

May 15, 2023

City Planning New Canaan To: Sara Carey.

Regarding: Ms. Amy Tucci - 57 Rilling Ridge commercial business and request for sports complex:

Please note I have never met or had any communication with Ms. Tucci. She has not reached out to me nor made me aware of either application. I will reach out to her prior to the hearing on May 23. *Late yesterday I received a letter from her attorney regarding her "major home business permit".*

As I noted to you, I have not called or written to complain as I do not like acrimonious situations and thought the issue would subside. With the recent events, I feel naive and realize it was a mistake.

As a resident of New Canaan for almost 30 years, we chose this town and this neighborhood due to its culture, its bucolic nature, its property values, and yes, its zoning. I have been a commuter to NY for years and chose to invest in this property to have a respite from the urban and commercial environment. I now find myself living in a commercial area. I have deep concerns about a commercial business being run out of a residential neighborhood and tried to outline the key concerns below.

If the Planning and Zoning board has a new vision of mixed use in lieu of the residential zoning, it's critical the residents of this community are made aware. Most of us chose to live here based on the reputation and quality of life. If the vision hasn't changed, then giving "special" treatment to one resident over the negative impact it has on the larger community doesn't seem like an appropriate decision.

A Commercial Business in An Area Zoned for Residential

An illegal business being run in a residential area changes the character of the neighborhood in a negative way, not only in the increased traffic, but in terms of safety, noise, congestion, and the diluting of our property values and of the bucolic hamlet – not to mention unfair to the businesses in town that are zoned in commercial area and pay the rent, taxes etc., accordingly. Here are just some of my concerns:

1. Changes to the character and culture from residential to commercial
2. Negative impact on others' property value, privacy, and quality of life
3. Effects on traffic and safety as well as the ability for kids to use cul-de-sac for play.
4. Noise issues, with constant deliveries and traffic and increased numbers of customers coming and going.
5. Ms. Tucci or her father purchased the house as a single-family dwelling. Did Ms. Tucci at that time submit for the special permit or is this only after others filed complaints? This

neighborhood is zoned as residential, so does that mean if approved, one can now assume houses are multi-use buildings in the Silvermine area? Apartments? Condos? Mixed use? Does this mean we are now all able to run business with customers with no ramifications?

6. If this business is approved in any form, Ms. Tucci will also move forward to trying to obtain approval on a sports complex, which would have a devastating impact on our privacy, quality of life, and real estate value. (I was told this was submitted in 2020 and is pending until the illegal business is cleared up)
7. If approved, what is method and resources for monitoring her adherence to any contingencies?
8. Doesn't this create an unfair business practice for those in the downtown area who have the same type of business?
9. What is the penalty for violating? She ran an illegal business for almost two years and her fine was \$400. If one's moral compass isn't a deterrent, a \$400 fine will not have any impact and leaves the perception that the value of one individual resident of the community is greater than the rest of the neighborhood.
10. Regardless of any constraints the city puts on her business, and potentially on her tennis & sports complex (and there *were* rules that she didn't follow, which is why we're having this *hearing*), it puts the neighborhood in the position of having to monitor and report on a neighbor – something we have no desire to become entangled in. It is acrimonious and untenable for us, and frankly, this is why there is a Planning and Zoning Department. Unfortunately, if approved, we will likely leave New Canaan.

If approved, her next permit request is for:

Tennis/Sports Court (submitted in 2020 and there has been no notification to us)

1. What is being built, a tennis court *and* a sports court?
 - a. What beyond a tennis court is being built? What is a sports court?
2. Is it *only* for personal use – limited to immediate family/occasional friends (nonpaying clients)? How is that monitored?
 - a. Will there be instruction or classes taught?
 - b. Will clients and/or business use the court?
 - c. Is she listing this on her taxes as a business write-off?
3. Is there additional landscape lighting being installed for the complex?
 - a. Will the tennis court have lighting? How will we be assured lighting doesn't go in prior to the courts, or after, under a separate scope of work?
4. Is there a fence and at what height?
 - a. Is it visible from my property? If yes, how would it be shielded if possible?
5. Will the playing hours be restricted – how is that monitored?
6. Will you be responsible for any damage or additional landscaping, or drainage reparations required due to the sports complex? We believe it will have devastating impact on our property, privacy and make our pool and outdoor space unusable.
 - a. Will we see a plan with drainage and grading to be reviewed? (We have significant concerns.)

- b. Who other than her paid consultant will review and sign off?
- 7. The permit notes no issue for parking, whereas an issue already exists due to the unlicensed business being run in the basement of 57 Rilling. The letter I just received last night from an attorney notes 9 spaces will be added. That is a commercial business in a residential zoned area.
- 8. What are the method and resources for monitoring her adherence to any contingencies? What is the penalty for violating?
- 9. No one wants to monitor and report on their neighbors, so without clarity on #8, this has the very real potential to turn into a very challenging and unpleasant neighborhood to live in – something we have no desire to be part of.

In Conclusion

The concern around “integrity” regarding adhering to the New Canaan laws, rules, regulations, etc., gives us great concern for any adherence to guardrails placed on this commercial business and eventually the sports courts. We do not want to be put into a position of monitoring or reporting on a neighbor to try and maintain the quality of our life or the value of our property. *If approved, we will most likely relocate outside of New Canaan.*

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