



TOWN OF FRANKLIN
ZONING BOARD OF APPEALS (ZBA)
7 Meetinghouse Hill Rd.
Franklin, CT 06254
MINUTES
REGULAR MEETING
Tuesday, May 27, 2021
7:30 P.M.

1. Call to Order: Chairman Dougherty called the meeting to order at 7:34 p.m.

Members Present: Chairman Bruce Dougherty, Thomas Craney, Traci Hastings, Henry Konow Jr.
Members Absent: Secretary Alden Miner
Alternates Absent: Jeremy Beisiegel, Richard Weingart

2. Recognition of Visitors:

3. Public Hearing:

- a. **ZBA #21-03 DATADARBAR LLC:** Property located at 96 Route 32, Franklin, CT, Assessor's Map 45, Lot 50, Zoned C-2. Requesting variance to Chapter 12, Signs.

APPLICANT PRESENTATION: Asif Choudhry, the property owner was present. He explained the proposed activity is to add an Ice-Cold Beer sign to existing sign structure; and to add "Deli Fresh" sign with wood posts on ground below existing beer sign. There was discussion on dimensions of pre-existing sign, as well as, proposed sign as shown in application materials submitted. He noted when Subway left the plaza their sign was removed. Then the existing business "CITGO" modified the sign by putting their sign up. CITGO basically took-up the space left by subway. Now there is a new tenant "Deli Fresh" and they would like to advertise their business by adding a sign.

ZBA COMMENTS: Members asked questions about the specific dimensions and location of existing sign and its distance from the road and CT State Right-of-Way.

PUBLIC COMMENTS: Chairman Dougherty asked for Public Comments. There were none.

Chairman Dougherty closed the public hearing at 7:47 PM

4. Approval of Minutes:

- a. May 25, 2021:

MOTION #1 (07-27-21): made by Traci Hastings SECONDED BY Tom Craney that the Zoning Board of Appeals approve May 25, 2021 Minutes - as presented

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

5. Unfinished Business:

- a. **ZBA #21-03 DATADARBAR LLC:** Property located at 96 Route 32, Franklin, CT, Assessor's Map 45, Lot 50, Zoned C-2. Requesting variance to Chapter 12, Signs

ZBA COMMENTS: It was noted, the applicant is asking for a variance to an existing non-conforming sign. The Zoning Board of Appeals is not allowed to grant an approval on an existing non-conforming sign without a legal hardship case presented. And while the applicant himself has not self-created a hardship, the CITGO gas station has. CITGO has the option to re-design the sign and have it conform to Zoning Sign regulations.

The CITGO Corporation created the problem by creating a lack of signage for other businesses on site. The applicant has the option of contacting CITGO Corporation and asking that the existing sign be re-designed to allow for other businesses in the plaza to put up signs.

ZONING ENFORCEMENT OFFICER COMMENTS: Mr. Chalecki indicated the property owner must inform all Vendors and Corporations on the property that the sign must comply with Franklin Zoning Sign Regulations. This property has had inaccurate signage in the past. All allowable signage space has been used up at this point.

There was consensus the applicant see Ron Chalecki to review options for a temporary sign that can be permitted with limitations (up in am and down in pm) until signage is worked out with vendors and corporations leasing the property.

Corporations should act responsibly and contact the Town of Franklin to determine what is allowed to be displayed on this sign.

MOTION #2 (07-27-21): made by Henry Konow SECONDED BY Tom Craney that the Zoning Board of Appeals deny **ZBA #21-03 DATADARBAR LLC** variance request based on the fact that CITGO has created its own hardship

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

6. New Business: NONE

7. Public Comments:

8. Adjournment:

MOTION #3 (07-27-21): made by Mrs. Hastings SECONDED BY Mr. Craney that the Zoning Board of Appeals adjourns the meeting at 8:25 p.m.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Respectfully submitted,

Sherry Pollard

ZBA Board Secretary