



TOWN OF RIDGEFIELD

Planning and Zoning Department

To: Carson C. Fincham, Chairman
Cc: Kelly Ryan, ZBA Administrator
Patricia Sullivan, Counsel
William Hennessey, Esq.
Peter Olson, Esq.

From: Richard S. Baldelli, Director, Planning and Zoning, ZEO

Re: ZBA Appeal 21-019, Revocation Appeal Zoning Permit Z-21-316, 63 Prospect Street

Date: July 19, 2021

Chairman Fincham:

In response to Attorney Hennessey's July 16, 2021, letter to you and the Board, and doing so without repeating the bulk of my July 14, 2021, memorandum, that as indicated by the documents and exhibits submitted to the Board by Attorney Hennessey, it is obvious that, Attorney Hennessey and I have different interpretations of the Governor's Executive Orders and the tolling of appeals, in regards to their effect upon the May 15, 2007, 63-67 Prospect Street, Site Plan Approval.

In brief, my comments regarding Attorney Hennessey's July 16th submission to the Board are as follows:

Attorney Hennessey incorrectly interprets the reference to Decisions in Executive Order 7I to apparently mean all municipal decisions. Such an interpretation would have the bizarre results of giving new life to thousands of historic older Planning and Zoning Commission decisions statewide. I cannot fathom any scenario wherein the Governor's Executive Orders were intending to provide timeline extensions to the 65-day time periods for Site Plan applications, Special Permit applications and Subdivision applications that Planning and Zoning Commissions have previously acted upon, and decided, fourteen (14) or more, years ago.

Please note that the wording within the Order states: *the rendering of any decision required to be made within a particular period*, and in this instance, the 65-day time period for the Commission to make a decision on this Site Plan application ended in 2007. And, as we know, the Commission decision to approve this Site Plan application was performed on May 15, 2007

I think it is important to restate that there is nothing in the Executive Orders or the CGS, that goes to the benefit of extending, or negating, (the somewhat extraordinary) PA 20-7-18 that grants a very specific expiration date to the May 15, 2007, Site Plan Approval for the premises at 63-67 Prospect Street.


66 Prospect Street • Ridgefield, CT 06877
Phone: (203) 431-2766 • Fax: (203) 431-2737

www.ridgefieldct.org

I would like to clarify to the Board that while Attorney Hennessey states that: “the Site Plan Approval upon further review and approval of the landscape plan by the P&Z Commission Condition #1”, be advised that Condition #1 does not require the P&Z Commission to approve the landscape plan. Condition #1 of the Site Plan Approval does not give the Commission approval or denial power over the Site Plan Approval. Condition #1 limits the Commission to performing a review of the landscape plan.

I apologize if the wording “no zoning roadblocks” in my July 14th memo to the Board caused confusion. When using the roadblock terminology, I assumed that all of the memo readers knew that the law in Connecticut requires that for a building permit to be issued, a zoning permit has to be issued prior to the building permit being issued. I was attempting to convey to the reader, that as the Site Plan Approval had been granted, and with its conditions complied with, a zoning permit would be issued. Hence there would not be any zoning roadblocks prohibiting the property owner from receiving a building permit.

Regarding the tolling of appeals, I rely upon the information as stated in my July 14th memo to the Board to address Attorney Hennessey’s July 16th letter to the Board.



Richard S. Baldelli
Director, Planning and Zoning, ZEO