

CITY OF NORWALK
ZONING COMMISSION - SPECIAL MEETING
LOCATION: CONCERT HALL
April 4, 2012

PRESENT: Joseph Santo, Chair; Emily Wilson; Jill Jacobson; James White; Michael Mushak; Nathan Sumpter; Adam Blank (arrived at 7:20 p.m.)

STAFF: Michael Greene; Michael Wrinn; Frank Strauch

OTHERS: Atty John Fallon; Farhan Memon; Sayid Ali; Michael Galante; Atty Mark Grenier; Councilman Fred Bondi; Councilman Warren Pena; Brian Gough; Isabelle Hargrove; Rabbi Ron Fish; Omar Munshi; Reverend Kate Heichler; Samiha Julekha; Reverend Keith Welch; Fawzia Belal; Nashwa Adeeb; Aamir Kadri; Suhail Kadri; Donald Burr; Jenni Elmished; Debra Simons; Joseph Squeo; Moina Noor; Taylor Strubinger; Paul Bryant Smith; Shaheera Ali; Jo-Anne Horvath; Faid Alzoubil; Missy (Mary Teresa) Conrad; Syed Reza; Ann Marie Hoehler; Joe Mitchell; Michelle Winthrop; Azzrimer Mahmoubad; Hussein Qadri; Aziz Seyal;

I. CALL TO ORDER

Joseph Santo called the meeting to order at 7:00 p.m.

II. ROLL CALL

There was no roll call. Mr. Santo went over the rules of the Special Meeting, the use of cell phones, the schedule of the presentation, the use of sign-up sheets for public comments and length of comments. Although there was no time limit, it was asked that the comments should be kept brief. If the meeting did not finish by 11 p.m., it would be continued on Wednesday, April 11, 2012. The application would be sent back to committee for a resolution. The commission had 65 days from this Special Meeting to vote on the application.

III. PUBLIC HEARING:

a. #12-11 SP - Al Madany Islamic Center - 127 Fallow St - Mosque & multi purpose hall

Mr. Santo opened the public hearing. Atty Fallon began the presentation. At this time, he turned over to Mr. Wrinn the notice of the special meeting letter, the list of property owners that it was sent to and the green cards. The application was for a special permit to allow the use for a house of worship at 127 Fallow Street. He gave a background of the original application which was filed in the Spring of 2010. The applicant received numerous comments after meetings with the Planning and Zoning Dept. staff. They addressed these comments by modification to their plans. On April 8, 2010 they met with the Plan Review committee at which time the applicant was asked to provide a model and computer simulation which has been used at all subsequent meetings and would be used at this Special Meeting. After a second Plan Review meeting raised concerns about the location of the driveway, the application was withdrawn. This application has modified the location of the driveway and has been approved by various city departments including the Department of Public Works and the Fire Department.

Atty Fallon continued with a background of the applicant which included the fact that the Al Madany had been in existence in Norwalk since 1999 and that 100 families were a part of the congregation. According to Atty Fallon, the lack of a mosque inhibits the congregation from

conducting their religious and educational and social outreach activities.

He also noted to the commissioners that the congregation had tried to reach out to neighbors by holding information sessions and has tried to meet with representatives of the condominiums in the neighborhood. The congregation has spent a lot of money on traffic analyses. Atty Fallon handed out packets which included a Google Map of the general area. This zone provided for numerous uses including single family homes, schools, condominiums, schools and municipal recreational facilities.

Atty Fallon then discussed the remainder of the presentation. The first speaker would narrate the computer simulation and then the commission would hear from the architect of the plans. The site engineer was available for questions. Atty Fallon stated that the plans had been approved by the Water Pollution Control Authority, the Department of Public Works, the Department of Conservation and the Fire Marshall. The last speaker would be Michael Galante, the traffic engineer. Atty Fallon reserved the right to provide a rebuttal after the public comments.

The next speaker was Farhan Memon, 15 Pequot Drive, who is also a member of the Board of the Al Madany Mosque. Mr. Memon went over the computer animation of a drive through the neighborhood. An aerial view was also shown for the public's benefit. The computer animation began at Kendal School and continued to Fallow Street and North Taylor Street where the mosque would be built. This was actual footage of the streets. As Mr. Mermon continued, a computer generated 360° view of the proposed mosque was shown. It showed the red house on the property as well as different views of the property. He explained how the project had two phases, one was the mosque and the other was a community hall for religious classes and other mosque related activities. The computer animation also included the other buildings in the neighborhood to show the proportion of the mosque to the condominiums and Kendall School. The applicant would provide this computer animation to the commissioners in digital form.

The next speaker was Sayid Ali, the architect on the project. He began with the aerial view of the site, 127 Fallow Street. There was a discussion about where to set up his displays so that both the audience and the commissioners, who were sitting on a stage, could see them. It was decided that it was more important for the commissioners to see the diagrams. He gave a description of the surrounding community as well as a thorough description of the building. He also discussed the red house that was on the property. He then went over the individual plans for each floor. The mosque itself had a main floor and a mezzanine. All of the parking was surrounding the building as well as some under the building. Since there were many entrances, it was always possible to find a nearby entrance from the parking lot. Mr. Ali also described the gymnasium in the community building.

At this point in the meeting, Mr. Santo requested that copies of the commissioners' handout be circulated around the Concert Hall for the public's review.

Mr. Ali continued with his description of the classrooms in the community building. He showed the commissioners the front elevation of the building as well as going over the types of materials that would be used in the construction of the buildings. He also described the minaret which is a traditional design. There would be spiral stairs to the top of it. He also discussed the handicapped parking and the number of parking spaces. He showed a Google map of Fallow Street, upon which he pointed out all of the other large buildings in the area including all the schools, Oak Hills Golf Course, the tennis club and the two condominiums, Stone Gate and Fallow Ridge.

Atty Fallon noted that Mr. Ali would remain in attendance if any of the commissioners

had any questions. Before the next speaker approached the podium, he noted to the commissioners that in previous meetings there had been comments about the mosque becoming a "destination mosque." Atty Fallon then pointed to a map in the back of the handout which showed the various mosques within a 25 mile radius of the proposed mosque. There were nine of them. The applicant believed that this mosque would only serve their congregation.

Atty Fallon also discussed the traffic analysis. Since they could not find a mosque that they believed was similar to the proposed mosque, they analyzed data from the actual counts of the Friday services. He believed this was the best evidence of actual traffic.

Michael Galante, of Frederick P. Clarke and Associates, continued the presentation. He handed out a letter dated April 4, 2012 which included responses to concerns raised by the commissioners at previous meetings. He noted to the commissioners that everything he would be discussing was in his December 2011 report or the letter he had handed out. He went over Table 1 of the December 2011 report and noted that they had used the counts from the Friday afternoon services between 1 - 2 p.m. The next part of the analysis was for the high holy days which occur twice a year. They could occur on any day of the week. They started their assumptions with a 10 a.m. start time for the high holy day services and that the services would last 2 hours. Peak times on Fillow Street are 8-9 a.m., 5-6 p.m. and 3-4 p.m. The Friday services would occur at off peak times. Their analysis for the high holy days was a worst case scenario. They assumed all trips would be made to the mosque for one service. In committee meetings, the applicant consented to having two services on the high holy days which was not analyzed.

Mr. White asked whether there would be activity in the community building while services were being held. Atty Fallon said there would not be.

Mr. Galante discussed Table 1 of the April 4, 2012 letter which showed the traffic flows for a church and a synagogue. He also discussed a summary sheet that had been provided. The levels of service were between A-C. He then discussed Table 5 in the December 2011 report which compared the traffic if a mosque was built and if one was not.

Accident data was reviewed and analyzed for the original application; however, when he had requested new data from the Norwalk Police Department for the years 2009-2011, he was told that no new accident reports had been filed. Pursuant to a request that the commissioners had made at a Plan Review committee meeting, accident data was reviewed and analyzed for the area around Norwalk Community College ("NCC"). He also reviewed some accident data in his files for another project that showed that there were not a lot of accidents on Fillow Street.

At this point, Mr. Blank asked a question about the size of the mosque. The current mosque has 90 seats and the proposed mosque would have 435 seats. Why does the applicant feel the need to increase the size so significantly? Atty Fallon noted that it was designed to accommodate for times of most activity. However, on the high holy days the applicant had agreed to hold two services so that all of the congregants would not arrive at one time. They wanted to be able to service the needs of the congregation for years. It is no different than any other house of worship. In other houses of worship such as a Catholic Church, they have also been built to accommodate for times of high activity. Mr. Blank then asked about the two services and the amount of people at each service. He felt there could be 200 people or there could be 900 people. Atty Fallon could not guarantee how many people would be at each service on high holy days.

Atty Fallon then began to discuss the community building. It would be used as a community room for events by the congregation to benefit its members. He also addressed the

concern that it may be rented to outside groups. His response was that there is no catering kitchen. Also, since their organization is tax-exempt they could not risk losing that status to run a commercial facility. Atty Fallon mentioned other houses of worship in the city that have also applied for applications for community buildings that are similar to the one that Al Madany has applied for.

Mr. Mushak asked about the plan for overflow parking on high holy days. Atty Fallon said that their plan had three aspects: (1) two services which had previously been discussed; (2) at the mosque's expense, an off duty police officer would be hired to maintain on-site parking; and, (3) provided the commissioners with a letter from United Congregational Church for an additional 20 parking spaces. For this last, shuttle service would be provided from the church to the mosque.

In his summation, Atty Fallon spoke about the traffic report and the levels of service reported. He then discussed the landscape plan which had not been discussed in the presentation. There would be over 300 different species of trees, plants and bushes. This speaks to the commitment of the congregation to be a good neighbor. They are providing privacy to the neighbors. The mosque would be happy to listen to the concerns of the neighbors, if need be. The driveway location had been approved by the necessary departments.

Atty Fallon began to go over the Zoning Regulations and pointed out that the application had satisfied the standards of the regulations. He discussed the Religious Land Use and Institutionalized Persons Act ("RLIUPA") regulations as they applied to this application. He believed that since the application complied with the Zoning Regulations, the application should be approved. Mr. Santo stated that the Zoning Commission had the right to impose conditions on the application. Atty Fallon agreed that in certain contexts, the Zoning Commission had the right to impose conditions.

Mr. Santo asked what the square footage of each of the buildings were. At this point, Atty Grenier asked for a copy of the traffic report that was submitted at the meeting. Mr. Ali then answered Mr. Santo's question and reported the total size of the mosque. Mr. Santo noted that many congregations built their churches and then added on later. He even gave an example. Atty Fallon said they wanted to do everything at once because they wanted to complete it all at once. Since it is a huge commitment they want to do it right, they want to have a facility they are proud of and it should meet the needs of the congregation. Atty Fallon reminded them that the project met with their guidelines. Mr. Santo asked when they would build Phase 1 to which Atty Fallon said it would be simultaneously.

Mr. Mushak asked how they reach a capacity of 435. Atty Fallon told him that there was a formula that the Department of Planning and Zoning used. Mr. Wrinn said it was based on square footage.

Mr. Blank asked further questions about the square footage of the mosque. Mr. Mushak noted that the Fire Department had set forth a capacity of 835 for the community building. He wondered if this would be used as overflow if the mosque became popular. Atty Fallon said this would not happen and that the commissioners could put this as condition on the application. The community building would only be used for events by the congregation.

Mr. Sumpter asked the religious leaders of the mosque why others wouldn't want to come from other mosques? Atty Fallon said that they did not anticipate that others would come from other mosques. This would not be their home base.

Mr. Santo asked Mr. Galante some questions about the counts that were taken in his

traffic report and Connecticut Department of Transportation standards. Mr. Santo said the commissioners were concerned about the future growth of the mosque. Mr. Galante's report was based on actual counts. Atty Fallon asked why they were concerned about the future growth. Mr. White said they should be concerned about future growth.

Atty Grenier asked whether they could see a better site plan in order to prepare a rebuttal. Atty Fallon said that was on file for 3 months so that was all they needed to do.

Mr. Santo then explained the procedure for making comments if audience members had signed the sign-in sheet. At this point, the meeting was recessed for 5 min.

Mr. Santo re-adjourned the meeting at 8:58 p.m. He pointed to empty seats before the stage that the public was invited to sit on while waiting for their name to be called.

Councilman Fred Bondi spoke against the application. His concerns were about the traffic and its impact on the area. He did not think they had enough parking spaces.

Councilman Warren Pena spoke in favor of the application. The community center would help to keep kids off the streets. It would help the community to become better friends with the Muslims. He spoke of his own personal experience with the Muslim community. He said there were houses of worship in every neighborhood in Norwalk. It would not endanger anyone.

Mr. Santo reminded the public to keep their remarks brief.

Brian Gough was the next speaker. He spoke against the application. He lived around the corner on Stepping Stones Road. He said he would be speaking against any house of worship. He was concerned about the size of the mosque. He thought it was too big. He was also concerned about the amount of traffic it would generate. He was afraid that since it was so big more people would come to it.

Isabelle Hargrove, 4 Red Oak Lane, said that she had lived in the neighborhood for 15 years. She spoke against the application. She had gathered signatures on a petition against it and would submit it to the commission. She thought it would increase traffic. Like the previous speaker, she believed that if the mosque was built more people would come to it. It would not just be used for 2 hours a week; it would be used all the time because of the community building. The architecture of the building was inconsistent with the New England architecture of the neighborhood. The scale of the building would dwarf the other houses in the neighborhood. Since it was set on only 1.5 acres, it could not be hidden from the neighborhood like the other churches and the synagogues.

Rabbi Ron Fish, of Temple Beth El, spoke in support of the application. He spoke of the religious diversity of Norwalk. He also said that every house of worship in Norwalk has problems with parking and space and working within the community. He felt the challenges could be addressed.

Mr. Santo reminded the audience members to speak about the application and not make speeches. There were many people on the sign-up sheet so he wanted to make sure everyone had a turn. Mr. White reminded everyone that this was not an application about religion but rather, that it was strictly a zoning application. They would be reviewing the impact that the site had on the neighborhood and whether it met the zoning regulations.

Omar Munshi, 147 Fillow Street, said that he would change his speech. Mr. Santo asked that he submit it for review by the commission. He spoke for the Muslim youth in Norwalk

and in support of the application. The mosque is central for education. He attends Fairfield University, which is a small Jesuit institution. At Fairfield University, he is a member of the Muslim Student Association on campus. He believed the mosque would benefit the youth.

Reverend Kate Heichler, President of the Interfaith Council of Southwest Connecticut and spoke in support of the application. She noted that the Al Madany congregation have been active in the Interfaith Council.

Samiha Julekha, Byrd Street, who is 15 years old, spoke in support of the application. She felt it was a burden not to be able to practice her religion since there is no mosque in Norwalk. She also wanted to learn more about the religion.

Reverend Keith Welch, who lived at 146 Main Street, is the pastor of the Norwalk Church of the Nazarene and the President of the Greater Norwalk Interfaith Association; spoke in support of the application. He believed that if the applicant had met all zoning requirements, then the application should be approved. He believed that some of the neighbors did not want the mosque "in their backyard." If the problem was that the building was too big, then perhaps it should be scaled back.

Fawzia Belal, 136 West Cedar St., spoke in support of the application. She said that in June 2011 the first Saturday Islamic School was opened. She discussed the great interest by the Muslim community and the fact that there was now a waiting list.

Mr. Santo reminded the audience again that since there was a lot of people on the waiting list, that everyone should try to be brief and on topic. Mr. White also again reminded the audience members that this was not an application about religion, but rather, about zoning issues. Atty Fallon said that under the RLUIPA standards, legally comments made about religion and how this mosque related to their religion, were relevant.

Nashwa Adeeb, 50 Stuart Avenue, spoke in support of the application. She moved to Norwalk from Atlanta, Georgia where there were many mosques. She was disappointed to find no mosque in Norwalk.

Aamir Kadri spoke in support of the application. While growing up in Norwalk, he attended many bar mitzvahs, christenings, etc. At some point, he realized he could not show people his religious customs. He said that there was no other place to put the mosque since there was not much available land in Norwalk. As long as the application has met the guidelines then the application should pass.

Suhail Kadri, Linden Street, spoke in support of the application. He has lived in Norwalk for over 35 years. He believed it was important to speak of religion in the context of the application because the mosque was not only a place of worship; it was a place of education, fellowship, etc. This is how it will be viable in the future. He pointed out that it would not be feasible if the mosque grew beyond the legal use of the property. He addressed the parking concerns as well. He also noted that there would probably not be any more people attending Friday services. He discussed how the condos generate more cars coming from it during peak hours while the mosque generated traffic during off-peak hours. He also discussed how the congregation had agreed to offer 2 services for the high holy days. In comparison to the little red cottage that was on the property, the mosque was big. He addressed the concerns about the look of the neighborhood changing. He thought the site was a beautiful one for a mosque. He would like to hold monthly community meetings which are open to all. That would help everyone understand what happens there.

Donald Burr, 18 Avenue D, spoke in support of the application. His church has shared

space with the Al Madany congregation for over 10 years. He would hope that they could all eventually work together about any outstanding issues so that the congregation could have their own place of worship.

Atty Grenier, who represented the Fillow and Stone Gate Condominiums, discussed with the commissioners how long his presentation would be. He agreed to allow other members of the audience to speak and then defer his presentation to the following week. There was to be an exchange of documentation between the two attorneys so that both would be properly prepared for next week's meeting.

Jenni Elmished spoke in support of the application. She said that the only people that would attend services on Fridays were those that could leave work from 1 - 2 p.m. There were not that many and she did not think that there would be a lot more. Also, there are only 2 high holy days. She thought the traffic counts were a little misleading because they assumed that only 2 people would be in a car on those days. She said these were families attending service and that usually at least 4 people were in a car. She did not think parking would be an issue. She submitted her speech to the commissioners.

Debra Simons, 22 Kendall Court, spoke against the application. She was concerned about the effect of the mosque on the carbon footprint of the area. She did not agree with the statistics set forth by the applicant. She thought that it was not a good intersection for the amount of vehicles that would be there.

Joseph Squeo, 2 Kendall Court, spoke in opposition to the application. He lived across the street from Kendall School. He was concerned about the environment and the white oak trees on the property. Mr. Mushak told Mr. Squeo that the Conservation Commission had approved the application.

Moina Noor, 15 Pequot Drive, spoke in support of the application. Her point was about the traffic. She said that it was a problem all over the city which needed to be addressed by the city. She left a copy of her speech.

Taylor Strubinger, 211 Fillow Street, spoke in opposition to the application. He had attended several other meetings about the mosque. He asked about a newspaper article that he read that the Department of Public Works would be installing a traffic sign installed on Fillow Street and North Taylor. The commissioners said this was not true. The mosque was farther away from the other churches and the synagogue in the area. When the other houses of worship had their high holy days, they shared parking. This would not be possible for the mosque. He thought the size of the parking lot was much smaller than the other houses of worship. He was also concerned about the size of the mosque.

Paul Bryant Smith, 9 William Street, who is Vice President of the Norwalk Clergy Association and Chaplain at Norwalk Hospital, spoke in support of the application. He discussed the size of the mosque. He said that most churches do not use all of the space that they have so there should not be a concern about the size of the mosque. He asked the commissioners to work together in the best interest of the city.

Shaheera Ali, 28 Split Rock Road, spoke in support of the application. She was concerned that there was no mosque. She thought that there would always be a problem with building a mosque in Norwalk. She believed that since there were no zoning issues, there should be no problem with an approval. She compared her life in Hartford to her life in Norwalk. Then she talked about her life without a mosque and community building in Norwalk.

Jo-Anne Horvath, 1 Cobblers Lane, spoke in opposition to the application. She felt that

the building was too massive. The acreage is not enough for the building. She is also concerned that there is underground parking. It indicated to her that there was not enough parking.

Faid Alzoubil, 12 Houston Terrace, Stamford, CT, spoke in support of the application. He did not think that religion could be separated from the application.

Missy (Mary Teresa) Conrad, 37 Stonecrop Road, spoke in support of the application.

Syed Reza, 346 Main Avenue, spoke in support of the application. He believed that the mosque should not affect traffic since it won't be used at the same time as the schools, etc. If there is an issue with the size of the minaret, then the commissioners could ask them to scale back the size of it. He believed that, if the application met all the applicable zoning regulations, then they could all work together to make it work.

Ann Marie Hoehler, 46 Prospect St., spoke in opposition to the application. She had concerns about the traffic to be generated. There were other areas of Norwalk that the mosque could be built in. She felt that Norwalk was becoming like Stamford.

Joe Mitchell, 25 Kendall Court, spoke in opposition to the application. His concern was the amount of cars leaving the mosque on Friday afternoon. He was also concerned about how long it would take to build and would there be work on weekends, etc.

Michelle Winthrop, 5 Twin Ledge Road, spoke in opposition to the application. She was concerned about the area in the winter. It would get icy and cars would get into accidents. She said that there was a blind corner there. She was concerned about the minaret and how loud it would be. Also, she mentioned that if they are blasting a rock ledge, the radon levels should be checked. Mr. Mushak told Ms. Winthrop that the minaret would be symbolic and not used to call the congregation to prayers.

Azzrimer Mahmoubad, 23 Blake Street, spoke in support of the application. He discussed the different prayer times which he did not think would cause traffic. It would not interfere with the times that schools would be opening and closing. They participate in interfaith services. He was not sure where else a mosque could be built in Norwalk.

Hussein Qadri, 4 Elton Court, spoke in support of the application. He has been holding prayer services in his house for 27 years. There has never been an issue with accidents and traffic. The congregation would like to gather together for basketball as well as pray. It cannot happen if the application is denied. He would like people to understand Islam better.

Aziz Seyal, 138 Mona Terrace, Fairfield, CT, spoke in support of the application. He was the realtor who found the property for the Al Madany congregation. He said it took them 3-4 years to find the property. He explained about the Friday prayers and those that did come to services did not stay long since they had to go back to work.

Although Mr. Santo thought he was to close the public portion of the hearing, staff informed him that it had to remain open because the meeting ended after 11 p.m. and not at 11 p.m. as he had originally announced. If there was anyone at the continuation that wanted to speak, they would be allowed to do so. The meeting was to be continued in the community room at 7 p.m. on Wednesday, April 11, 2012.

IV. ADJOURNMENT

The meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Diana Palmentiero