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06-18-2020

**ZONING BOARD OF APPEALS APPLICATION  
TOWN OF SIMSBURY, 933 HOPMEADOW STREET, SIMSBURY, CT 06070**

Application Number: ZBA 20-06

Fee \$         

Requested Action (please check appropriate box):

Variance

Appeal Decision of  
Zoning Official

Location of Property: 22 Albany Turnpike

(number and street name)

Simsbury Assessor's Map Number A20 Block Number 503 Lot Number 002-B

Deed Volume Number 194 Page Number 431 (property owner must supply copy of the deed)

**Applicant - Please Print the Following:**

Name: The McDonald's Real Estate Company

Address: c/o Russo & Rizio, LLC

10 Sasco Hill Rd, Fairfield, CT 06824

Email: Chris@russorizio.com

Telephone: 203-528-0590

Signature of Applicant: 

Date: 06/03/20

Applicant's Interest in Property: Owner

Record Owner of Property: The McDonald's Real Estate Company

(print name & address of owner)

  
(signature of owner)

Date: 06/03/20

Property is in Zone B-3 of (applicable section(s) Zoning Regulations Art. 7, Sec. G

**Describe the nature of your application, including the amount of variance requested:**

Variance of Art. Ten, Sections C.2.f and C.7.d to permit Two (2) existing order menu boards (27.4 SF each) and install Two (2) pre-order menu boards (13.7 SF each) which (i) allow light to project through the face of the sign; and (ii) which change its screen on a limited daily basis; and a variance of Art. Ten, Sections C.3.a to permit Two (2) additional freestanding signs in the form of pre-order menu boards (13.7 SF each)

**Describe the specific hardship:**

See Attached

*This application must be accompanied by required fee, site plan and any other information required by the Zoning Regulations, Building Code, or Rules of the Board. **EACH APPLICATION SHALL INCLUDE A LIST OF NAMES AND ADDRESSES OF ALL ABUTTING PROPERTY OWNERS AND ALL PROPERTY OWNERS WITHIN 100 FEET OF THE SUBJECT SITE.** Six complete sets of folded plans and eleven copies of the completed and signed application, and any correspondence, must be submitted with the application. Pictures of the property and letters from the neighbors are very helpful. Applicant and/or Authorized Agent must attend meeting.*

**NOTE: PICKUP YOUR PUBLIC HEARING SIGN WHEN APPLICATION IS SUBMITTED.**

**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

**EXHIBIT 1**



Colin B. Connor  
Elizabeth A. Falkoff\*  
Robert C. Golger  
Michael C. Jankovsky  
David K. Kurata  
Katherine M. Macol  
Leah M. Parisi  
William M. Petroccio\*  
Raymond Rizio\*  
Christopher B. Russo  
Robert D. Russo  
John J. Ryan  
Vanessa R. Wambolt  
(\*Also Admitted in NY)

June 3, 2020

Michael Glidden  
Director of Planning and Community Development  
Planning and Land Use Department  
933 Hopmeadow Street  
Simsbury, CT 06070  
**HAND-DELIVERED**

**Re: Petition for Variances – 22 Albany Turnpike**

Dear Mr. Glidden:

Please accept, on behalf of the Applicant, the following narrative and enclosed application materials as part of an application for variances for the property located at 22 Albany Turnpike (the “Site”) to renovate an existing McDonald’s drive-thru restaurant to replace Two (2) existing order menu boards and install Two (2) pre-order menu boards.

**Variances Requested**

1. Variance of Art. Ten, Sections C.2.f and C.7.d to permit Two (2) existing order menu boards (27.4 SF each) and install Two (2) pre-order menu boards (13.7 SF each) which (i) allow light to project through the face of the sign; and (ii) which change its screen on a limited daily basis; and
2. Variance of Art. Ten, Sections C.3.a to permit Two (2) additional freestanding signs in the form of pre-order menu boards (13.7 SF each).

**Narrative**

The Applicant requests variances to permit the replacement of Two (2) existing menu boards and the installation of Two (2) new pre-order menu boards in connection with existing accessory drive-through lanes. The Site currently contains an existing McDonald’s fast food restaurant with Two (2) accessory drive-through lanes. Each drive-through lane contains an menu board, which are approximately 42 SF each. It is important to note that the Applicant is not proposing any changes to the existing restaurant or drive-thru layout with this Application.

1 Post Road  
Fairfield, CT 06824

Tel 203-255-9928  
Fax 203-255-6618

**EXHIBIT 2**

The Applicant proposes to replace each of the existing free-standing menu boards with a much smaller free-standing digital menu board of 27.4 SF in the same location as the existing boards. In addition, the Applicant also proposes to install a free-standing pre-order menu board of only 13.7 SF ahead of each of the main menu boards on the same “island” as those boards.

The Applicant requests permission to install signs with illumination by mechanical or digital control that will rotate images to display products or items connected to the principal use on the premises. It is important to note, all these proposed structures are intended to improve the efficiency of the existing drive-thru. While the menu boards do advertise food products for sale, its intent is to display popular customer choices and menu items relevant to the specific time of day, so customers can order quickly. Therefore, the sign is actually oriented towards the functionality rather than the advertising of the use and will reduce the impact from existing conditions. Existing static signs must display items for sale for all hours of the day even though they may not be offered when a patron places their order. The proposed digital signs are able to specifically designate to the patron which items are currently for sale. The signs are of such a small size, they could not effectively be considered advertising for off-site vehicles or persons.

Since the Applicant has operated restaurants, the accessory drive-through lane has increasingly represented where patrons place their order. Approximately Seventy percent (70%) of their restaurant’s business comes through the drive-through lane. With the rising popularity of UberEats, the drive-thru demand has only increased. The Applicant is the leading operator of drive-through restaurants and has exhaustively studied how to make their drive-thru facilities operate quickly and efficiently. The result has been the addition of digital menu boards, including both the main and pre-browse menu boards.

### **Hardship**

Granting the Petitioner the above-stated variance and modification of the site plans will not substantially affect the comprehensive zoning plan of the Town of Simsbury and strict adherence to the Regulations would cause a unique hardship to the Applicant as the Application actually reduces the intensity of the fast-food restaurant use and it will be beneficial, not injurious, to the surrounding neighborhood as the proposed modifications will significantly improve the efficiency, functionality, and traffic flow of the drive-through facility. Under current circumstances, these restaurants have to display their menu items for all times of day. The proposed signs will allow restaurants to just display what menu items are currently offered. This increases the speed and efficiency to order. It also allows for a significant decrease in size for the main menu board from 42 SF to 24.7 SF each.

The digital aspect of the sign also allows for automatic adjustment of the lighting to ensure the signs dim in the later, darker hours of the day. This prevents light pollution to neighboring properties. A photometric plan has been submitted with the Application, to show the Site will be dark-sky compliant. In fact, the proposed digital sign will be less bright than the existing sign. However, it is also important to note that the existing and proposed signs point out to Albany Turnpike in the direction of an undeveloped portion of Canton.

Finally, the Applicant has extensively studied drive-through operations and have determined the placement of a pre-browse menu board has an overall impact on the speed and efficiency of a drive-through lane. For some patrons, it will allow them to determine their order before they reach the menu board speaker, so they are ready to order when an employee asks. The Applicant attempts to improve the speed of their drive-through operation to the second and they have found the above-stated improvements increase the efficiency, which in turn reduces the intensity of the use, particularly on traffic.

The Application will be beneficial, not injurious, to the surrounding neighborhood as the proposed modifications will significantly improve the efficiency, functionality, and traffic flow of the drive-through facilities to meet the demand of its patrons, which overwhelmingly utilize their vehicles to order food. It will help ensure traffic does not back up and impede the Site, which can become a concern during rush hour. In all, the proposed improvements result in a meaningful upgrade to the efficiency and functionality of the drive-through facility with minimal alteration to existing Site conditions.

Sincerely,

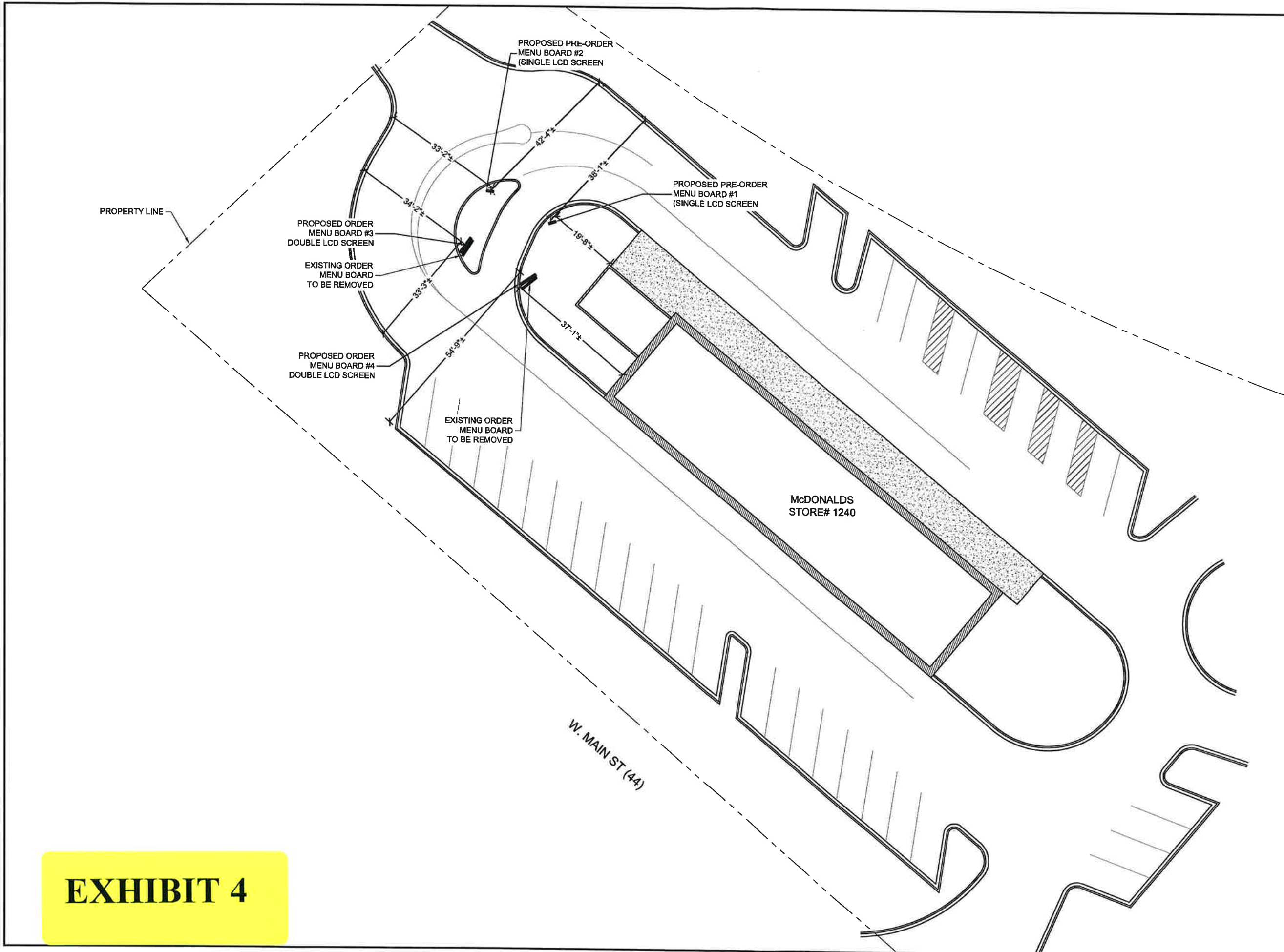


Christopher Russo

**Neighbors within 100' of 22 Albany Turnpike**

Parcel ID	Site Address	Owner Name	Mailing Address	Mailing City	Mailing State	Mailing Zip
A20 503 001	16 ALBANY TURNPIKE	16 ALBANY TURNPIKE LLC	750 CONNECTICUT BLVD	EAST HARTFORD	CT	06108
A20 503 002C	ALBANY TURNPIKE	MCDONALDS REAL ESTATE	ONE MCDONALDS PLAZA	OAK BROOK	IL	60532
A20 503 002	36 ALBANY TURNPIKE	HOFFMAN ENTERPRISES LIMITED PARTNERSHIP	36 ALBANY TURNPIKE	WEST SIMSBURY	CT	06092-2901
A20 513 002	539 BUSHY HILL ROAD	KEENAN MICHAEL J AND	42 TWILIGHT DRIVE	GRANBY	CT	06035
B20 508 001-B	530 BUSHY HILL ROAD	AVON MARKETPLACE INVESTORS	PO BOX 5040	WESTPORT	CT	06881
A20 503 002-B	22 ALBANY TURNPIKE	R H C ASSOCIATES #6/36 C/O Franchise Realt Bx 66207	PO BOX 182571	COLUMBUS	OH	43218
B20 508 001-A	BUSHY HILL ROAD	BUSHY HILL PARTNERS LLC; AREA REAL ESTATE ASSOC INC.	1225 FRANKLIN AVE, SUITE 325	GARDEN CITY	NY	11530
B20 508 001	12 ALBANY TURNPIKE	SAMS QUICK STOP LLC	1144 CORBIN AVENUE	NEW BRITAIN	CT	06053
A20 901 001	15 ALBANY TURNPIKE	SIMSBURY TURNPIKE REALTY LLC	542 HOPMEADOW ST PMB #132	SIMSBURY	CT	06070

**EXHIBIT 3**



**EXHIBIT 4**



Raphael Mohamed  
01-0167 Raphael Mohamed  
 01-405410C000012043441000003206  
 01-404802 Network Solutions, C-119  
 Date: 2008.05.19 22:15:44-0500

05/19/20  
 RAPHAEL MOHAMED, P.E.  
 CONNECTICUT NO. PE 25112

**SUBMITTALS**

DATE	DESCRIPTION	REV	ISSUED BY
05/19/20	CONSTRUCTION	0	RM

DRAWN BY: CJS  
 CHECKED BY: JFS  
 APP'VD BY: RM  
 MNS PROJECT NO: 18876-AEC

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PREPARED FOR:  
**McDonald's USA, LLC**  
 2111 McDONALDS DRIVE  
 OAK BROOK, IL 60523

PREPARED FOR:  
  
 3210 LAKE EMMA ROAD  
 LAKE MARY, FL 32746

PREPARED BY:  
**MasTec**  
**Network Solutions**  
 507 AIRPORT BLVD, SUITE 111  
 MORRISVILLE, NC 27560

McDONALDS SITE ID:  
**WEST SIMSBURY**  
 AT&T SITE ID:  
**NSN1240**

SITE ADDRESS:  
**22 ALBANY TURNPIKE.  
 WEST SIMSBURY, CT 06092**

**EXISTING  
 McDONALDS**

SHEET TITLE  
**SITE PLAN OVERLAY**

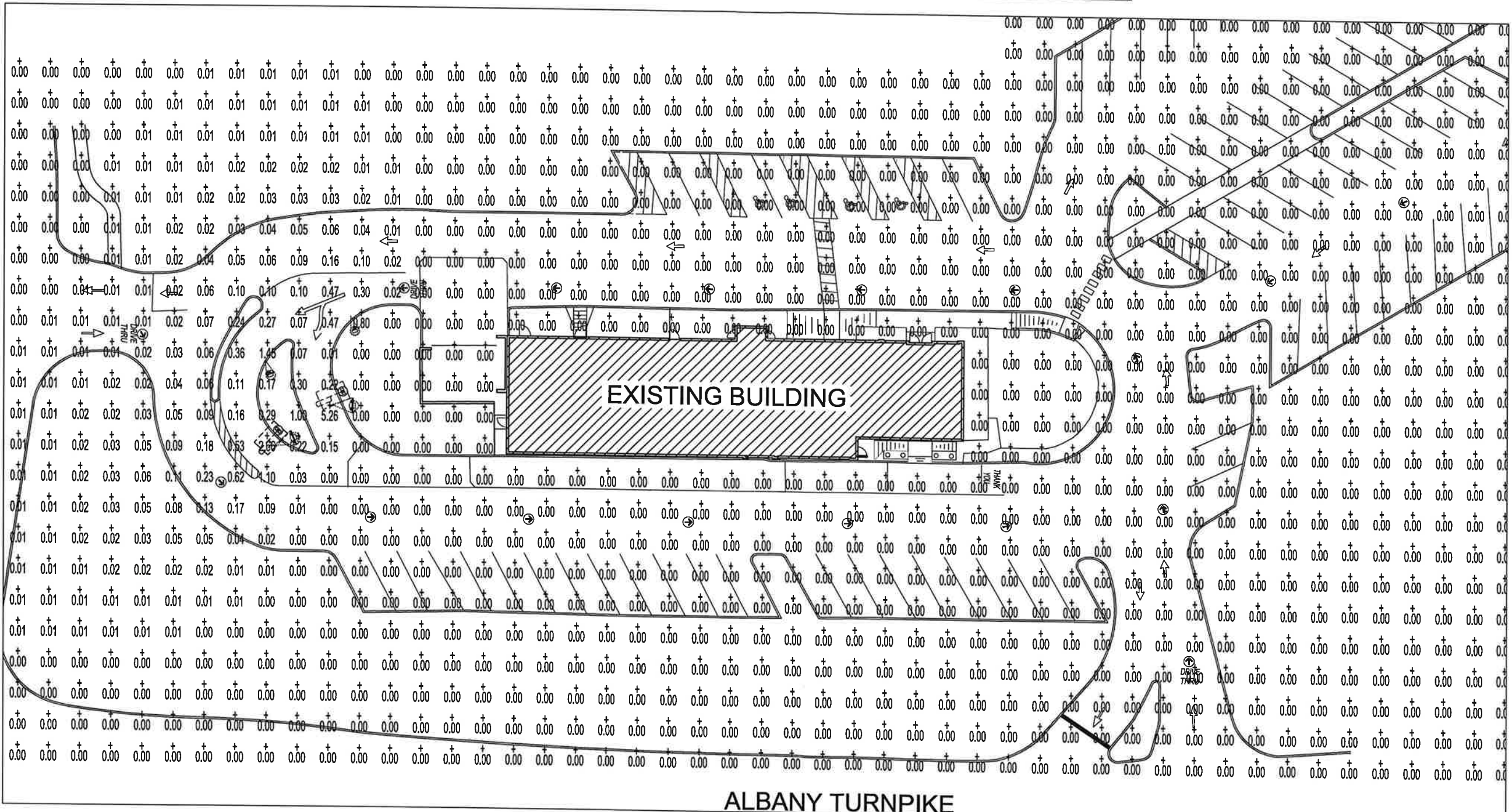
SHEET NUMBER  
**SP-1**

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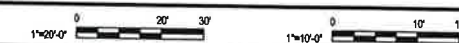
CALCULATION SUMMARY										
AREA NAME	DIMENSIONS	GRID TYPE	# PTS	SPAC	GROUP	AVE	MAX	MIN	MAXMIN	AVERAGE
Site	591.40x356.70ft	New Grid/H-H	2124	10.00	<>	0.01	5.26	0.00	NA	NA

McDonald's (73218) LUMINAIRE SCHEDULE						
TYP	SYMBOL	DESCRIPTION	LAMP	LUMENS	MOUNTING/BALLAST	LF/LF
A	■	SLED	(1)	845		0.89

AREA SUMMARY SCHEDULE				
AREA NAME	ID	DIMENSIONS	LUMS/CSMS	WATTS/SQ FT
Site	OUT	591.40x356.70ft	A (6)	0.01

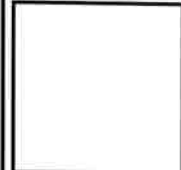


PHOTOMETRIC PLAN (MENU BOARDS ONLY)  
SCALE: 3/32" = 1'-0"



REV	DATE	BY	DESCRIPTION

**Donna A Elliott Architect**  
1317 Executive Blvd, Suite 200  
Chesapeake, VA 23320  
PH (757) 622-2828  
FAX (757) 622-8883



© 2017 McDonald's USA, LLC  
NSN 1240

McDonald's USA, LLC  
SITE ADDRESS: 22 ALBANY TPKE  
WEST SIMSBURY, CT 06082

DATE	4/19/2020
PROJECT	20122-03
DESIGNED	JCW
DRAWN	JCW
CHECKED	DAE

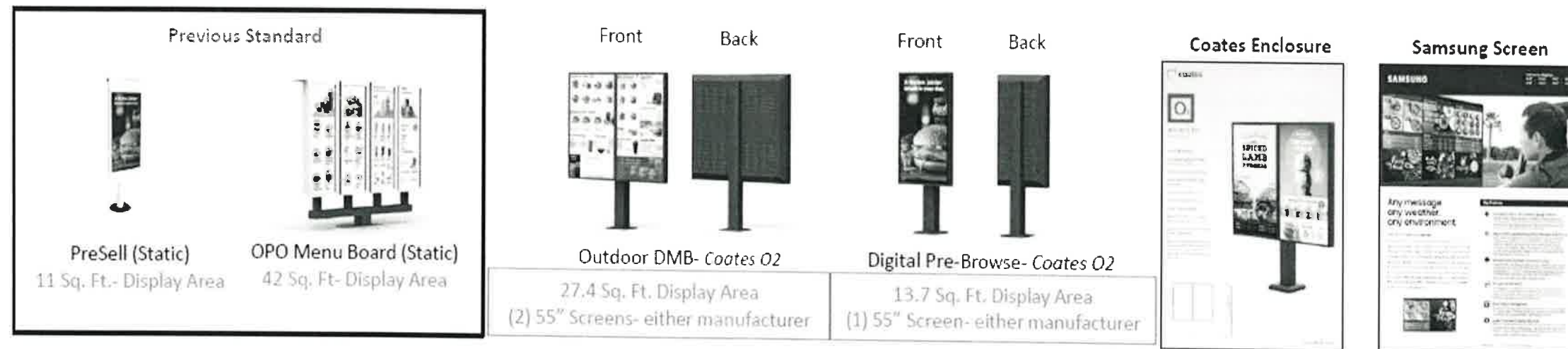
PHOTOMETRIC SITE PLAN

SP1.0

FILE NAME: h:\305020123-00\_SPECTRUM\_TECN12304 - 124018\mcd12304\_SPT.dwg LAYOUT NAME: New PLOTTED: Monday, April 13, 2020 - 4:11pm

## Size comparison for the new menu boards

- The new pre-sell boards have a slightly larger (13.7 sq. ft versus 11 sq. ft) display area.
- The main menu boards are smaller in size (27.4 sq. ft versus 42 Sq. ft)



## ODMB Ordering/ Deployment

### Modernized & MRP Restaurants

Market-assigned Integrator will order ODMB & Pre-Browse

### Non-Modernized

Owner/ Operator will order ODMB & Pre-Browse

### 5'-0" High Top of Board Height (Option)



Standard Unit- 71.6" High  
(Unit can be adjusted to 69.6" or 67.5" upon request)



Special Order Unit- 59.8" High  
(Available when required by a local jurisdiction)

### Protective Cover (Option- additional cost to O/O)

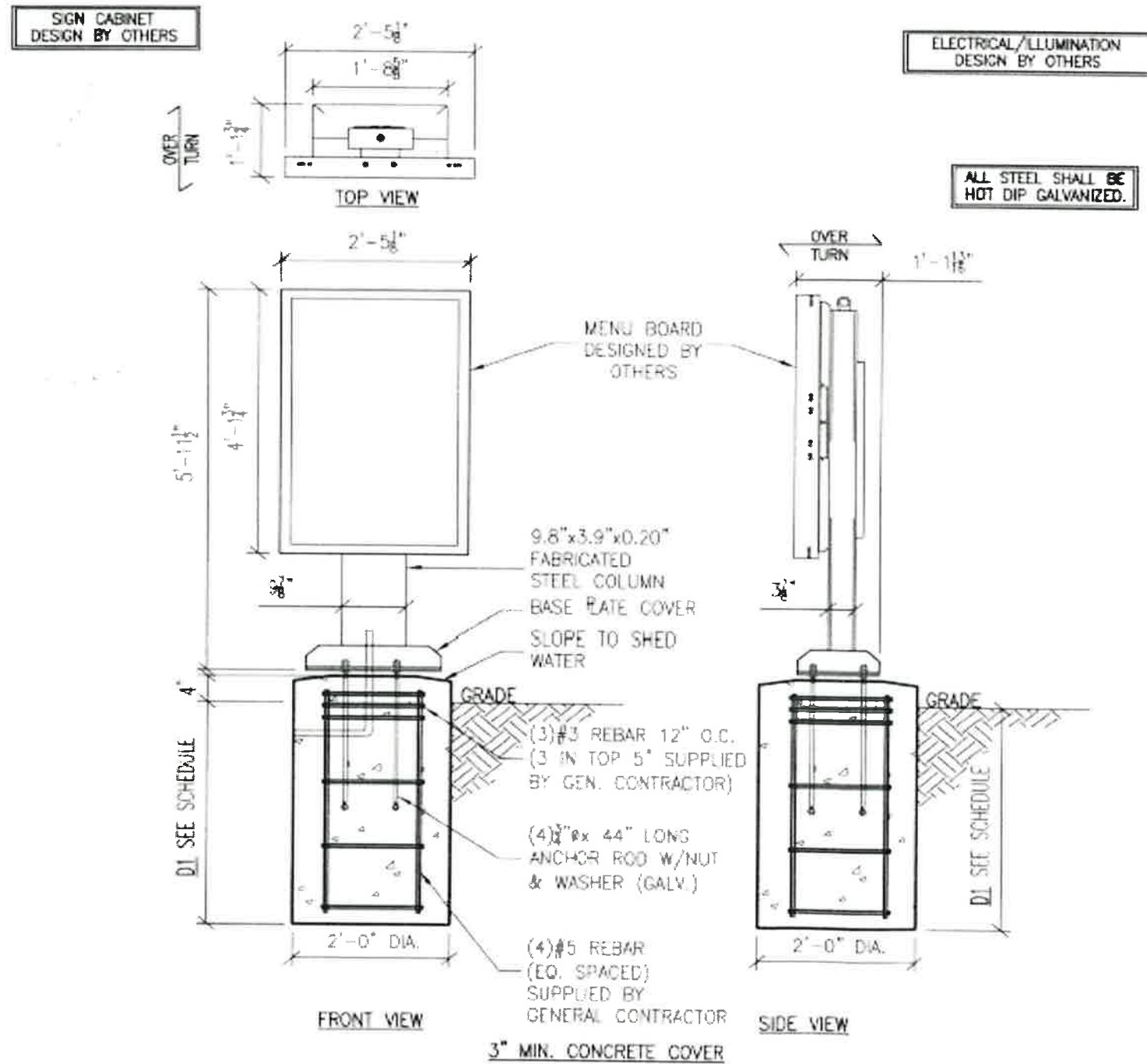


Special Order Unit- Additional Protective Cover  
Unit has an additional cover with protective glass 1" above the existing Samsung screen

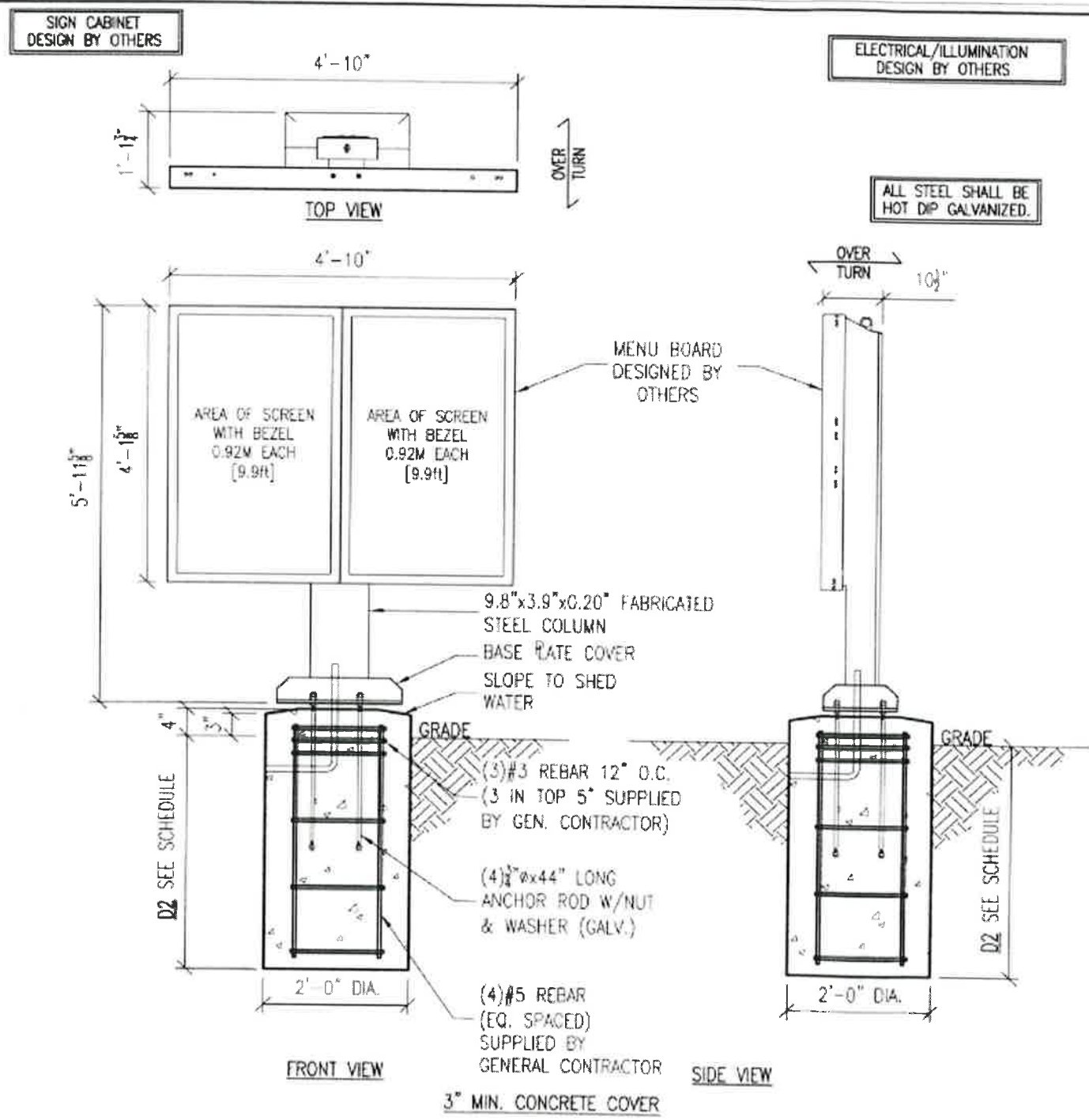


# Engineer drawings for the new foundations.

Pre-sell boards:



Main menu boards:



Examples of finished product:



