

**ZONING BOARD OF APPEALS**

**TOWN COUNCIL CHAMBERS**

**APRIL 26, 2018**

**TOWN OF EAST HARTFORD**

**740 MAIN STREET**

**EAST HARTFORD, CT 06108**

**REGULAR MEETING**

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

PRESENT: Members: Connor Martin, James McElroy, David Repoli , Timothy Siggia

 Alternate: Nancy Vivar-Ramos

 Also Present: Gary Zalucki, Assistant Zoning Enforcement Official

**I.** **VICE-CHAIRMAN** – Call to Order – 7:00 p.m.

Acting Chairman McElroy began the meeting with the Pledge of Allegiance, the reading of the opening statement and a reminder to the audience of the Fire Exits.

Acting Chairman McElroy appointed Nancy Vivar-Ramos as a voting member for this meeting.

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

1. Morris Borea, agent for Teodoro Marena, **349 and 351 Park Avenue**, is appealing the order of the Zoning Enforcement Official to cease operation of an assembly use, a violation of Section 403 of the zoning regulations. **(Zone B-3)[Postponed from the March 29, 2018 meeting]**

**Attorney for the appellant, Morris Borea stated that the notice of violation was defective because it did not state that the owner had the right to appeal the order. He then said the church had been operational for several years. He was suspect of the inspection because it occurred with 1 or 2 days of the owner filing a tax appeal. He said since the Town had done nothing to remove the church, that the Town had no right at this later date to stop them, citing the “theory of Laches” He stated that their right to worship was constitutionally protected.**

**Director of Inspections and Permits, Greg Grew spoke stating that the use as a “House of Worship” had never been permitted in that zone, that the Town’s Corporation Counsel found the notice was not defective. He stated that the use had not been “grandfathered” in, and that the order was not connected to the tax appeal filed by the owner. The tenant had failed to comply with the previous agreement of only using the property for exercise, small classes for life skills and storage for clothing and food drives.**

**Further discussion back and forth ended with Mr. Borea suggesting another possible continuance so he could meet with Town attorneys to work out a solution. There was no inclination of the board to do this.**

1. Bill Kallert, agent for Hoffman Auto, **521 (aka 515) Connecticut Boulevard,** Requests Site Location Approval for an auto repair facility under Section 808.3 and C.G.S. Sections 8-6 and 14-54. **(Zone B-3)**

**Bill Kallert requested to change the Staples building into an auto repair shop. This is a “Special Permit” that had been previously approved by the Planning and Zoning Commission.**

**III. HEARINGS DISCUSSION AND BOARD DECISIONS:**

1. Morris Borea, agent for Teodoro Marena, **349 and 351 Park Avenue**, is appealing the order of the Zoning Enforcement Official to cease operation of an assembly use, a violation of Section 403 of the zoning regulations. **(Zone B-3)[Postponed from the March 29, 2018 meeting]**

**Motion was made by David Repoli to uphold the order of the Zoning Official and to Deny the appeal. Seconded by Connor Martin.**

 **APPROVED 5:0**

2. Bill Kallert, agent for Hoffman Auto, **521 (aka 515) Connecticut Boulevard,** Requests Site Location Approval for an auto repair facility under Section 808.3 and C.G.S. Sections 8-6 and 14-54. **(Zone B-3)**

**Motion made Accept the request made by Dave Repoli. Seconded by Timothy Siggia.**

 **APPROVED 5:0**

**IV. OLD BUSINESS – None**

**V. NEW BUSINESS – None**

**VI. MISCELLANEOUS – James McElroy welcomed Nancy Vivar-Ramos as an alternate to the board.**

**VII. APPROVAL OF ZBA MINUTES FOR:**

A. March 29, 2018

**Motion to accept the minutes made by David Repoli. Seconded by Timothy Siggia. APPROVED 4:0**

**VIII. PAYMENT OF BILLS**

A. Payment of Clerk

**Motion to pay the Clerk was made by Timothy Siggia.**

**Seconded by Connor Martin. APPROVED 5:0**

**XI. ADJOURNMENT**

**Motion to adjourn at 7:48 p.m. was made by Timothy Siggia. Seconded by David Repoli.**

 **APPROVED 5:0**

The next regular meeting of the Zoning Board of Appeals is scheduled on Thursday, May 24, 2018.

Respectfully submitted, Elizabeth Watson, Clerk