variance Application Fee
(6) Copies of the Sign Package
Certificate of Mailing



1
**TABLE OF
CONTENTS**

Site Plan
Site Signage

2
3



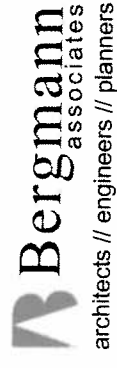
SUNOCO
SIGN VARIANCE PACKAGE

DUNS No. 0011-5444

115 Berlin Road
Cromwell, CT

Date: November 30, 2011

Prepared by:
Bergmann Associates
28 East Main Street
200 First Federal Plaza
Rochester, New York 14614



3 SITE SIGNAGE

Overall height of sign = 21' +/-

BEFORE

AFTER

Everbrite

Customer: Sunoco
 Project No: 276381 Scale: 3/8" = 1'-0"
 Date: 10/25/11 Drawn By: RD
 Locations & Site No: 15 Belden Rd, Cromwell, CT Site: SJ0111644

Description: 6F1 2 Product Retrofit System
 Revised: Revised: Revised: Signature: Date: Date:

DISCLAIMER: Drawings are for general reference only and are intended to indicate approximate dimensions for general requirements. Final dimensions and details shall prevail over all preliminary specifications and trade drawings. This drawing is the property of Everbrite, LLC. Use of or alteration in any manner without the express written permission of Everbrite, LLC is prohibited.

Customer Approval: NOTE: Unless specified by customer, all materials and workmanship shall conform to the latest editions of the International Building Code and the International Residential Code. Please read carefully, check approvals Sketch OK as is New sketch required and for back to Everbrite.

SITE SIGNAGE	TYPE	ILLUMINATION	DIMENSION	AREA (in SF)
EXISTING FREESTANDING SIGN	BUSINESS	INTERNALLY	SEE ABOVE	59
PROPOSED SUNOCO FREESTANDING SIGN	BUSINESS	LED/INTERNALLY	SEE ABOVE	68.8



Sunoco, Inc.
140 Lee Burbank Highway
Revere MA 02151-4091

AUTHORIZATION

On behalf of Sunoco, Inc., record owner of property located at 115 Berlin Rd., Cromwell, Massachusetts, I hereby authorize Bergmann Associates, PC to submit a use permit application along with supporting documentation and applications for any other required discretionary approvals and/or permits required with the development of the subject parcel.

SUNOCO, INC.

A handwritten signature in cursive script, reading "Michael F. Grendal".

By: Michael F. Grendal P.E.
Sunoco Inc.
Project Engineer

Date: October 24, 2011

AFFIDAVIT OF SIGN POSTING

Sunoco: Area Variance for Signage
Application File No. 11-09

I, Yelann Momot, applicant's agent for the above referenced project, being duly sworn says: That on the 6th day of December, 2011, I posted or caused to be posted a sign, prominently displayed, at the project site located at 115 Berlin Rd., Cromwell, CT noticing the Zoning Board of Appeals meeting on December 21, 2011 in accordance with the sign posting requirements as set forth by Section 8.10.H of the Cromwell Zoning Regulations.

BERGMANN ASSOCIATES, PC

Yelann Momot
By: Yelann L. Momot, Esq.

Date: December 16, 2011

Sworn to before me this 16th day of December, 2011

Janice A. Fredericks
Notary Public

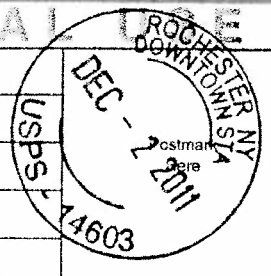
JANICE A. FREDERICKS
Notary Public, State of New York
No. 01FR5064761
Qualified in Monroe County
Commission Expires Aug. 26, 2014

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To **LYDIA Y. CANNATA TRUSTEE U/A/W**
 Street, Apt. No., or PO Box No. **481 Main St.**
 City, State, ZIP+4 **Cromwell, CT 06416**

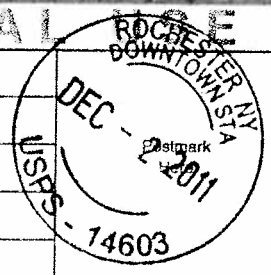
PS Form 3800, August 2006 See Reverse for Instructions

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



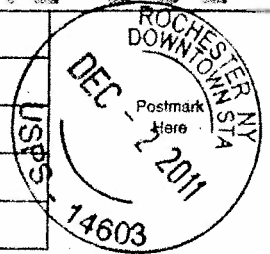
Sent To **GANESHA HOSPITALITY LLC**

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OFFICIAL USE

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To **SHRI AMBE LLC**
 Street, Apt. No., or PO Box No. **70 TIMBERIDGE RD.**
 City, State, ZIP+4 **NORTH BRUNSWICK, NJ 08902**

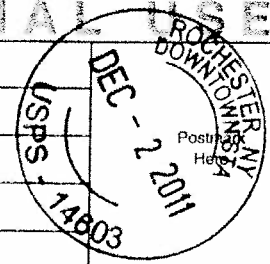
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To **SHAFED SOE ASSOCIATES LIMITED PARTNERSHIP**

4407 6979 6183 6004 0209 6979 6183 6004 8

115 Berlin Road



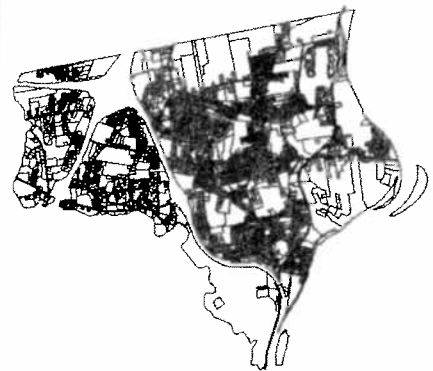
Property Information


Property ID 00445600
Location 115 BERLIN ROAD
Owner Name SUN REFINING & MARKETING



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

The Town of Cromwell makes no claims, no representations, and no warranties, expressed or implied, concerning the validity (expressed or implied), the reliability, or the accuracy of the GIS data and GIS data products furnished by the Town, including the implied validity of any uses of such data. The use of this data, in any such manner, shall not supercede any federal, state or local laws or regulations.



SINGLE ESTABLISHMENT FREE-STANDING CLASS 1															
EXAMPLES															
GUIDELINES	Free-standing single-establishment signs are primarily intended to communicate with people in automobiles. The sign structure is typically supported by two poles, but other types of supports may be used.														
STANDARDS	<table border="1"> <tr> <td>PERMIT TYPE</td> <td> <ul style="list-style-type: none"> Replacement – Zoning Signoff New in the Business Zones – Site Plan Approval Additional Free Standing Sign when Frontage Exceeds 500 feet– Special Permit New in the Residence Zones – Not Authorized in any Residence Zone </td> </tr> <tr> <td>LOCATION RESTRICTIONS</td> <td> <ul style="list-style-type: none"> May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. on any lot in other than DC, one (1) sign may extend to within 10 feet of any street line provided that the sign does not exceed an area of 40 square feet and more than eight (8) feet in any dimension. No sign shall be located within or hung over the right-of-way of any street, except as authorized by the Board of Selectmen. </td> </tr> <tr> <td>MAXIMUM NUMBER</td> <td> <ul style="list-style-type: none"> One (1) sign is permitted per lot, per street frontage. One (1) additional free-standing sign may be permitted by Special Permit if the subject property’s frontage is in excess of 500 feet. No more than two (2) Class 1 free-standing signs on any single lot. </td> </tr> <tr> <td>MAXIMUM AREA PER SIGN</td> <td> <ul style="list-style-type: none"> 40 square feet per side and 80 square feet if two (2) sided. Where the parcel of land on which the hotel is situated is located 200 feet or less from an interstate highway line, then one additional sign shall be permitted, which sign shall not exceed 40 feet in height and shall not exceed 175 square feet in area. </td> </tr> <tr> <td>MAXIMUM HEIGHT</td> <td> <ul style="list-style-type: none"> 21 feet </td> </tr> <tr> <td>ILLUMINATION</td> <td> <ul style="list-style-type: none"> N/A </td> </tr> <tr> <td>OTHER</td> <td> <ul style="list-style-type: none"> A permanent freestanding sign shall be appropriately landscaped at its base. Said landscaping shall be approved by the Commission or Town Planner as appropriate per the nature of the application. </td> </tr> </table>	PERMIT TYPE	<ul style="list-style-type: none"> Replacement – Zoning Signoff New in the Business Zones – Site Plan Approval Additional Free Standing Sign when Frontage Exceeds 500 feet– Special Permit New in the Residence Zones – Not Authorized in any Residence Zone 	LOCATION RESTRICTIONS	<ul style="list-style-type: none"> May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. on any lot in other than DC, one (1) sign may extend to within 10 feet of any street line provided that the sign does not exceed an area of 40 square feet and more than eight (8) feet in any dimension. No sign shall be located within or hung over the right-of-way of any street, except as authorized by the Board of Selectmen. 	MAXIMUM NUMBER	<ul style="list-style-type: none"> One (1) sign is permitted per lot, per street frontage. One (1) additional free-standing sign may be permitted by Special Permit if the subject property’s frontage is in excess of 500 feet. No more than two (2) Class 1 free-standing signs on any single lot. 	MAXIMUM AREA PER SIGN	<ul style="list-style-type: none"> 40 square feet per side and 80 square feet if two (2) sided. Where the parcel of land on which the hotel is situated is located 200 feet or less from an interstate highway line, then one additional sign shall be permitted, which sign shall not exceed 40 feet in height and shall not exceed 175 square feet in area. 	MAXIMUM HEIGHT	<ul style="list-style-type: none"> 21 feet 	ILLUMINATION	<ul style="list-style-type: none"> N/A 	OTHER	<ul style="list-style-type: none"> A permanent freestanding sign shall be appropriately landscaped at its base. Said landscaping shall be approved by the Commission or Town Planner as appropriate per the nature of the application.
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December 21, 2011

Cromwell Zoning Board of Appeals

41 West Street

Cromwell, CT 06416

Sunoco's Application for Variance under Section 5.3.B.3(2), Electronic Signage – Application 11-09.

My name is Bhavesh Patel and I operate the Krauzer's Store at 117 Berlin Road, Cromwell, CT 06416. I am here tonight to speak in opposition to the application of Sunoco for a variance to install an oversized electronic sign at 115 Berlin Road in Cromwell.

The current zoning regulations allow signs up to 40 square feet in size. This request is to change a non-confirming oversized sign to a larger non-confirming oversized electronic sign. The current sign is 59 square feet in size. The request is to install a sign that is 68.8 square feet in size.

The application does not set forth a claim of exceptional difficulty or unusual hardship on the part of the applicant. As noted in the application, Sunoco can easily install a custom built panel as a replacement sign for the currently existing sign.

In accordance with CGS 8-6, this Board has the power and duty to determine and vary the application of the Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

Based upon the reasoning set forth in the application, every business along Route 372 would be entitled to an oversized sign. Every gas station would be entitled to an oversized electronic sign.

The proposed alteration is for the sole purpose of advertising for a convenience store, which will have a detrimental effect on the economic visibility and viability of my adjacent Krauzer's store. I am already at a disadvantage because I do not sell gasoline and have less noticeable signage. Sunoco is not expanding its existing main business, but actually eliminating the repair shop portion of the station, which employed several skilled mechanics.

If you look at the purpose or goal of the sign regulations, under Section 5.3.A, of the zoning regulations, they are to:


1. Maintain / enhance town's ability to attract sources of economic development & growth; and
2. To minimize the possible adverse effect of signs on nearby public and private property

A bigger sign will not enhance economic development when skilled mechanics are no longer employed in the service station being converted into a convenience store, and a bigger sign advertising that convenience store will have an adverse impact upon my nearby private property.

I also think that this application seeks an intensification of non-conforming use. While it may be allowable to go from non-conforming to another non-conforming, provided you do not intensify the use, that is not the case here. The applicant wants to intensify the use of an already oversized sign to something even bigger in size.

Lastly, this sign will be a detriment to surrounding competing businesses that do not utilize electronic signs. It will put my businesses at a disadvantage, and will not “enhance the existing and probable future character of the neighborhood”, and most importantly, will have an adverse effect on the neighboring area from the use of a larger electronic sign.


I ask that you deny this application. Thank you.

A handwritten signature in black ink, appearing to read 'Bhavesh Patel', with a large, stylized flourish at the end.

Bhavesh Patel

Memo

To: Darlene DiProto
Town Clerk

From: Craig Minor, AICP 
Town Planner

Date: December 27, 2011

Re: ZBA Regular Meeting Dates for 2012

The following dates were approved by the ZBA at its meeting on December 21, 2011:

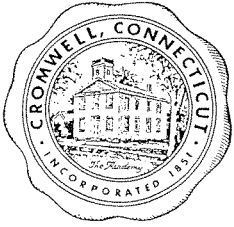
ZONING BOARD OF APPEALS (fourth Tuesday, 7:00 pm, Room 224)

January 24	February 28	March 27	April 24
May 22	June 26	July 24	August 28
September 19*	October 23	November 27	December 18**
January 22, 2013			

* moved due to Yom Kippur

** moved due to Christmas

cc:
✓ZBA
file



Town of Cromwell

FIRST SELECTMAN'S OFFICE
NATHANIEL WHITE BUILDING
41 WEST STREET
CROMWELL, CONNECTICUT 06416

November 30, 2011

Edward Weners
4 Fenwick
Cromwell, CT 06416

Dear Mr. Weners,

I am pleased to advise you that the Board of Selectmen appointed you to fill a vacancy on the Zoning Board of Appeals, at their November 14, 2011 meeting. Your term will expire on November 2013.

Please make arrangements with Darlene DiProto, Town Clerk, to be sworn in. Darlene may be reached at (860) 632-3440.

Congratulations, and thank you for serving your community in this way.

Thank you again. I am looking forward to working with you.

Sincerely,

Mertie L. Terry
First Selectman

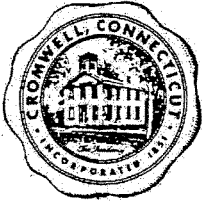
MLT/re

Copy: Darlene DiProto, Town Clerk
Chairman, Zoning Board of Appeals ✓

RECEIVED FOR FILING
12/22/2011 at 12:10 P.M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Town of Cromwell
Zoning Board of Appeals
Minutes December 21, 2011

Darlene DiProto
TOWN CLERK



**Town of Cromwell
Zoning Board of Appeals**

*PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. WEDNESDAY, DECEMBER 21, 2011
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET*

Minutes and Record of Votes

1. Call to Order

The meeting was called to order by Vice Chairman Edward Wenners at 7:10pm.

2. Roll Call

Present: Ed Wenners, Shaun Sullivan, Samantha Cahill.

Absent: Kimberly Enowitch, Alternate Joseph Morin, Alternate Brian Fisk

Also Present: Town Planner Craig Minor, BOS Liaison Enzo Faienzo

3. Seating of Alternates – no alternates were seated

4. Approval of Agenda

A **motion** was made by Shaun Sullivan and **seconded** by Samantha Cahill to approve the agenda with the addition of discussion and possible approval of By-laws under old Business(#7). *All were in favor; the motion was passed.*

5. Public Comments- none

6. Public Hearing:

a. Application #11-09: Variance from Article 5.3H (Sign Standards) to replace the existing non-conforming single establishment free-standing sign with a new one with more than the allowed sign area at 115 Berlin Road. Bergmann Associates, applicant; Sunoco Inc, owner.

Ed Wenners read the description of Application #11-09.

A **motion** was made by Samantha Cahill and **seconded** by Shaun Sullivan to open the public hearing for application #11-09. *All were in favor; the motion was passed.*

Michael Grendal of Sunoco came forward and said that since there was not a full board present, they would prefer to come back in January.

A **motion** was made by Shaun Sullivan and **seconded** by Samantha Cahill to continue the public hearing to the next meeting. *All were in favor; the motion was passed.*

7. Old Business: None.

A **motion** was made by Shaun Sullivan and **seconded** by Samantha Cahill to take a 5 minute recess at 7:14pm to allow time to make copies of the draft revised By-laws. *All were in favor; the motion was passed.*

The meeting was called back to order at 7:28pm.

Mr. Wenners asked the other commissioners if they were comfortable approving the by-laws of the Zoning Board of Appeals tonight, with only three members present. Mr. Sullivan and Ms. Cahill both said they were.

A **motion** was made by Samantha Cahill and **seconded** by Shaun Sullivan to approve the bylaws of the Zoning Board of Appeals as revised on December 21, 2011. *All were in favor; the motion was passed.*

8. New Business: None

9. Commissioners Comments: None

10. Approval of Minutes:

- a. October 25, 2011

A **motion** was made by Shaun Sullivan and **seconded** by Samantha Cahill to approve the minutes from October 25, 2011 with the deletion of the prefix "non" from the word "non-conforming" in Item #6, first paragraph, last sentence. *All were in favor; the motion was passed.*

11. Annual Meeting:

- a. Election of Officers

Ed Wenners asked the Commissioners if they wanted to go ahead and have the election. There was discussion on whether or not the absent commissioners gave any indication they would like to serve. Mr. Sullivan said he thought they should wait until next month and Mr. Wenners agreed it was the fair thing to do.

A **motion** was made by Samantha Cahill and **seconded** by Shaun Sullivan to hold the election of officers at the January meeting. *All were in favor; the motion was passed.*

b. Approval of Meeting Dates for 2012

A **motion** was made by Samantha Cahill and **seconded** by Shaun Sullivan to approve the meeting dates for 2012 as presented. *All were in favor; the motion was passed.*

c. Approval of Budget for FY 2012-2013

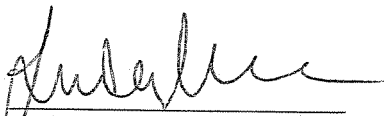
Mr. Wengers said he was concerned about the printing costs of the new Zoning Regulations. Town Planner Craig Minor said that cost would be taken out of a different budget.

A **motion** was made by Shaun Sullivan and **seconded** by Samantha Cahill to approve the budget for FY 2012-2013 as presented. *All were in favor; the motion was passed.*

12. Adjourn

A **motion** was made by Samantha Cahill and **seconded** by Shaun Sullivan to adjourn at 7:38pm. *All were in favor; the motion was passed.*

Respectfully Submitted,



Linda Imme
Recording Clerk