



MEMORANDUM

To: Zoning Board of the City of Stamford
From: Lisa L. Feinberg, Esq
CC: Raymond R. Mazzeo, AICP
Date: May 1, 2025
Re: ZB App. No. 225-08 (General Development Plan Application) - 30 Oak Street

This memorandum is submitted on behalf of 30 Oak Street LLC (the “**Applicant**”) and 30 Oak Stamford LLC (a related entity) in connection with an application seeking General Development Plan approval for the redevelopment of the property located at 30 Oak Street in Stamford (the “**Property**”). The proposal includes the conversion of an existing office building with onsite below grade parking into up to 60 residential apartments (the “**Application**”).

On April 14, 2025, Land Use staff received an objection letter from Nora B. Delano claiming that the Application is invalid, defective and misleading. In response to these concerns, we are submitting this formal response for the record. For ease of review, our responses follow the same numbering and subject headings as the objection letter.

One important overarching note, as it applies to several of the objections raised, is that the filed application is for a General Development Plan (GDP) approval. This is a preliminary application to request approval for the proposed use as well as the general size, scale, massing and location of the proposed building(s) – which in this case is an *existing* structure. The requirements for a GDP submission are clearly delineated in Section 2.H.3 of the Stamford Zoning Regulations (the “**Regulations**”). Notably, detailed site, architectural or landscape plans are not required. As such, no construction for the proposed residential conversion can commence based solely on an approval of the Application. Other necessary steps include a Final Site & Architectural Plan approval by the Zoning Board, which will include a separate future application with more detailed plans and reports. It will also be subject to a separate public hearing process with referral to City departments (Fire, Traffic, Engineering, EPB, etc.). If approved, the Applicant can then proceed with filing a Building Permit application, which again involves more detailed plans and further review by the Building Department, with referrals and approvals required from additional City departments (Fire, Traffic, Engineering, EPB, Zoning, etc.).

1. Procedural Invalidity of Application – Dissolution of Applicant and Lack of Ownership Standing

Connecticut courts have long held that a contract purchaser of a property is considered an equitable owner and has legal standing to process land use applications.¹ The Applicant entity 30 Oak Street LLC, the contract purchaser of the Property, has been reestablished. In anticipation of any future contract assignment, the application form has also been updated to include a related entity in good standing, 30 Oak Stamford, LLC. Both entities have provided Land Use staff with letters authorizing Redniss & Mead to act as their agent in preparing and processing the Application. Copies of the authorization letters and Secretary of the State filings are enclosed.

2. Legal and Regulatory Framework for Review

The objection claims that the application should be reviewed by several City, State and Federal agencies. It is unclear why any such referrals would be warranted. The objection cites Section 19 of the Stamford Zoning Regulations for reference to required items for GDP submissions – including a traffic impact analysis, environmental risks, and financial interest disclosures.

There is no Section 19 in the current Zoning Regulations. It is possible the objection is referring to an obsolete version of the Regulations, where Section 19 referred to application requirements and procedures for Variances and Special Permits. However, a General Development Plan is most akin to a site plan application, with regard to the review process. “In ruling upon a site plan application, the [Zoning Board] acts in a ministerial capacity, rather than in its quasi-judicial or legislative capacity. It is given no independent discretion beyond determining whether the plan complies with the applicable regulations. The board is under a mandate to apply the requirements of the regulations as written. ‘If the plan submitted conforms to these regulations, the Council has no discretion or choice but to approve it.’”²

In this case, Section 2.H of the Regulations provides the requirements for a GDP application. The Applicant submits that the application fully complies with the applicable standards and objectives of this section. No waiver of procedural obligations has been requested nor is one required. There was no failure to provide a traffic study³, account for environmental risks or provide ownership or financial disclosures. None of these materials are required by the Stamford Zoning Regulations or relevant to the Zoning Board’s analysis of the General Development Plan application.

¹See *Shulman v. Zoning Board of Appeals*, 154 Conn. 426, 431 (1967); *Shapero v. Zoning Board*, 192 Conn. 367 (1984) (contract purchaser is equitable owner of property.); *Worldwide Properties, LLC v. Zoning Commission*, No. DBDCV054004496, 2007 WL 155183, at *1 (Conn. Super. Ct. Jan. 5, 2007)

² *Allied Plywood, Inc. v. Planning & Zoning Commission of Town of South Windsor*, 2 Conn. App. 506, 512 (1984) (Internal citation omitted.)

³ Pursuant to Section 12.A.5 of the Zoning Regulations, no traffic study is required. However, the Applicant has submitted a preliminary trip generation analysis prepared by Kimley-Horn. The analysis shows that the proposed conversion from office to residential use would result in a drastic decrease in both peak hour and total daily vehicle trips when compared to the existing office use. See Kimley-Horn cites Trip Generation Manual, published by Institute of Transportation Engineers (ITE), 11th Edition. The required parking for the change of use also results in a reduction from the existing office.

3. Environmental Violations – Mature Tree Removal and CEPA Conflict

The objection refers to Section 12.K of the Regulations as requiring a “comprehensive landscape plan”. This appears to be an incorrect reference, as Section 12.K is part of the Mobility regulations governing public sidewalks. The objection also refers to Section 7.5.D.6, which does not exist in the current, or any recent, iteration of the Regulations. Pursuant to Section 2.H.3.d of the Regulations, a GDP application is only required to depict the “general location of landscaped areas”. No changes to the existing landscaping are proposed at this time. A full landscaping plan, showing existing and, if applicable, proposed plantings, will be provided with a Final Site Plan application, should the proposed development continue through the approval process. Moreover, the Connecticut Environmental Policy Act (CEPA) applies to actions proposed or funded by state agencies that could significantly impact the environment. There is no state involvement in this application.

4. Air Quality, Hazardous Materials, and Public Health Risk

The objection suggests that the application is bypassing required permitting, environmental filings and health inspections. This is not true. The GDP application is the very first approval process required to facilitate the proposed conversion. If the GDP is approved, a Final Site Plan application will be filed with the Zoning Board. It is only after a Final Site Plan is approved that an applicant may apply for a Building Permit. A Building Permit will not be issued until the City’s Building Department, Engineering Department, Transportation, Traffic & Parking Bureau, Health Department, Fire Marshal’s Office, Environmental Protection Bureau, Water Pollution Control Authority and Land Use Bureau review and approve the construction plans. These departments are well-versed in the applicable codes and it is their purview to ensure compliance before construction may begin. No construction activity can take place as a result of this GDP approval alone.

The objection also refers to the CGS Section 19a-343 which gives the State the right to bring action to abate a public nuisance which include prostitution, promotion of obscenity, transmission of gambling information, offenses related to controlled substances, unauthorized sale of alcohol, maintaining a chop shop, inciting injury to person or property, murder or manslaughter, assault, sexual assault, fire safety violations, firearm offenses, drug related crimes or violation of a municipal ordinance related to excessive noise, unsanitary living conditions or illegal massage parlors. No such actions have been brought, and no such nuisances exist on the property, to the best of our knowledge.

5. Traffic Burden, Parking Deficiencies, and Pedestrian Risk

The objection claims that the proposed application cannot be approved without a complete traffic analysis and that the failure to consider such an analysis would be a breach of the Zoning Board’s regulatory duty. This is legally incorrect. “The designation of a particular use of property as a permitted use establishes a conclusive presumption that such use does not adversely affect the district and precludes further inquiry into its effect on traffic, municipal services, property values,

or the general harmony of the district.”⁴ The MX-D zoning district, where the Property is located, was specifically established to promote the conversion of underutilized commercial uses to residential uses, and the proposed density is well-within the maximum number of units permitted. Thus, traffic impacts are not relevant to the review of this application.

Notwithstanding the foregoing, a traffic impact letter generated by a professional traffic engineer was submitted with the Application. The objection appears to disregard the Applicant’s traffic analysis and claims that the proposed 60 residential units would create 390 daily vehicle trips, generally referencing the ITE Trip Generation Manual, but no specific use code or edition. This would mean an average of 6.5 vehicle trips (in or out) per unit, per day, and is drastically different than the findings of the Applicant’s traffic consultant, which estimates 176 daily vehicle trips. The objection also treats the site as a vacant lot, omitting any calculation of the estimated traffic for the existing office use.

The objection categorizes Oak Street as “a narrow residential corridor...with multiple side streets and minimal buffer space.” Oak Street is a conforming 50’+ wide right-of-way with no side streets. It connects two one-way roads (Summer and Bedford Streets) and does not extend beyond either road. Oak Street also maintains public on-street parking and public sidewalks on both sides of the road. It is well-equipped for the proposed 60 dwelling units.

Today, the site is improved with over 120 parking spaces. The proposed residential use will require slightly more than half (66 spaces), and the Application commits to maintaining a minimum of 80 parking spaces. The resulting parking ratio is conservative and will still dramatically reduce the number of vehicles that could be accommodated on the site at one time. A 30-minute commercial loading zone also exists along the site frontage. No additional rideshare or visitor spaces are required. The location of any bicycle and EV parking spaces will be determined at the time of Final Site Plan approval.

6. Distorted BMR Metrics and DOJ Investigation into Rent Inflation

This section of the objection makes no specific claims related to the Application, but references a lawsuit claiming that RealPage Inc manipulated “Area Median Income (AMI) benchmarks”. The lawsuit, however, appears to relate to alleged manipulation of rental prices and not income levels. It is unclear whether the objection is suggesting that HUD’s Office of Policy Development and Research, which establishes AMI and, by extension, applicable Below Market Rate housing rents, is somehow involved in this lawsuit. The Applicant has no control over AMI. In any event, it is not relevant to the Application which conforms to the Below Market Rate housing requirements in the Regulations.

6A. BMR Unit Designation, Bracket Compliance, and Zoning Discrepancies

The objection claims that Stamford’s BMR program “mandates that units be distributed across income tiers” of 30%, 50% and 80% of AMI. This is simply incorrect. The base requirement of

⁴ *Havurah v. Zoning Board of Appeals of Town of Norfolk*, 177 Conn. 440, 443 (1979)

Stamford's BMR regulations is 50% of AMI, though it does permit a range of affordability levels, at the Applicant's discretion. The Regulations also permit BMR requirements to be satisfied through a Fee-In-Lieu payment, also at the Applicant's discretion.

The Applicant has not made a determination as to how the BMR housing requirement will be satisfied for this proposal, but has included a draft Affordability Plan, should the units be provided onsite. The details of this plan will be updated at the time of Final Site Plan approval, and again prior to the issuance of a Certificate of Occupancy. The final Affordability Plan will be reviewed by the Land Use Department, Housing Department, and Law Department, prior to issuance of a Certificate of Occupancy, to ensure compliance with the Zoning Regulations and any relevant conditions of a Zoning Board approval.

6B. Misstated AMI Levels and Improper Bracket Allocation in Violation of §7.4

The objection suggests that the Affordability Plan is noncompliant because it includes an example rent calculation using the 2020 AMI. Because the AMI changes annually, there is no way for the example calculation to be continuously accurate. The calculation provided in the Affordability Plan is purely meant to show *how* rent is calculated when AMI is released each year, it does not establish a rental amount. The year chosen in the example calculations is irrelevant. Similarly, any onsite unit designations will be made once actual floor plans and unit layouts have been designed. Such designations are provided prior to the final Affordability Plan being recorded on the land records and in compliance with the Regulations and any relevant conditions of a Zoning Board approval. No waiver is required if the Applicant chooses to satisfy the BMR requirement through a Fee-in-Lieu payment in accordance with the Regulations.

6C. Pattern of Non-Enforcement by the City of Stamford: Complicity in BMR Bracket Evasion

The objection refers to "a broader pattern of systemic non-enforcement by the City of Stamford", without the inclusion of any specific occurrence or example. These types of allegations are frivolous and irresponsible.

7. Lack of Contract and Legal Standing of Applicant

30 Oak Street, LLC is the legal contract purchaser of the Property with contractual authority to file land use applications to facilitate the purchase and conversion of 30 Oak Street by the Applicant. Any prior discrepancy related to the entity status has been cured.

8. Conclusion and Requested Action

The objection letter suggests that the Zoning Board must deny the Application based on the rationale provided. For all of the reasons previously stated, the Applicant submits that the proposal is fully compliant with the Regulations and should be approved by the Zoning Board.



Secretary of the State of Connecticut Certificate of Reinstatement

Domestic LLC

FILING DETAILS

Filing Number: 0013373331
Filing Fee: \$120.00

Report Year: 2025
Filed On: 4/16/2025 2:05:49 PM

PRIMARY DETAILS

Business Name: 30 Oak Street, LLC
Business ALEI: US-CT.BER:3138952

<i>Existing Information</i>	<i>Updated Information</i>
Business Email Address:	blacoff@belpointe.com
NAICS Information:	Other Activities Related to Real Estate (531390)

BUSINESS LOCATION

<i>Existing Information</i>	<i>Updated Information</i>
Principal Office Address:	255 Glenville Rd, Greenwich, CT 06831-4173 United States
Mailing Address:	255 Glenville Rd, Greenwich, CT 06831-4173 United States



Secretary of the State of Connecticut Certificate of Reinstatement

Domestic LLC

APPOINTMENT OF REGISTERED AGENT

Type: Business
Agent's Name: GREENWICH LEGAL ASSOCIATES, LLC
Agent's ALEI: US-CT.BER:0753313
Business Address: 881 LAKE AVENUE, GREENWICH, CT 06831 United States
Mailing Address: 881 LAKE AVENUE, GREENWICH, CT 06831 United States

NEW AGENT APPOINTMENT ACCEPTANCE

Agent Signature: Jessica Dominguez
Title: Operations Manager
This signature has been executed electronically

NEW PRINCIPAL INFORMATION

This section contains principals who were added as part of this report.

Principal Name:	BELPOINTE CAPITAL MANAGEMENT, LLC
Title:	Manager
Business Address:	255 GLENVILLE ROAD GREENWICH, CT 06831 United States
Residence Address:	None

ACKNOWLEDGEMENT

I hereby certify and state under penalties of false statement that all the information set forth on this document is true.



Secretary of the State of Connecticut Certificate of Reinstatement

Domestic LLC

I hereby electronically sign this document on behalf of:

Signatory/Authorizer Business Name: BELPOINTE CAPITAL MANAGEMENT,
LLC

Signatory/Authorizer Individual Name: Jessica Dominguez

Signatory/Authorizer Individual Title: Operations Manager

Filer Name: Jessica Dominguez

Filer Signature: Jessica Dominguez

Execution Date: 04/16/2025

This signature has been executed electronically.

February 20, 2025

City of Stamford Planning & Zoning Boards
c/o Ralph Blessing, Land Use Bureau Chief
888 Washington Boulevard
Stamford, CT 06901

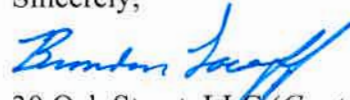
Re: 30 Oak Street, Unit B (Assessor Card#: 004-5398) - Stamford, CT

Dear Mr. Blessing,

This letter serves to authorize Redniss & Mead, Inc. (with offices at 22 First Street in Stamford, CT) to act as our agent in connection with the preparing, filing, and processing of applications required for Planning and Zoning approvals relating to the above referenced property.

Thank you for your acknowledgement of said authority.

Sincerely,



30 Oak Street, LLC (Contract Purchaser)
Brandon Lacoff, Authorized Signatory

April 17, 2025

City of Stamford Planning & Zoning Boards
c/o Ralph Blessing, Land Use Bureau Chief
888 Washington Boulevard
Stamford, CT 06901

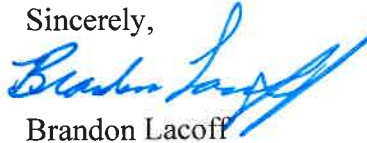
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Sincerely,



Brandon Lacoff
Manager
30 Oak Stamford, LLC