

May 31, 2022

Miles St. Jacques
10 Sunswept Dr
New Fairfield, CT06812

Subject: 8 Sunswept Dr Application

NF Zoning Commission,

Please see the attached documents I submitted to Evan White on April 19th, and asked him to submit to your commission at that time.

I understand that you will be conducting a hearing on this matter this evening, and I'd like to submit additional comments.

First, we have absolutely nothing against our new neighbors...as I'm sure they are very nice people. This case has been in progress long before they purchased their home, as the situation has been going on for years, and it was been a situation which has been investigated several times previously by the Zoning officers. Their notes are in the records.

This complaint is intended to preserve NF's abidance to it's published zoning laws, against having multiple dwelling homes being approved. This home has had multiple occasions where third party, non family members have been living in what is now being described as "an existing bedroom".

On prior occasions, Zoning has investigated and found that the set up in this area included a stove, and there were hook ups viewed in the walls to support this set up. They previously were "dismantled", or hidden from view, to cover up the arrangement. Most recently, the prior owner rented this area out to two young, non family members, and his ad indicated that "the area included a separate washer /drier, dishwasher, stainless steel appliances, eat in kitchen, refrigerator, etc".not exactly the existing bedroom currently described.

This information was provided to Mr. White along with the actual ads listing the apartment....he should have them in his possession, and hopefully has provided them to you. I have copies. So, this was a fully separate, fully functioning apartment. To have it submitted today for approval as "an existing bedroom" is not accurate. The set up needs to be thoroughly investigated to discover the true nature of the "apartment". If the prior owner took steps to dismantle it once again, it still could once again be easily converted back to that apartment. If it in the future again exists as a separate apartment set up once your review is completed, what recourse would we then have to undo your pending approval?

Mr White also left me a phone message indicating the new owners have submitted a request to install a pool, but I haven't seen that yet. Of course that is their privilege, and it certainly would increase the value of their property. so I'm hoping you will approve that. However, I am concerned as exactly where this pool might be installed, as the area immediately behind their house, where I'm guessing it might go, is currently where their septic fields are, and that area is adjacent to our well. I'm concerned that if they choose to disrupt those fields it could negatively affect our well, The prior owner recently installed a new well, and the depth undercut our 36 year old well by 300 feet. We already had our own well run dry, about a month ago, perhaps because of this action, and our well pump ran without any water and burned out,

costing us \$ 2400. I'm also concerned that the pool might be accompanied by another well to support it, and have concerns over this.

Thank you for considering our input, and preserving the regulations which currently exist. If you require more information please advise.

Respectfully,
Miles and Deirdre St.Jacques

A handwritten signature in black ink, appearing to read "Miles & Deirdre", with a long horizontal flourish extending to the right.

THIS DOCUMENT BECOMES A PERMANENT PART OF THE
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

CONV - 4/20
NOTING
CANDID

Date: APRIL 19TH, 2022

Address of Complaint: #8 SUNSWEPT DR

Owner: TIM PITKA - CURRENT
JOSEPHINE - BUYER Map _____ Block _____ Lot _____

Your Name: MILES / DEIRDRE ST. JACQUES

Address: 10 SUNSWEPT DR Phone: 203 300 1965

Nature of Complaint: REJECT PROPOSED APPROVAL FOR
"IN LAWSUITE", "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.