

ZONING BOARD OF APPEALS

April 28, 2022

TOWN OF EAST HARTFORD

740 MAIN STREET

EAST HARTFORD, CT 06108

Robert J. Bask
2022 MAY -2 AM 10: 02

TOWN CLERK
EAST HARTFORD



REGULAR MEETING

The Regular Meeting of the Zoning Board of Appeals was called to order by Chairman James McElroy at 7:00 p.m. in the Town Council Chambers.

PRESENT: Members: James McElroy, David Repoli, Timothy Siggia, Fady El-Hachem, Randolph Krause and Harrison Amadasun.

Also Present: Vilma de Leon, Assistant Zoning Enforcement Official, Gary Zalucki, Former Assistant Zoning Enforcement Official, Jeffrey Cormier, Town Planner, Juliet Relph, Clerk

ABSENT: Daniel Bogosian

I. CHAIRMAN James McElroy – Called meeting to Order – 7:00 p.m.

II. HEARING OF ITEMS TO COME BEFORE THE BOARD; CALL OF ITEMS:

1. **Adam J. Teller, Agent for Riverview Plaza, LLC, 20 Hartland Street, (AKA 99 Founders Plaza),** is appealing the order of the Zoning Enforcement Official, 404.1(b)(2), for illegal uses found in the building, a violation of **Section 404.1- Permitted Uses**, of the zoning regulations (**Zone B-4**). (**Postponed from the March 31, 2022 meeting.**)
2. **Jose Moreno, 370 Burnside Avenue –** Requests a variance from **Section 401.2(b)**, to permit a convenience store within 1,000 feet from another convenience store. (**Zone B-1**) (**Postponed from the March 31, 2022 meeting.**)

III. HEARINGS DISCUSSION AND BOARD DECISIONS:

1. **Adam J. Teller, Agent for Riverview Plaza, LLC, 20 Hartland Street, (AKA 99 Founders Plaza),** is appealing the order of the Zoning Enforcement Official, 404.1(b)(2), for illegal uses found in the building, a violation of **Section 404.1- Permitted Uses**, of the zoning regulations (**Zone B-4**). (**Postponed from the March 31, 2022 meeting.**)

Attorney Mario Borelli is substituting for Attorney Adam who is recovering from an illness.

- Request was referred to Town Counsel – Lack of quorum on March 31st - Attorney Borelli would appreciate the opportunity to continue until Attorney Teller can make his presentation.

Gary Zalucki, Former Assistant Zoning Enforcement Official issued the following statement:

- The Town has reviewed the violation letter and the subsequent appeal.
- The Town believes the former Director's violation letter was issued properly.

- The Town recognizes that many of the “uses” the letter addressed were in fact, uses that are not permitted in this particular zone
- The Town also recognizes that although some of the uses identified may in fact be permitted, they were not clear to Director Grew at the time. For example, a retail T-shirt business may be permitted, but if Director Grew saw nothing but a pile of shirts with no counter, no display area or no obvious signs of retail sales, his interpretation is understandable,
- There is also the issue of uses that may indeed be permitted, but would require a “Special Permit” from the Planning and Zoning Commission.
- The building is/has been an office building. Although the zone may permit other uses, changing the “use” as designated by the *Building Code*, would trigger a new review of Building and Fire Codes. This could require modifications that may or may not make the proposed new use financially viable.
- The Town offers “Land Use” meetings, whereby the Town reviews proposals for new uses. These meetings include all departments so people can evaluate all the information that would be required before they move forward.
- My suggestion to the board would be to uphold the violation order and deny the appeal.
- That the building owner, owner’s attorney and prospective tenants, submit all their proposed uses for a “Land Use” meeting. Meetings could possibly encompass several uses at a time for expediency.
- By going through this procedure, there will be no confusion on what is permitted and what has to be done.
- It is the Town’s intention to help facilitate all uses that are permitted and help them comply with all relevant codes

Mr. Repoli made a motion to uphold the cease-and-desist letter and deny the appeal. Seconded by Mr. Siggia. Appeal denied 4-1.

Jose Moreno, 370 Burnside Avenue – Requests a variance from Section 401.2(b), to permit a convenience store within 1,000 feet from another convenience store. (Zone B-1) (Postponed from the March 31, 2022 meeting.) Joselyn Jimenez – Translator

Mr. Moreno’s store will be a convenience store and completely different from the nearby 7-11 store. Mr. Zalucki explained that the products are different.

Mr. Siggia made a motion to approve the application. Seconded by Mr. Repoli. Variance Approved 5-0.

IV. OLD BUSINESS - NONE

V. NEW BUSINESS – NONE

VI. APPROVAL OF ZBA MINUTES FOR March 31, 2022

Mr. Repoli made a motion to approve the minutes. Seconded by Mr. Siggia. Vote 4-0

VII. PAYMENT OF BILLS

A. Payment of Clerk - \$100.00

Mr. Repoli made a motion to remit payment to the clerk. Seconded by Mr. Siggia. Vote 6-0

IX. ADJOURNMENT - There being no further business –
Mr. Siggia made a motion to adjourn at 7:46pm – APPROVED BY Mr. Amadusun.

The next regular meeting of the Zoning Board of Appeals is scheduled for Thursday, May 26, 2022.

Respectfully submitted by Juliet Relph, Clerk.