



LAND USE & CONSERVATION COUNSEL

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July 15, 2021

Carson Fincham
Chair, Zoning Board of Appeals of the Town of Ridgefield
400 Main Street
Ridgefield, CT 06877

**RE: No. 21-019, Appeal of The Giardini Limited Partnership and Pierandri Realty LLC
63 Prospect Street**

Dear Mr. Fincham:

This firm represents Paul N. Jaber and Suzanne Jaber, the owners and residents of property located at 12 Sunset Lane, Ridgefield, Connecticut, which property directly abuts the property which is the subject of this appeal.

We are in full support of the May 17, 2021 decision by the Zoning Enforcement Officer to revoke the Zoning Permit issued on April 9, 2021, and we ask that the Zoning Board of Appeals uphold that decision and dismiss this appeal.

We write to offer an additional argument to support the revocation of the April 9, 2021 Zoning Permit.

Special legislation passed by the General Assembly in 2020, signed by the Governor and effective October 2, 2020, provides that:

Notwithstanding the provisions of subsection (m) of section 8-3 of the general statutes, any site plan approval granted by the Ridgefield Planning and Zoning Commission at its meeting held on May 15, 2007, and further extended by said commission, for the construction of residential multi-family structures, and any modifications to such site plan, shall not expire if the applicant has obtained all the necessary building permits and commenced construction on or before the expiration date.

Public Act 20-7 § 18. The site plan approval referenced therein is unquestionably the site plan approval for this Property, upon which the April 9, 2021 Zoning Permit was issued.

Legal representation for property owners, municipalities and developers.

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Without conceding the overall validity of the special legislation, we note that the first clause thereof removes this particular site plan approval from the application of the “Covered Laws” as defined in Executive Orders JJ and 11, and it is therefore not subject to the tolling provisions thereof. The effect of the special legislation is to grant this particular property a unique status in the State – its expiration is governed by commencement of construction rather than the passage of time and completion of construction. It is the only property in the State which enjoys this special privilege of having no completion deadline. Notably, the special legislation was adopted *while the Executive Orders were in place*.

The Applicant failed to obtain the required building permits or commence construction, and as such, the April 9, 2021 Zoning Permit was properly revoked.

Should you have any questions, please feel free to give me a call.

Sincerely yours,

Peter S. Olson