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October 5, 2020

Town of New Fairfield
Zoning Board of Appeals
4 Brush Hill Road
New Fairfield, CT 06812

Re: 5 Sylvan Road; Case # 37-20
Scheduled for Hearing: 10/15/2020

Members of the Zoning Board of Appeals,

We are writing to express our strong opposition to the proposed variance for 5 Sylvan Road for the stairs and landings – *which have already been built in non-compliance*- abutting the rock face and edge of our property down to the 440 line of Candlewood Lake (the “Shoreline”). We reside at 4 Glen Holly Road, New Fairfield, CT.

By way of history, in June 2016 we bought the house and land adjacent to 5 Sylvan Road. Before making this purchase, we carefully reviewed all the applicable zoning regulations that impacted not only our parcel – but those that would impact the properties adjacent to ours. In determining to make this purchase, we knew that to improve the land surrounding our house, we would have to comply with the significant regulatory apparatus in New Fairfield – including wetlands and zoning. To this end, we hired a landscape architect and put together a project to comply with the myriad regulations and rules – at a significant expense to us. Indeed, we specifically did not propose to build the vast majority of our landscaping with decking – which we were told would have caused our project to be in non-compliance. Rather, at great effort and expense, we submitted a proposal to terrace the land to ensure we were in compliance with applicable codes and wetlands.¹

In contrast, here, we have a neighbor who – in our opinion- appears to have blatantly disregarded the process for seeking variances to create a monstrous staircase and various landings that overwhelm their lot and sadly, ours. Indeed, they are now seeking significant variances to the rear, side and front setbacks – (i.e., 8'; 7'6"; and 4' respectively), along with several other variances. Perhaps more galling is that they already sought a variance from this Board in April 2019 for the property – so clearly they knew

¹ At one point, in 2017, we contemplated a variance for an outdoor fireplace for our terrace. We ultimately withdrew that request after our architect appeared before this Board – as it appeared the Board would not be amenable to the request. Please note: *we do feel and have always felt it is important to play by the rules.*

the process to do so – but yet did not do so this time before constructing the stairs and landings. Indeed, when my husband confronted a worker who was building the illegal stairs and landings – he threw up his hands and said that he was “just following orders.”

We have concerns that if the requested variances are granted – similar stairs and landings (and other permanent structures) will spring up all along the Shoreline in New Fairfield and in the community, generally. Moreover:

- This structure has significantly impacted our quiet enjoyment of our property. (*See pictures*).
- As the landowners “under” the rock outcropping - we have concerns regarding the safety/stability of the structure and/or whether it has destabilized the existing rock face. To the best of our knowledge, no engineer was involved in planning and/or the building of this structure into the rock face. *Indeed, a call to Wetlands reveals that they also did not seek permission from the Wetlands Commission, either.*
- The request for variance claims that they have a hardship in that they have a non-conforming lot with severe slopes. To be clear, the owners/petitioners purchased the lot and chose to build a house – with full knowledge and/or ability to understand the applicable and existing Town Codes; this is simply not an instance of “late trading” in which the owners/petitioners were unfairly subjected to new laws. **Rather, it appears the owners now seek to enlarge their property rights at our expense.**
- We should not be granting variances - after the fact – when it appears the individuals knew the process to ask for permission but yet did not do so. We are worried about the troubling precedent this sets and the message that it sends.

We appreciate your attention to this matter.

Very truly yours,

The image shows two handwritten signatures in black ink. The first signature on the left is 'Caryn E. Angelson' and the second signature on the right is 'William Topf'. Both signatures are written in a cursive, flowing style.

Caryn E. Angelson & William Topf
4 Glen Holly Road

Enclosures: Pictures