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LAND USE FILE

LAND USE DEPARTMENTS
TOWN OF NEW FAIRFIELD
4 BRUSH HILL ROAD
NEW FAIRFIELD, CT 06812
TEL: 203-312-5646 FAX: 203 312-5608

Date: APRIL 19TH, 2022

Address of Complaint: #8 SUNSWEEP DR

Owner: TIM PITKA - CURRENT
JOSEPHINE - BUYER Map 22 Block 7A Lot 39.34

Your Name: MILES / DEIRDRE ST. JACQUES

Address: 10 SUNSWEEP DR Phone: 203 300 1965

Nature of Complaint: REJECT PROPOSED APPROVAL FOR
"IN LAW SUITE", "ACCESSORY APARTMENT" AS CONTRARY
TO TOWN ZONING STATUTES. PLEASE REVIEW ATTACHED
LETTER TO ZONING BOARD, DATED APRIL 14TH, AND
LETTER TO MR. EVAN WHITE DATED MARCH 8TH AND
MARCH 10TH. APARTMENT HAS BEEN RENTED TO NON-
FAMILY MEMBERS IN PAST, AND TOWN STATES THEY
CANNOT ASCERTAIN WHETHER TENANTS ARE RELATED.

Your Signature Miles St Jacques

Inspection Report: _____

CC: Erosion ___ Health ___ Zoning ___ Building ___ Access ___ Other ___

April 14th, 2022

Miles St. Jacques
10 Sunswept Dr
New Fairfield, CT 06812

New Fairfield Zoning Board
Request to reject special zoning permit for #8 Sunswept Dr.

Dear Zoning Board,

This letter is being submitted to document the continued improper use, and current pending sale conditions, of the property next door to our home as a "legal in law suite"/ legal apartment by the owner of # 8 Sunswept, Mr. Tim Pitka.

I am submitting it to represent our numerous neighbors on Sunswept Dr who have been both fully aware of its use contrary to New Fairfield's zoning statutes for the past year, and who object to its sale as a legal "accessory apartment" residence. It is our understanding that the proposed new owner has/ or will be filing a petition to permit it as such prior to closing on the property's sale this April 28th. The neighbors cite, as do I, that permitting multiple family dwellings in our neighborhood is detrimental to our property values and contrary to existing town zoning statutes.

I have met previously with Mr. Evan White concerning this issue, and in fact have submitted the attached paragraphs from the first letter I provided to him on March 8th. It documented the facts regarding tenants living on the premises, specifically cited the amenities included for this private entrance apartment..... and provided Mr. White details for his follow up. All this happened prior to the property being listed and sold.

Mr. White left me a phone message dated March 17th stating that the Building Inspector Mr. Eric (not discernible on phone message) had in fact inspected the property and "seen no signs" of ANY in law apartment in the basement.....NO MENTION of the first floor apartment, which I have personally seen myself.

He then left me another phone message dated March 24th stating that there was "good news".....there is NO accessory apartment, either legal or illegal, permitted for the property .

He then left me another message, dated March 31st, stating that the new owner wanted to "do the right thing " and was going to file for a special permit the next Tuesday (April 5th ???) so that the permit request would come up on the next zoning meeting.

I have gone through the permits submitted to date for review, AND SEE NO SUCH REQUEST FOR A PERMIT. HAS IT BEEN DONE VIA SOME OTHER ROUTE ? HAS SHE WITHDRAWN HER REQUEST ? IS IT BEING DONE WITHOUT THE OPPORTUNITY FOR PUBLIC REVIEW AND INPUT, the latter being the basis for some future legal review ?

This process of seeking permits, after creating an illegal use set up and renting it out, and then asking to have the town "okay it" retroactively is counter to having people follow the rules. If somebody dug up their buried oil tank without a permit , or failed to have the soil tested or having it inspected for legality, and then came to you and said "oh well, it's done already so why don't we just approve it" I cannot imagine you approving that case, so this case is no different.

We ask the board to reject this permit request. The in law suite, or accessory apartment, has never been permitted, yet it has been rented out to tenants, as I personally observed and documented. As stated, I also provided Mr. White with internet ads created by the current owner citing this in law suite.

I also provided car license plate numbers of cars using the garage. The sale listing from Zillow also states that there is an in law suite on site. All documents confirm that the prior and future intention was to rent it out to tenants.

When discussing this with Mr. White, I told him that Mr. Pitka told me that the tenant (singular) was his niece, despite the fact that he was advertising it on the internet. I fact I observed two females apparently living there, along with a dog. Mr. White advised me that he was, according to current state regulations, unable to utilize this data to confirm or deny if those tenants were related to the owner. With this fact in mind, it appears that both Mr. Pitka or the new owner could rent it out to anybody they wished to, state that their tenants were in fact related to them, and could NEVER legally be refuted. This leads one to conclude that "in law" or "family suite" is an unenforceable condition, and we can have multiple, unrelated families living in this home.

Living next door to this property , we have been exposed to excessive car traffic at all hours, multiple "guests" parking in the driveway, and exterior lights being left on at all hours, presumably for the convenience of those tenants. This is NOT what the town zoning statutes were signed to condone, and we need them to be enforced.

Please advise what you need me to do next to oppose this requested permitting. If you need a signed petition from the neighbors who oppose this request, please advise. Do you need us to attend a hearing ? I believe the facts presented are sufficient to document the situation by themselves, but would like your feedback to ensure the permit is denied. You may leave me a message on my cell, 203 300 1965, or preferably my email.....mstjacques@sbcglobal.net.

Sincerely,

Miles and Deirdre St. Jacques



March 8th, 2022
Miles St. Jacques
10 Sunswept Dr
New Fairfield, CT 06812

Mr. Evan White
NF Code Enforcement

Dear Evan,

This letter is intended to document the situation I first described to you about three months ago.

A neighbor, Tim Pitka, residing at 8 Sunswept, has set up and is operating AT LEAST one illegal in law apartment in his home.

On to the facts. Several neighbors got together last summer to discuss what we all had learned about his apartments (plural). Mr. Pitka had published eight online ads for his new apartment, and they were all available on the internet. He apparently rented it quickly, because before we could actually print out all those ads, most were taken down, but there are other neighbors who can vouch for seeing them. I have attached the one which I still had. Mr. Pitka listed his home as " 1 bed, one bath, 800 square ft, for \$ 2150. per month. This is also interesting to me, as it was allegedly also listed as SECTION 8 housing.....don't know how that legally works, but \$ 2150. per month in a million dollar home doesn't seem to square up as Section 8.

The ads also state " newly renovated (it didn't exist before), new bedroom, ground level IN LAW apartment, new appliances, counters, laundry room, walk in closet. Also states for single occupant only. Also specified...washer / drier in unit , dishwasher, stainless still appliances, eat in kitchen, refrigerator, assigned parking space (all cars have been parked inside garage , out of view, and the doors are opened and closed quickly as cars enter or leave, prohibiting seeing them in driveway).

I viewed two young ladies unloading boxes in the driveway last summer. I watched, and told them they were moving into an illegal setup, and it probably wouldn't last as such. Neither made any comment to me. Within less than five minutes, Mr. Pitka came storming out and yelled at me, stating, " Miles, what are you trying to do to me ". I advised that he was operating an illegal in law apartment, that many neighbors were aware of the situation, and that it was being reported to the town.....which I did to you last October. He claimed that the young ladies were his nieces, and walked away. Makes any sensible person question why he placed 8 ads, if he was planning to rent it to his nieces.

Since that time I have observed (during the summer when I was out in my garage) two young ladies coming and going. I saw one walking a dog. I've seen a couple of young men also coming and going. I observed a silver Mazda CX5 going into and out of the garage, but was unable to get the license number, as the garage doors were closed very quickly. After that I became more patient and aware, and have since observed a silverish Acura SUV with CT plates XBA467, and another silverish Acura SUV with CT plates AM43181 driving directly into the garage and the doors swiftly closing. I also observed a black Lexus with plates AG26300 parked in the driveway on occasion.

As I stated to you last week, with the cold weather I am not out in my garage much, so I haven't been able to observe much since winter began, but there is now a fourth dumpster parked in the rear of his driveway, and it is nearly full (can you check its contents ??).

I did also see a delivery truck from an appliance store in the driveway within the last month, unloading large items. I do not know what else he might be renovating, but I do know there is a very large finished basement, and perhaps he is creating more apartments, as he had advertised.....as in one of his earlier ads he cited his illegal apartments as CONDOS (emphasize plural).

I had drafted this last week, but just today, March 8th, there was a large truck (it had a Two Guys and a Truck logo) in front of the front door, unloading items, perhaps directly into the basement. Hopefully you would have legal access to subpoena who leased it . Following that delivery, a new car was parked in front of the house today. It was a goldish/ silver Hyundai sedan, but it didn't have any front license plates for me to observe, so probably not CT ?

I would hope you can also investigate the basement for additional apartments, as all these observations would indicate more has gone on.

Evan, I don't know what else you might need from me to get the zoning codes enforced, **BUT THIS MUST BE DONE.** Many neighbors are aware of what's going on, and I mention the situation to everyone I talk to.

NOBODY on our street supports this behavior, and it needs to be reversed, and all illegal tenants removed. The neighborhood is obviously upper class and highly taxed, and we don't want anyone destroying what we have all worked for for many years. Let me know what I can do to get this resolved, or if you need input from the other neighbors who are concerned about this I will take the lead in coordinating any efforts you might need from us.

Thanks,
Miles

March 10th, 2022

Miles St.Jacques

Evan White,

Hello Evan,

I look forward to seeing you tomorrow for our meeting, but felt it extremely important to document the latest on our neighbor, Tim Pitka, in the event legal action is required to remove his ILLEGAL in law APARTMENTS (PLURAL).

I told you already that there was a rental truck parked in front of the house, unloading items on the 8th.

When I was snow blowing my driveway last night I observed a white post, used to hang FOR SALE signs, driven into the ground near the street. There was a no sign on it at that point.

Today when I came home, there was another rental truck parked in from of the front door, unloading household items. I took pictures.....if you'd like them forwarded to your cell number as proof for legal action just let me know.

There was blond lady and a young blond man, carrying household items such as vacuum cleaners, lamps, pictures, end tables, a couch, etc. into the house. OBVIOUSLY, somebody additional was moving in. I watched, and saw them carrying those items through the front door and immediately down the stairs, adjacent to the door, leading to the basement. As I supposed from the prior appliance deliveries, he has now apparently created more CONDOS (his words) downstairs.

I also saw a black SUV facing my driveway, with no front plates.....couldn't tell maker.

I came into the house and immediately called your cell phone number, at 1:17 PM, advising you of what was going on, and asking you to come out and observe for yourself. I asked for you to return my call and advise if you had been able to come out. I also called your office phone to do likewise, but it rang repeatedly and nobody answered.

THIS NEEDS IMMEDIATE ACTION. Assuming that the home is for sale, I ask you to intervene with the realtor on behalf of the town's coding laws, and advise them of the situation, so any potential buyers are made aware of the illegality prior to purchase. We don't want to perpetuate this unlawful activity, or have excuses that any purchaser was "unaware" of the actions the town will be taking.

Hopefully we can discuss your plan of action at our meeting on the 11th. I feel the urge to advise everyone on the block of what is going on, to ensure that it gets addressed.

Thanks,
Miles