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August 2, 2023

Mr. Evan White
Zoning Enforcement Officer
Town of New Fairfield
Zoning Board of Appeals
4 Brush Hill Road
New Fairfield, CT 06812

RE: Zoning Board of Appeals Application #23-23 – 60 Saw Mill Road

Dear Mr. White:

As you are aware, I represent Mr. Scott March, who owns 3 Escape Road with his wife Kristine. Their residential property is located less than a hundred feet to the south of the property located at 60 Saw Mill Road (the "Subject Property") which is the subject of Variance Application #23-23 (the "Application").

Mr. March and his neighbor Mr. Tino Punturiero have several concerns with the Application. The historical use of the property for the storage of trucks and heavy machinery, and for the processing of wood products, has been a long-standing eye sore and nuisance.

The view of the subject property from neighboring residential properties is not screened in any way. This lack of screening has left property owners with unattractive views of stored materials and equipment, loud machinery disrupting rest and relaxation, and fears of diminished property values.

Further, the Application, when compared with the Zoning Location Survey, is unclear. The application states a requested variance for the purpose of expanding the parking area, but the survey also states an intention to raze the existing building and construct a new building.

The Zoning Board of Appeals was aware of the history of this property at its meeting on July 20, 2023. At that meeting, Chairman DePaul suggested that the abutting landowners send a list of requests to you, so that the Board may determine the best path forward. To that end, Mr. March and Mr. Punturiero have developed a list of proposed conditions of approval, which they respectfully request the Board of Appeals impose when granting the applicant's Application for Variance:

1. Approval of a ten-foot setback (or greater) from the residential zone boundary, rather than a five-foot setback.

2. A double row of 7' – 8' Thuja Green Giant Aborvitae evergreen trees and a six-foot fence shall be installed where the subject property abuts residential property. The trees shall be replaced by the owner if they become damaged. The fence shall be repaired by the owner if it becomes damaged.
3. The property shall not be used for the processing or creation of goods or materials. The processing of trees into wood chips, or wood chips into mulch, shall not occur on the premises.
4. The use of trucks and/or machinery shall be limited to normal business hours. Monday through Friday, trucks and machinery shall not be operated on the site except during the hours of 8:00 AM to 5:00 PM. Saturday and Sunday, trucks and machinery may not be operated on the site except during the hours of 10:00 AM to 4:00 PM.
5. An updated Zoning Location Survey shall be submitted to the Zoning Board of Appeals. Such Survey shall (1) depict property lines accurately; (2) not reference the razing and reconstruction of buildings on the site; (3) not contemplate the loose storage of wood chips; (4) accurately depict locations for parking and contained storage; and (5) show the location of the privacy barrier.

The request that the Board of Appeals approve a ten-foot setback rather than a five-foot setback is for the purpose of accommodating the installation of the privacy fence and trees, which would be impossible if the Board approved a five-foot setback.

Considering a long (40-year) history of unfulfilled promises to erect and maintain privacy screening along the residential boundaries of the subject property, Mr. March and Mr. Punturiero request that the Zoning Board of Appeals require that item #2 in the above list of conditions of approval be completed prior to the applicant's (or their successor in interest) receipt of a zoning permit for the improvements on the property.

Attached to this letter as Schedule A is a depiction of the subject property and neighboring residential properties sourced from the Town's Geographic Information System, along with comments to assist the Board's review.

As I noted at the July 20th meeting, my client is not opposed to Mr. Reilly's acquisition of this property. Rather, he has confidence that Mr. Reilly will maintain this property in a respectful manner in accordance with the above conditions and in keeping with notions of neighborly respect.

Thank you for your time and attention to this matter.

Sincerely,



Charles O. Lichtenauer, Esq.

SCHEDULE A

