

**Beacon Falls Zoning Board of Appeals
10 Maple Avenue
Beacon Falls, CT 06403**



**BEACON FALLS ZONING BOARD OF APPEALS
Public Hearing**

August 11, 2016

**MINUTES
(Subject to Revision)**

1. Call to Order/Pledge of Alliance

Present: Bill Mis, Bob Doiron, Sue Wisneski, Tony Smith (arrived at 7:12 PM) and Alternate Carl Gandarillas

Not Present: Benjamin Smith and Alternate Nancy King

Others Present: Atty. Steve Byrne, Atty. Jeff Tuccio, Eugene Scheithe, and 10 members of the public

Chairman B. Miscalled the Public Hearing to order at 7:00 P.M.

In order to have a quorum, B. Mis appointed Alternate C. Gandarillas to the Board in place of B. Smith.

2. Application from Eugene and Sharon L. Scheithe, owners of the property located at 198 Cook Lane, Beacon Falls, CT

B. Mis asked the clerk to read the call. M. Scirpo read the call as posted in the Waterbury Republican and as follows:

A Public Hearing will be conducted by the Zoning Board of Appeals for the Town of Beacon Falls, CT on Thursday, August 11, 2016, at 7:00 P.M. at the Beacon Falls Town Hall, 10 Maple Avenue, Beacon Falls, CT. The following application will be heard:

Eugene and Sharon L. Scheithe, 10 Oak Lane, Beacon Falls, CT: Appealing the decision of the Zoning Enforcement Officer for the Town of Beacon Falls, CT, dated March 4, 2016, denying the applicant's application dated March 9, 2016 for a Certificate of Zoning Compliance for the property known as 198 Cook Lane, Beacon Falls, CT.

At this hearing, parties in interest and citizens may appear and be heard and written communications received. Copies of said applications are on file with the Zoning Board of Appeals, Beacon Falls Town Hall, 10 Maple Avenue, Beacon Falls, CT. Dated this 16th day of July 2016.

B. Mis asked if there was anyone present to speak in favor of the applicant. Atty. Jeff Tuccio of Lyons, Tuccio, Tuccio, LLC. indicated that he was present to represent the property owners. Atty. Tuccio presented the receipts for the certified mailing of the letters to the adjacent property owners of 198 Cook Lane.

Atty. Tuccio indicated that the property is approximately 7.19 acres and does not have frontage on Cook Lane. The property is accessed by a 30 foot right-of-way and was acquired in 1984. The Scheithe's have been utilizing that right-of-way from Cook Lane to access their property since 1984. The Scheithe's are looking to sell the property and the realtor tried to receive a Certificate of Zoning Compliance in order to have a single family dwelling developed on the property. The Zoning Enforcement Officer denied the request for a Certificate of Zoning Compliance.

Atty. Tuccio noted that the property is taxed as a building lot and has a water assessment for frontage on 198 Cook Lane. There is a shed on the property as well as utilities going to the property. E. Scheithe, 19 Oak Drive, confirmed that his wife and himself have owned the property 198 Cook Lane since 1984. E. Scheithe indicated that he applied for a Building Permit for the shed and constructed it himself.

Atty. Tuccio presented several documents to the Board to review. Document 1 was a map of the property dated May 21, 1986 and received for record by the Town Clerk dated June 27, 1986. Document 2 was a Warranty Deed dated September 21, 1984. Document 3 was a Quit-Claim Deed dated November 16, 1946. Document 4 was an Affidavit dated November 15, 1984 stating that access to the property, beginning on or about 1946 to the present date, was obtained from Cook Lane by means of a passway approximately 30 feet wide extending from Cook Lane to said premises. Document 5 was a map received for record by the Town Clerk dated June 27, 1986. Document 6 was a map prepared for Leslie & Earldine Forbes received for record by the Town Clerk dated February 22, 1984. Document 7 was a map dated July 12, 1972 and received for record by the Town Clerk dated June 21, 1973. Document 8 was a Residential Valuation Record dated January 21, 2016. Document 9 was a General Data Real Estate Property Tax Record dated October 01, 2015. Document 10 A and 10 B were Building Permit for New Construction for the shed dated July 29, 1986. Document 11 A and 11 B were Certificate of Notice of Installment Payment of Assessment of Benefits dated October 15, 2003.

Atty. Tuccio noted that he received a denial letter that states that the property is non-conforming but does not specify the reason for the denial. Atty. Byrne helped with reviewing the Zoning regulations and the concern may be with interior lots, which is noted as 8.9. The interior lot regulation was enacted in October 1992, well after the right-of-way was in existence. T. Smith asked if the request was denied due to frontage and Atty. Tuccio indicated that the letter only states that the lot is non-conforming.

After a brief discussion, B. Mis asked three times if there was anyone present that would like to speak in favor of the applicant and there were none at this time.

B. Mis asked if there was anyone present that would like to speak against the applicant and there were several members of the public that indicated that they would.

Chris Schwenger, 3 Sharon Drive, asked for the age of the survey. B. Mis indicated that it is dated 1986. C. Schwenger noted that he is an abutting property and needed to do an updated survey due to an inaccuracy. C. Schwenger asked if it delineated any of the grades or wetlands and B. Doiron indicated that it is just a plot plan, no wetlands and grades. C. Schwenger noted a concern of emergency vehicles in case of a fire. He also noted that he had to do a deep well and has a concern of blasting that may need to be done on the property, changing the conditions of his well. C. Schwenger also noted a concern of having a subdivision going in on the property and B. Mis indicated that the property would be for a single family dwelling only as indicated in the application.

Walter Opuszynski, 2 Sharon Drive, asked if the right-of-way will be improved and/or widened. Atty. Byrne indicated that this Board is more concerned with the property being used as a building lot and does it conform. This Board does not have the authority for this concern. Sandy and George Manzone, 194 Cook Lane, asked if they could see where the house is proposed to be built on the property and if there will be a change for the road to be changed to a town road. B. Doiron again indicated that this Board does not have the authority for these concerns.

B. Mis asked three times if there was anyone else present to speak against the applicant and there were none at this time.

B. Mis asked three time if there was anyone else present to speak in favor or against the applicant and there were none at this time.

3. Adjournment

B. Mis asked the Members if there were any other discussions for tonight's meeting and there were none. He then asked for a motion to adjourn the meeting.

Motion to adjourn the meeting at 7:45P.M.: Doiron/B. Smith; no discussion; all ayes.

Respectfully submitted,

Marla Scirpo
Clerk, Zoning Board of Appeals

**Beacon Falls Zoning Board of Appeals
10 Maple Avenue
Beacon Falls, CT06403**



August 18, 2016

Eugene and Sharon L. Scheithe
10 Oak Drive
Beacon Falls, CT06403

Dear Mr. & Mrs. Scheithe,

A Public Hearing was conducted by the Zoning Board of Appeals for the Town of Beacon Falls, CT on Thursday, August 11, 2016, at 7:00 P.M. at the Beacon Falls Town Hall, 10 Maple Avenue, Beacon Falls, CT. The following application was approved:

Eugene and Sharon L. Scheithe, 10 Oak Lane, Beacon Falls, CT: Appealing the decision of the Zoning Enforcement Officer for the Town of Beacon Falls, CT, dated March 4, 2016, denying the applicant's application dated March 9, 2016 for a Certificate of Zoning Compliance for the property known as 198 Cook Lane, Beacon Falls, CT.

Respectfully submitted,

William Mis (mls)

William Mis
Chairman, Zoning Board of Appeals

cc: Atty. Jeff Tuccio

BM/mls