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Sent: Sunday, June 21, 2020 10:44 PM
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Subject: Re 635 Frogtown Road Application; Please distribute to P&Z Commissioners

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Sunday evening, June 21, 2020

To Members of the P&Z Commission,

We once again are writing about New Canaan Country School’s “Special Permit Modification,” which appears on the Agenda for Tuesday’s meeting. We don’t know if the Applicant has any “Presentation” or materials for that meeting. Less than forty eight hours prior to the June 23 meeting, none appears on the P&Z website. As a result, it is currently impossible for members of the public (including neighbors) to directly respond to any materials that might have already been shared with the P&Z Commission.

According to a June 5 email from the Applicant, “construction of our Athletics and Wellness Center is nearly complete with only finishing touches left.”

To be clear: We want to be good neighbors, and we want the children of New Canaan Country School, Horizons, and New Canaan Basketball to enjoy this beautiful gym for many years to come. Even a cursory examination of the facility shows that little expense has been spared in its design, construction, or amenities. It is unfortunate that the School’s only apparent cost-cutting effort seems to be one that would adversely impact its neighbors, and significantly transform the character of the neighborhood that has been its home from a residential to a much more commercial-feel zone, thereby diminishing property values in the area.

The P&Z Commission had imposed conditions -- both for automatic window shades and landscaping -- on behalf of all neighbors (notwithstanding Applicant’s claim that the P&Z lacks authority to impose such conditions). Yet with regard to lighting from the Applicant’s Athletics Center, there have been demonstrably conflicting accounts about how much lighting from this building will be visible to neighbors (and the pictures we previously submitted do not inspire confidence). For example:
In a presentation for the April Commission meeting, Applicant cited a lighting design by Vitolite Electric Sales, which claimed “there will be no measurable light at or beyond the property line.”

During the April presentation to the Commission on behalf of the Applicant, Attorney Stephen Finn said the “permanent lighting will be significantly less than the current construction lighting in part because of a translucent exterior wall system.” (P&Z Minutes)

In a presentation for the May meeting, Applicant presented a letter from Vitolite that said based on “our design and photometric study we know that the light output will be reduced by 20-30% of their maximum.” In their May 15 letter presented to the Commission, Vitolite also stated that “There is no need to do a photometric study from the neighbors houses because we have the study of the exterior light levels which measure 0.00 foot-candles well before the property line. Thus, a photometric study from the neighbors houses would certainly show exterior light levels of 0.00 foot candles.”

During the May Commission meeting, Applicant’s representative Stephanie Ziegler acknowledged that “light will cascade out.” Applicant’s counsel asserted there will be “substantially less light and less glare.”

Clearly, Applicant’s verbal comments at Commission meetings contradict previous representations (that there would be “no measurable light,” and “no need” for a light study, for example) -- and seem designed solely to secure its desired result regardless of the facts.

At last month’s meeting, there was likewise a discussion about shading around 579 Frogtown Road, which apparently has not started. Commissioners noted that shading would most impact the resident of 579 Frogtown Road; our property; and possibly the Bozzellas. If the resident of 579 Frogtown Road were an employee of Country School, this would, of course, reduce pressure on the School to produce the promised shading surrounding the Athletics Center.

Remarkably, Applicant represented to the Commission that “there are no current plans” for that property. Yet it has been common knowledge among the school community, even prior to the May meeting, that the Head of School and his family will be moving into the former Moore house at 579 Frogtown Road. Indeed, a publicly-available social media page (redacted, attached) curated by the Head of School’s family prior to last month’s meeting is titled “579 Frogtown Rd,” and includes inspiration for decorating both common rooms and children’s bedrooms on the property.
Although we very much appreciate the sentiment expressed in the Minutes by the Applicant's representative that "there has been no intention to mislead the neighbors or withhold information," we must regretfully note that it seems circumstances have run counter to this assurance.

Last November, Applicant's Head of School told a neighborhood meeting that he was "open to additional shading." Yet the next communication this same neighborhood group received from the Applicant was a Notice from its counsel seeking a waiver to eliminate its previous obligation to install shades on the new gym. Nor did these Frogtown Road neighbors ever receive any notice from Applicant about the original construction proposal.

Finally, the Applicant blames its straitened financial condition for requesting the P&Z Commission to relieve it of the requirement concerning window shades. Yet in a May 1 email, the Applicant stated that "Our school remains in a strong financial position."

We are aware (as reported in the March 27 2018 Minutes and April 5 2018 New Canaan Advertiser) that the School had a 2006 "Shading Agreement" with George and Kathie Moore (long-time owners of 579 Frogtown Road). According to these reports, the Applicant failed to abide by this agreement. We believe it is important that the School's present obligations be strictly enforced, notwithstanding its counsel's assertions that the Commission lacks any such enforcement authority. It should be noted that abiding by the original condition requiring shades to be installed in the gym would eliminate the need for ongoing policing of landscaping by this Commission.

To reiterate what we and other directly affected homeowners have previously stated: we believe that the light streaming from the Applicant's Athletic Center constitutes a nuisance, and we respectfully request that the Application to Modify Condition of Existing Special Permit with the Town of New Canaan Planning and Zoning Commission with regard to the new athletic facility located at New Canaan Country School, 635 Frogtown Road, New Canaan, CT, be denied.

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More ideas from K.C. Cooper

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