

May 28, 2021

Richard S. Baldelli
Zoning Enforcement Official
Town of Ridgefield
66 Prospect Street
Ridgefield, CT 06877

Carson Fincham
Chair, Zoning Board of Appeals
Town of Ridgefield
c/o Kelly Ryan, Paralegal/Administrator
66 Prospect Street
Ridgefield, CT 06877

William J. Hennessey Jr.
Partner
Direct:203-425-4200
Fax:203-325-8608
WHennessey@carmodylaw.com

707 Summer Street
Stamford, CT 06901

RE: NOTICE OF APPEAL: 63-67 Prospect Street, Ridgefield, Connecticut

Dear Chair Fincham and Mr. Baldelli:

Our firm represents Pierandri Realty LLC and The Giardini Limited Partnership (the "Property Owners"), the owners of property known as 63-67 Prospect Street, Ridgefield, Connecticut (collectively, the "Property"). On May 15, 2007, the Ridgefield Planning & Zoning Commission approved a site plan (#2007-038-SPA) for the construction of 21 dwelling units with associated parking and site improvements on the Property (the "Site Plan Approval"). On March 9, 2021, the Commission approved a final landscape plan in connection with condition #1 of the Site Plan Approval, which decision was appealed to the Superior Court by an abutting property owner on or around March 16, 2021. On April 9, 2021, in connection with this site plan approval, Mr. Baldelli issued a Zoning Permit (Z-21-316) for "additions and renovations to existing residence to add an additional apartment in the rear" at 63 Prospect Street (the "Zoning Permit"). On April 20, 2021, an abutting property owner appealed the issuance of this Zoning Permit to the ZBA. On May 17, 2021, Mr. Baldelli issued an order finding that the Site Plan Approval expired on May 15, 2021, and that the Zoning Permit is hereby revoked, null and void ("May 17 ZEO Order").

Pursuant to General Statutes § 8-7 and Ridgefield Zoning Regulations § 9.5 (B), the Property Owners hereby appeal the issuance of the May 17 ZEO Order.

In furtherance thereof, enclosed please find the following:

- Completed Application Form: Appeal from the Decision of the Official Charged with the Enforcement of the Zoning Ordinance;
- Description of Appeal;
- Copy of the May 17 ZEO Order;

- Copy of the Site Plan Approval and the Zoning Permit, for reference;
- Letter of Authority from the Property Owners; and,
- Check for \$375 as payment of the application fee.

We look forward to presenting this appeal to the Zoning Board of Appeals at its next available agenda. Please give me a call should you have any questions.

Sincerely,



William J. Hennessey, Jr.

cc: Tom Pierandri
Nancy Riedy



RIDGEFIELD BOARD OF APPEALS ON ZONING

Town Hall Annex, 66 Prospect Street
Ridgefield, Connecticut 06877
Phone: (203) 431-2786 Fax: (203) 431-2737
E-Mail: zba@ridgefieldct.org

**APPEAL FROM THE DECISION OF THE OFFICIAL
CHARGED THE ENFORCEMENT OF THE ZONING ORDINANCE**

Date of Application: May 28, 2021

- 1) Applicant: The Giardini Limited Partnership and Pierandri Realty LLC
- 2) Applicant's Address: c/o Agent: William J. Hennessey, Jr., Carmody Torrance Sandak & Hennessey LLP, 707 Summer Street, 3rd Floor, Stamford, CT 06901-1026
- 3) Name of the official whose order, decision or requirement is being appealed:
Richard S. Baldelli
- 4) Date of the Action being appealed: May 17, 2021
- 5) Description of the appeal: Appeal of order that (1) deemed expired a site plan approval issued on May 15, 2007, and(2) revoked a related Zoning Permit issued on May 9, 2021. Please see additional details in attached Description of Appeal.
- 6) Property involved in the appeal: 63-67 Prospect Street, Ridgefield
On the (N S E W) side of the street, at approximately 528 feet (N S E W) from Grove Street (nearest intersecting road.)
- 7) Interest in Property:
Owner Contract Purchaser _____ Lessee _____ Agent _____ Other _____
Name(s) of Owner(s): Pierandri Realty LLC and The Giardini Limited Partnership
Tax Assessor Map No: MBL E14-0190 & E14-0191
- 8) Zone in which property is located: MFDD (formerly R-5) Area of Lot: Combined: 1.415 Acres
- 9) Dimensions of Lot: Frontage Approx. 173' Average Depth Approx. 521 feet
on Prospect Street
- 10) Is the property within 500 feet of Danbury, Wilton or Redding? No
Is the property within 500 feet of New York State? No

Signature of Applicant _____

Or
Signature of Agent *William J. Hennessey, Jr.*

Mailing Address Carmody Torrance Sandak & Hennessey LLP, 707 Summer Street, 3rd Floor, Stamford, CT 06901-1026

Phone Number 203-425-4200 Email (optional) whennessey@carmodylaw.com

**INSTRUCTIONS FOR FILING AN APPEAL FROM THE DECISION
OF THE OFFICIAL CHARGED WITH THE ENFORCEMENT
OF THE ZONING ORDINANCE**

A complete appeal application consists of the following:

1. A completed application form
2. Six copies of the order, requirement or decision that is being appealed.
3. Six copies of a plot plan or survey of the property involved in the appeal, showing the location of all existing and proposed buildings, with sizes drawn to scale.
4. When construction is involved, six copies of drawings to scale showing elevations and floor plans. The size of these drawings shall not exceed 11" by 17".
5. The application fee -- see current schedule of fees.

Other requirements:

1. *Notice to the official whose decision is being appealed:* In accordance with the provisions of Section 8-7 of the Connecticut General Statutes, notice of the appeal shall be filed in a timely manner with the official whose order, decision or requirement is being appealed.
2. *Time periods for filing an appeal with the board:* In accordance with Section 8-7 of the Connecticut General Statutes, the Board adopted the following rule regarding the time in which an appeal may be brought to the Board:
 - (1) The time period for any appeal brought of any Cease and Desist Order issued by the Zoning Enforcement Officer or other appropriate party is fifteen (15) days.
 - (2) The fifteen (15) day time period for appeals of Cease and Desist Orders commences on the date of mailing of a certified letter to the person claimed to be in violation, or on the date of service by a state marshal or other appropriate party.
 - (3) The time period for any appeal brought of any other action, decision or requirement made by any official charged with the enforcement of zoning, not including Cease and Desist Orders, is thirty (30) days. The thirty (30) day time period for the appeals commences on either the date of publication in a newspaper, if such publication is required, or the date such an order, decision or requirement is issued.
3. *Appeal joined with a variance:* In accordance with the provision of Section 8-6a of the Connecticut General Statutes, an appeal may be joined with a request for a variance. In such a case, the applicant shall complete applications both for an appeal and for a variance, and the fees applicable to both applications shall apply.

**DESCRIPTION OF APPEAL
of May 17 ZEO Order**

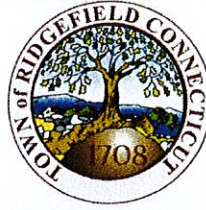
On May 17, 2021, the Zoning Enforcement Official, Richard S. Baldelli, issued an order stating the following:

In regards to the proposed addition to construct: 'Additions and Renovations to existing residence to add an additional apartment to the rear,' for premises located at 63 Prospect Street, authorized by Zoning Permit Z-21-316, pursuant to CGS 8-3(m) and Special Public Session Public Act No. 20-7 item 18, due to the failure to obtain necessary Town of Ridgefield Building Permits, and failure to commence construction on or before May 15, 2021, Site Plan Approval File #2007-038-SPA has expired.

Based on the May 15, 2021, statutory expiration of File #2007-038-SPA, effective May 17, 2021, Zoning Permit Z-21-316 is hereby revoked, and is now null and void.

On the date of this order: (1) the State was under a state of emergency declaration of the Governor related to the Covid-19 pandemic; (2) the referenced site plan approval #2007-038-SPA (the "Site Plan Approval") was the subject of a pending appeal to the Superior Court, which specifically concerns compliance with a condition of that approval; and (3) the referenced zoning permit #Z-21-316 (the "Zoning Permit") was the subject of a pending appeal to the Zoning Board of Appeals. These circumstances remain unchanged today. As a result, this order was improperly issued for at least the following reasons:

1. On the date of this order, the expiration date of the Site Plan Approval (File #2007-038-SPA) was tolled until May 20, 2021 pursuant to Executive Order Nos. 7JJ and 11 of the Governor. The expiration date was further tolled until June 30, 2021 pursuant to Executive Order No. 12B of the Governor issued on May 20, 2021.
2. The expiration date of the Site Plan Approval is tolled due to an appeal to the Superior Court related to this approval (Docket No. DBD-CV21-6039073-S), dated March 16, 2021.
3. An appeal of the Zoning Permit to the ZBA stayed all proceedings in the action appealed from pursuant to General Statutes § 8-7.



Town of Ridgefield, CT

Richard Baldelli commented on Zoning Permit
for #Z-21-316

"In regards to the proposed addition to construct: "Additions and Renovations to existing residence to add an additional apartment to the rear", for this premises at 63 Prospect Street, authorized by Zoning Permit Z-21-316, pursuant to CGS 8-3(m) and Special Public Session Public Act No. 20-7 item 18, due to the failure to obtain the necessary Town of Ridgefield Building Permits, and failure to commence construction on or before May 15, 2021, Site Plan Approval File#2007-038-SPA has expired.

Based on the May 15, 2021, statutory expiration of File #2007-038-SPA, effective May 17, 2021, Zoning Permit Z-21-316 is hereby revoked, and is now null and void."

[View Details](#)



Meaghan M. Miles

From: Richard Baldelli <zoning@ridgefieldct.org>
Sent: Tuesday, May 18, 2021 8:32 AM
To: Meaghan M. Miles
Subject: [EXTERNAL] 63 Prospect Street

Follow Up Flag: Follow up
Flag Status: Flagged

Meagan -

Good morning, I hope that all continues to be well with you.

Be advised that on Monday, May 17, 2021, I Revoked the Zoning Permit that I had previously issued to construct an additional dwelling unit to the existing building for the premises located at 63 Prospect Street.

This is the notation that I placed on the permit Revocation:

"In regards to the proposed addition to construct: "Additions and Renovations to existing residence to add an additional apartment to the rear", for this premises at 63 Prospect Street, authorized by Zoning Permit Z-21-316, pursuant to CGS 8-3(m) and Special Public Session Public Act No. 20-7 item 18, due to the failure to obtain the necessary Town of Ridgefield Building Permits, and failure to commence construction on or before May 15, 2021, Site Plan Approval File#2007-038-SPA has expired.

Based on the May 15, 2021, statutory expiration of File #2007-038-SPA, effective May 17, 2021, Zoning Permit Z-21-316 is hereby revoked, and is now null and void."

If you have any questions do not hesitate to contact me.

Richard

Richard Baldelli
Director, Planning and Zoning Department, ZEO
66 Prospect Street



TOWN OF RIDGEFIELD
Planning & Zoning Commission

June 4, 2007

Mr. John Pierandri
The Giardini Limited Partnership
c/o Pierandri Realty, LLC and James Giardini
63 Prospect Street
Ridgefield, CT 06877

**Re: Application for Site Plan Approval
21 Units of Housing and Landscaping Plan at 63-67 Prospect St.
pursuant to Sec. 407.0 (R-5 Zone) of the Zoning Regulations
File #2007-038-SPA**

Dear Mr. Pierandri:

This is to inform you that the Planning and Zoning Commission, at its meeting held on May 15, 2007, voted to approve the site plan entitled, "Site Plan/Landscaping Plan, Garden Apartments, Pierandri Realty LLC and The Giardini Limited Partnership, 63-67 Prospect Street, Ridgefield, CT," last revised 5/7/07, prepared by John Kenyon Kinneer, Jr., A.I.A. This is a plan that shows 17 dwelling units in 4 new residential multi-family structures, and 4 additional units within an existing residential dwelling (with a new wing/addition) on the site, for a total of 21 dwelling units. The plan also includes provision for 32 parking spaces (4 are interior, garage spaces). The Commission reviewed the plan under the zoning regulations in effect prior to May 1, 2007, and approved the plan with the following condition:

1. The Commission will require additional review and may revise the landscaping plan on the east and west boundaries of the site following actual surveying of the property lines.
 - a. Existing large trees and shrubs on the east and west boundaries of the site, contiguous to the neighboring properties, may be required to be saved.
 - b. The Commission may require appropriate plantings based on height and size, after considering the nature and height of existing landscaping on the adjacent properties.

In addition to the Commission's consideration of the landscaping plan noted above, the following will be required as a result of review of the plans by the Director of Planning, the Fire Marshal, and the Highway Department:

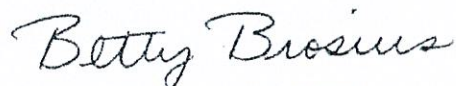
2. A detailed engineering plan showing contours, drainage structures, and site utilities shall be presented for review to the Director of Planning and the Town Engineer prior to the issuance of any zoning permit for construction.
3. The Plan shall show erosion controls and shall outline construction phasing and the method for erosion control for the duration of the project construction
 - a. Prior to the issuance of any zoning permit or the commencement of any construction activity, all erosion and sedimentation control structures shall be installed in accordance with approved plans and specifications under the terms and conditions of this permit, with strict adherence to the *2002 Guidelines for Soil Erosion and Sediment Control*, DEP Bulletin 34.

63 Prospect Street • Ridgefield, Connecticut 06877
Phone: (203) 431-2700 • Fax: (203) 431-2737

4. As noted in the memorandum dated April 30, 2007 from Fire Marshal David Lathrop (copy attached), no vehicles shall be allowed to park on the west side of the driveway unless areas are specifically marked to permit parking.
5. All building plans must meet applicable building and fire code requirements for multi-family dwellings.
6. The driveway shall be marked for one-way traffic circulation as shown on the plans, entering off Prospect Street and exiting at Sunset Lane.
 - a. In order to prevent the use of the driveway for through-traffic, and further to prevent vehicles from entering off Sunset Lane, a one-way gate shall be installed at the Sunset Lane exit (similar in function to the gate at the adjoining Wisteria Gardens complex).
7. Each building on the site shall require a separate Development Permit Application including the submission of two copies of a stamped and sealed class A-2 survey showing the location of the proposed structure.
 - a. An A-2 as-built survey for each of the structures is required prior to the issuance of the Zoning Certificate of Compliance for each of the buildings.
 - b. Prior to the issuance of the final Zoning Certificate of Compliance for the last dwelling unit (building) to be constructed or renovated on the site, an A-2 as-built survey shall be submitted showing the location of all site utilities, parking and vehicular areas, and buildings on the site.
8. The applicant is required to obtain permits and to comply with all applicable requirements of the Water Pollution Control Authority, the public water supply company, and the Ridgefield Department of Health.
9. In accordance with Connecticut General Statutes Sec. 8-3(i), approval of the Site Plan expires on 5/15/2012.

If you have any questions, please contact me.

Very truly yours,



Betty Brosius, MPA, AICP
Director of Planning

cc: John K. Kinneer, A.I.A.
Richard Baldelli, Zoning Enforcement Officer
William Reynolds, Building Official
Diana Van Ness, WPCA Administrator
David Lathrop, Fire Marshal
Edward Briggs, Director of Health
Peter Hill, Director of Public Services
Charles Fisher, P.E., Town Engineer
Subject File

March 23, 2016

Ms. Nancy G. Riedy, Ltd Partner
The Giardini Limited Partnership
283 Great Hill Road
Ridgefield, CT 06877

Re: Extension of Site Plan Approval
63-67 Prospect Street
21-unit Multi-Family Development
Our file #2007-038-SPA

Dear Ms. Riedy:

This is to inform you that the Planning and Zoning Commission, at its meeting held on March 22, 2016, voted to APPROVE your request for a five-year extension of the Site Plan Approval for the above-named development, an approval originally granted in 2007 under the previously existing Section 407(b) in the Zoning Regulations (Multifamily-Residence R-5 Zone, 15 Family Units per Acre). As you know, the property is now zoned MFDD.

This Site Plan was first issued by the Commission on May 15, 2007. Under State Statutes, a Site Plan is good for five years and may be extended for an additional five years. However, in 2011 the Connecticut State Legislature adopted Public Act No. 11-5 (copy attached) to extend the expiration date for any Site Plan approved prior to July 1, 2011 (and not expired prior to May 9, 2011) to nine years, meaning that your Site Plan was in effect until May 15, 2016. An additional five years extension is permitted under this Public Act, and the Commission has therefore extended your Site Plan Approval to May 15, 2021, as you requested.

All conditions of the original 2007 Site Plan Approval remain in effect.

If you have any questions, please call me at 203-431-2769.

Very truly yours,

Betty Brosius

Betty Brosius, MPA, AICP
Director of Planning

cc: Subject File #2007-038-SPA



ZONING PERMIT

Planning & Zoning Department - Town Hall Annex
66 Prospect Street Tel. (203) 431-2766 Fax: (203) 431-2737
Town of Ridgefield

Permit No.: Z-21-316
Permit For: Additions/Alterations
Property Owner: GIARDINI LIMITED PARTNERSHIP,THE AND PIERANDRI REALTY, LLC
Owner's Address: 63 PROSPECT ST RIDGEFIELD, CT 068774605
Property Address: 63 PROSPECT ST
Zone: R-5 **Lot Size:** 1.14 **Lot No:** E14-0190

Project Description:
Additions and Renovation to existing residence to add an additional apartment in the rear

Conditions of Approval:

- Erosion and Sediment Control measures shall be maintained in strict adherence to the 2002 Guidelines for Soil Erosion Control, DEEP Bulletin 34, as amended, and the Town of Ridgefield Modified Erosion Control standards, effective September 1, 2018, and shall remain in place until all work is complete and the site is fully stabilized.
- A Class A-2 Zoning Improvement survey showing the installed foundation shall be submitted to the Planning and Zoning Department prior to any work being started on the building walls.
- Prior to the Certificate of Zoning Compliance being issued, a Class A-2 "As-built" survey, prepared by a Connecticut licensed surveyor, showing the completed project, all buildings, structures, stormwater management system, and all site improvements shall be submitted to the Planning and Zoning Department.
- The surveyor shall state the Lot Coverage of all buildings in percentage.
- The surveyor shall state the Building Height.
- The surveyor shall state the Impervious Surfaces coverage in square feet.

Compliance with the June 4, 2007, #2007-038-SPA approval.

- Certification from a Connecticut licensed engineer that the stormwater management system applicable to this zoning permit has been properly installed and is functioning as designed.
- Certification from a Connecticut licensed landscape architect that the landscaping applicable to this zoning permit has been installed according to the approved landscaping plan.

Zoning Enforcement Official

April 9, 2021

Date



TOWN OF RIDGEFIELD ZONING ENFORCEMENT OFFICER

In accordance with Connecticut General Statute Section 8-3(f) the owner of the subject property and/or the applicant for a Zoning Permit or Certificate of Zoning Compliance may provide notice of such Zoning Permit or Certificate of Zoning Compliance by publication in a newspaper having substantial circulation in Ridgefield stating that the Zoning Permit or Certificate of Zoning Compliance has been issued. Any such notice shall contain: (A) a description of the building, use or structure, (B) the location of the building, use or structure, (C) the identity of the application, and (D) a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of Connecticut General Statutes Section 8-7, as amended, and the rules and regulations of the Zoning Board of Appeals.

In accordance with Connecticut General Statute Section 8-7, the issuance of a Zoning Permit or Certificate of Zoning Compliance may be appealed to the Zoning Board of Appeals within the time frame for appeal set by the Board. The appeal period for an aggrieved person shall commence at the earliest of the following : (1) upon receipt of the order, requirement or decision from which such person may appeal, (2) upon publication of a notice in accordance with Subsection (f) of section 8-3, as amended, or (3) upon actual or constructive notice of such order, requirement or decision.

66 Prospect Street - Ridgefield, Connecticut 06877

Phone: (203) 431-2766 - Fax: (203) 431-2737

February 19, 2021

Mr. Richard Baldelli
Director, Planning & Zoning
400 Main Street
Ridgefield, Connecticut 06877

RE: 63-67 Prospect Street, Ridgefield, Connecticut (the "Property")
Land Use Application

Dear Mr. Baldelli:

As the owners of the above referenced Property, we hereby authorize the attorneys of Cassidy Torrance Sandak & Hennessey LLP, with offices located at 707 Summer Street, Stamford, Connecticut, 06901, to act as agent for The Giardino Limited Partnership and Piacentini Realty, LLC in connection with all land use applications related to the redevelopment of the Property. Thank you for your acknowledgement of said authority.

Sincerely,

The Giardino Limited Partnership

By: 
Nancy Riody
REC'd

Piacentini Realty, LLC

By: 
John Piacentini