

**CITY OF NORWALK
ZONING BOARD OF APPEALS
MARCH 4, 2010 (approved April 8, 2010)**

I. CALL TO ORDER

Mr. Strubinger called the meeting to order at 7:30 pm.

II. ROLL CALL

Ms. Rochefort took the roll call.

PRESENT: Taylor Strubinger, Chair; Joe Santo; Nathan Sumpter; Tony Lopez; Laurie Fan

STAFF: Aline Rochefort; Vladimir Mariano

OTHERS: Atty. Chris Coldwell; Atty. Brian McCann; Kristina Morrow; Chris Whiteman; Raymond Valerie

III. PUBLIC HEARING

- a. 10-0304-01 The Jostal Corporation—Appeal of Zoning Inspectors Cease & Desist dated January 4, 2010 for use & occupancy without permits and creating an off-street parking facility in Business No. 1 zone. Property located at 467 Connecticut Avenue.**

Mr. Strubinger opened the public hearing.

Atty. Chris Coldwell agreed to waive the reading. He stated that the green cards had been submitted. He described the location of the property near I-95 and Route 1. Atty. Coldwell explained that due to an error in the process, one of the contiguous property owners had not been notified of the public hearing. He asked if the hearing needed to be postponed.

Mr. Strubinger asked for the advice of City counsel. Mr. Brian McCann explained that the Board could choose to postpone the hearing or to hold it tonight.

The Board agreed to postpone the hearing until April 8, 2010. Mr. Strubinger reiterated that the applicant should re-notify all neighboring properties with the new hearing date.

- b. 10-0304-02 Stop & Shop Supermarket—Variance to permit 12 signs vs. 2 allowed and a variance to permit 48 inch letters vs. 24 inch letters allowed in Business No. 1 zone. Property located at 385 Connecticut Avenue.**

Mr. Strubinger opened the public hearing.

The applicant agreed to waive the reading.

Mr. Lopez read aloud the memo from Ms. Rochefort.

Ms. Kristina Morrow, representing the applicant, pointed out an error with regard to the purple lettering, which was now acrylic, non-illuminated lettering. She explained that Stop & Shop had branded a new logo and wanted to display it on the store front. She said that trees on the property obscured the signage from the highway. She distributed photographs indicating the situation.

Mr. Santo said that tree pruning would solve the problem.

Ms. Morrow explained that the building's signage was already small. She presented a photograph indicating how the new signage would be centered on the building.

Mr. Lopez said that the new signage did not seem to be an improvement.

Ms. Morrow said that it was slightly larger than the existing signage and would increase visibility.

Mr. Santo stated that the building was still easily visible from the highway, even with the signage partially blocked.

Mr. Chris Whiteman asked about restrictions on tree pruning. Mr. Strubinger said that trees could be judiciously pruned and that the applicant could contact the Planning & Zoning staff for review. He added that he saw no hardship in the application.

Mr. Lopez pointed out that other signage at the site gave recognition and also that the existing signage on the store front could be seen from an angle, just not straight on, as indicated in the applicant's photograph.

Mr. Strubinger reiterated that the applicant had already been granted a variance for three-foot letters, instead of two-foot ones and was now requesting another variance without any change in hardship.

Ms. Morrow explained that the variance was sought not only due to the landscaping hardship, but also because many other businesses on the street had larger lettering on their signs.

Mr. Santo said that the addition of the new logo was acceptable, but not the larger letters. He described how tree pruning at a nearby Marshall's store had improved its sign visibility.

Ms. Morrow said that Stop & Shop wanted to be competitive with other area supermarkets. She discussed customer loyalty to the store.

Mr. Lopez stated that the need for brand recognition was understandable, but that there was still no hardship involved.

Ms. Rochefort explained that zoning regulations allowed for three-foot or four-foot lettering based on other characteristics of the property, such as distance from the road.

Ms. Fan asked what experience the applicant had had with other towns, in terms of signage. Ms. Morrow said that 90% of the other store locations in Connecticut had five-foot logo signage, adding that the proposed signage was a scaled down version of the usual signage. She presented a photograph from a store location in Monroe that used the five-foot letters. She added that the applicant had already agreed to an adjustment to its proposal, when the Zoning Commission requested the exclusion of the sign's purple band.

Mr. Lopez asked about the impact of the signage, if the Board were to grant everything except the new letter height.

Ms. Morrow pointed out that the new letters were thinner, less bold, and mostly lower case.

Mr. Sumpter asked if there were light behind the letters. Mr. Whiteman said that there would be high-efficiency illumination.

Mr. Raymond Valerie, the landlord for the Connecticut Avenue Stop & Shop, said that he was in favor of the application.

Mr. Strubinger closed the public hearing.

c. 10-0304-03 Stop & Shop Supermarket—Variance to permit 11 signs vs. 2 allowed and a variance to permit 48 inch letters vs. 24 inch letters allowed in Business No. 2 zone. Property located at 380 Main Avenue.

Mr. Strubinger opened the public hearing.

Mr. Lopez read a memo from Ms. Rochefort. The applicant agreed to waive the lengthy reading.

Ms. Morrow explained that the Main Avenue location had a greater hardship, because the store was further from the road and also because it was partly blocked by a bank. She said that the applicant had reduced the square footage of the department signs already. She pointed out that the applicant had not acted on the variance granted two years before, because the store's new branding ideas were already underway.

Mr. Santo said that the bank in front of the store was the store owner's choice and also that the building was very easy to see.

Mr. Sumpter asked what the City's position was with regard to a company's decision to change its signage. Ms. Rochefort said that due to outstanding variances, the applicant needed to return to the ZBA to prove its hardship.

Mr. Santo asked if the Board could select certain pieces of the variance for approval. Ms. Rochefort said yes, as long as there were no additions to the variances.

Mr. Strubinger closed the public hearing.

IV. BOARD ACTION ON ITEM A THRU C

The Board discussed the details of the application.

C. 10-0304-03—Stop & Shop, 380 Main Avenue.

**** MR. SUMPTER MADE A MOTION TO GRANT THE VARIANCE, AS PRESENTED IN THE DRAWING RECEIVED ON FEBRUARY 22, 2010.**

**** MS. FAN SECONDED.**

**** MOTION DENIED, 2-3 (LOPEZ, SANTO, STRUBINGER OPPOSING).**

**** MR. SANTO MADE A MOTION TO GRANT THE VARIANCE WITH A MAXIMUM LETTER HEIGHT OF THREE FEET FOR THE LARGER SIGN, AND WITH THE BASKET SIGN AS REQUESTED, BECAUSE THE APPLICANT DEMONSTRATED A HARDSHIP WITH REGARD TO THE RE-BRANDING OF THE COMPANY.**

**** MR. STRUBINGER SECONDED.**

**** MOTION WITHDRAWN, 3-2 (FAN, SUMPTER OPPOSING).**

Mr. Santo withdrew his previous motion.

**** MR. SANTO MADE A MOTION TO GRANT THE VARIANCE WITH A MAXIMUM LETTER HEIGHT OF FOUR FEET FOR THE LARGER SIGN, AND WITH THE BASKET SIGN AS REQUESTED, BECAUSE THE APPLICANT DEMONSTRATED A HARDSHIP WITH REGARD TO THE RE-BRANDING OF THE COMPANY.**

**** MR. SUMPTER SECONDED.**

**** MOTION CARRIED, 4-1 (STRUBINGER OPPOSING).**

**** MR. STRUBINGER MADE A MOTION TO DENY THE VARIANCE WITH REGARD TO CHANGES IN THE SMALL DEPARTMENTAL SIGNS, BECAUSE THE APPLICANT DID NOT DEMONSTRATE A HARDSHIP.**

**** MR. SANTO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

B. 10-0304-02—Stop & Shop. 385 Connecticut Avenue.

**** MR. STRUBINGER MADE A MOTION TO GRANT THE VARIANCE TO A MAXIMUM LETTER HEIGHT OF THREE FEET, BECAUSE THE APPLICANT DEMONSTRATED A HARDSHIP WITH REGARD TO THE COMPANY'S RE-BRANDING AND DENY THE VARIANCE FOR 12 SIGNS VS. 2 ALLOWED.**

**** MR. SANTO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

V. ACTION ON HEARING MINUTES—February 4, 2010

**** MR. SANTO MADE A MOTION TO APPROVE THE MINUTES.**

**** MR. STRUBINGER SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

VI. ADJOURNMENT

**** MR. STRUBINGER MADE A MOTION TO ADJOURN.**

**** MS. FAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:58 pm.

Respectfully submitted by Charlene Smith.