

**ZONING BOARD OF APPEALS
January 25, 2024
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 Chairperson James McElroy at 7:04 p.m. at the Community Cultural Center auditorium in 50 Chapman Place. (Hybrid meeting).

PRESENT: Members: James McElroy, David Repoli, Fady El-Hachem, Daron Ross, and Erwin Hurst, Sr.(online)

ABSENT: Harrison Amadasun (resigned)

Also Present: Vilma de Leon, Assistant Zoning Enforcement Official, Steve Hnatuk, Deputy Development Director, Matthew J. Willis, Town Attorney, James Tallberg, and Juliet Relph, Clerk

Pledge of Allegiance led by Chairperson James McElroy.

I. CHAIRMAN James McElroy – Called meeting to Order – 7:04 p.m.

II. Miscellaneous

A. Executive Session – Attorney Client Discussion

A motion was made by Daron Ross and seconded by David Repoli got the Board to go into Executive Session. Vote 5/0.

III. HEARING OF ITEMS TO COME BEFORE THE BOARD, CALL OF ITEMS:

1. **Sal Hukic, 101 Brookside Lane, Zone B-3 Business.** Application for appeal of the Assistant Zoning Enforcement Official to cease operation of Minor Truck Terminal/Major Truck Terminal without a Site Plan or Special Permit approval, a violation of **Section 3.2.J** – Storage/Logistics of the zoning regulations. [Continued from the December 7, 2023, Special Meeting]
2. **Kenjoh Outdoor Advertising, LLC, Agent of 151 Roberts Street, Zone I-2 Industrial.** Application for appeal of the decision of the Assistant Zoning Enforcement Official to deny Sign Permit Application #23-47 to construct a new billboard.

IV. HEARINGS DISCUSSIONS AND BOARD DECISIONS:

1. **Sal Hukic, 101 Brookside Lane, Zone B-3 Business.** Application for appeal of the Assistant Zoning Enforcement Official to cease operation of Minor Truck Terminal/Major Truck Terminal without a Site Plan or Special Permit approval, a violation of **Section 3.2.J** – Storage/Logistics of the zoning regulations. [Continued from the December 7, 2023, Special Meeting]

Represented by Meghan E. Smith, Esq. (online)

- Mr. Hukic presented photos to the Board.
- Survey Completed.
- Site Plan completed.
- Would like to continue until the meeting with the town planner next weekend, to see if any modifications or changes to the plan are needed.
- Did not know that a special permit was needed.
- Discussion was had whether or not the property constituted a Major truck terminal vs Minor truck terminal.
- Applicant expressed they are willing to comply with zoning regulations.

Atty Matthew J. Willis – representing the town of East Hartford.

“The Appellant has argued that this is a pre-existing non-conforming use. There cannot be a non-conforming use on the property because an existing site plan exists. The prior owner obtained a site plan for its use of selling large equipment parts in 1986. See attached site plan. Zoning was originally adopted in East Hartford on March 21, 1927. There is no evidence in the record that this new use for a truck terminal predates 1927.

Steve Hnatuk, Deputy Development Director

“We are here to make the process as easy as possible for him, we are here to work with him and to see his application go through the process in regard to providing a high level service. Any application submission to make sure his ducks are in order and we look forward to the application on his behalf for the future use of the property.”

John Kirirah Charlotte, NC spoke in favor.

Application for appeal the order of the Assistant Zoning Enforcement Official to cease operation of Minor Truck Terminal/Major Truck Terminal without a Site Plan or Special Permit approval, a violation of **Section 3.2.J** – Storage/Logistics of the zoning regulations.

Motion was made by Dave Repoli to approve the application – seconded by Daron Ross.

Motion to amend the approval to the appeal that the approval will be solely for a use of minor truck terminal provided that within 6 months the applicant puts in a site plan approval to the zoning board. (Approved by a vote 5/0)

2. Kenjoh Outdoor Advertising, LLC, Agent of **151 Roberts Street, Zone I-2 Industrial**. Application for appeal of the decision of the Assistant Zoning Enforcement Official to deny Sign Permit Application #23-47 to construct a new billboard.

John Kirirah, Castle drive, Charlotte, NC – Owner agent for 151 Roberts Street.

- Billboards are freedom of speech
- Billboards are dominated by companies that have been there for many years.
- The only way to compete/succeed is to find loopholes and read between the lines of the regulations.

Atty Matthew J. Willis – representing the Town of East Hartford.

“New billboards are not authorized by the Ordinances of the Town of East Hartford or the Zoning regulations of the Town of East Hartford.

The Town of East Hartford Ordinances state in Section 3-30 (b) “No person shall erect any billboard within the town, provided this section shall not apply to any billboard in existence as of July 2, 1980.” Section 7.1.G.1 provides that “...billboards are prohibited and any billboard in existence prior to the adoption of these regulations is non-conforming.” Section 7.1.G.12 provides for zoning regulations when the Town Council has approved a billboard.”

Motion was made by James McElroy to deny the Application for appeal of the decision of the Assistant Zoning Enforcement Official to deny Sign Permit Application #23-47 to construct a new billboard. Seconded by Dave Repoli **(Approved by a vote 5/0)**

The Board recommends that an application be sent to the town Council.

THE REASON FOR DENIAL:

Granting of the variance/appeal would not be in accordance with the lawful purpose or intent of the Zoning Regulations. The applicant did not prove hardship under the law. Variance violates Town Code of Ordinances

V. OLD BUSINESS – None

VI. NEW BUSINESS

A. Election of Officers

A motion was made to elect David Repoli for Chairperson.

MOTION by James McElroy
Seconded by Daron Ross
Vote 5/0

A motion was made to elect Daron Ross as Secretary.

MOTION by James McElroy

Seconded by Erwin Hurst, Sr.
Vote 5/0

Harrison Amadasun resigned from his position as Vice-Chairman – will elect new vice-Chairman at next meeting.

VII APPROVAL OF ZBA MINUTES FROM:

- A. November 2, 2023 – Special Meeting
- B. December 7, 2023 – Special Meeting

**Erwin Hurst, Sr. made a motion to approve the minutes - seconded by Dave Repoli.
Vote 5-0**

VIII. PAYMENT OF BILLS

- A. Pay the Clerk - \$100.00

Daron Ross made a motion to remit payment to the clerk - seconded by Erwin Hurst, Sr. Vote 5-0

IX. ADJOURNMENT - There being no further business –

David Repoli made a motion to adjourn – seconded by Daron Ross -Vote 5-0

The next regular meeting of the Zoning Board of Appeals is scheduled for February 29, 2024.

Respectfully submitted by: Juliet Relph, Clerk.