

**CITY OF NORWALK
SPECIAL MEETING OF THE ZONING COMMISSION
JUNE 6, 2012**

PRESENT: Joseph Santo, Chair; Emily Wilson; Jill Jacobson; Adam Blank; James White; Mike O'Reilly; Nathan Sumpter; Michael Mushak

STAFF: Michael Greene; Frank Strauch; Adam Carsen

I. CALL TO ORDER

Joseph Santo called the meeting to order at 7:30 p.m.

II. ROLL CALL

Michael Greene took the roll call.

Mr. Santo began the meeting by telling the audience members that the final vote for this application was originally scheduled for June 20, 2012. The commissioners decided to reschedule it because they did not want to delay the vote.

III. REPORT OF PLAN REVIEW COMMITTEE, JAMES WHITE, CHAIR

a. #12-11 SP - Al Madany Islamic Center - 127 Fillow St - Mosque & multi purpose hall - Recommendation of Committee and Zoning Commission action

**** MR. WHITE MOVED: BE IT RESOLVED that the application be denied for failure to comply with the Zoning Regulations and the Standards for Special Permits in that:**

- 1. The claimed accessory uses in the large rear building have not been clearly defined by the applicant as required in the Special Permit application instructions and section 118-1450B of the regulations;**
- 2. The traffic report failed to identify any uses or analyze any uses of the rear building as required in the Special Permit application instructions and section 118-1450B of the regulations;**
- 3. The density of the use and the bulk of the buildings (118-1450C1a) is not in harmony with the general purpose and intent of the regulations, to wit, it is substantially larger than most places of worship, it would not blend well with the surrounding residential neighborhood, and could not be adequately screened from the neighbors' views;**
- 4. The rear building is much larger than the main building (place of worship), and therefore, we find that it does not comply with section 118-310B(4) in that it is not incidental to and customarily associated with the principal**

use, further, it is inconsistent with the low density nature of the zone and with local street characteristics (section 118-310A);

5. The proposal to share parking with an off site church does not comply with the parking regulations (section 118-1220 H and K), to wit, no long term parking agreement was submitted, nor any proof provided that those spaces are available for use during the times needed by the applicant. Moreover, the off site parking proposal itself is acknowledgement that there is not sufficient parking on the site;
6. The rear building which is not part of the religious function is not eligible for the height exemption under section 118-810K, and therefore; it exceeds the height maximum requirement;
7. Due to insufficient parking, the bulk of the buildings, and the lack of screening, the project will adversely impact property values and therefore does not comply with section 118-1450C(1)(h) - impact on neighborhood properties as compared to uses and structures permitted as of right;
8. The project proposed inadequate screening and buffering (118-1450C(1)(g)) which is not in harmony with the general purpose and intent of the regulations. The proposal has not, and perhaps, can not propose large enough plantings to screen the buildings due to their height and bulk;
9. Due to inadequate parking as well as the bulk of the rear building and its ability to accommodate approximately 400 people seated around tables or 850 people seated in chairs we believe that the project will impact stable traffic flow (118-1450C(1)(b)). The applicant submitted inadequate traffic analyses with this regard and we feel that the oppositions' Traffic Engineer gave credible testimony as to adverse impact of traffic.

**** MS. WILSON SECONDED.**

At this point, in the meeting, Mr. Santo read all nine reasons for the denial of the application into the record. Some of the commissioners began their statements regarding the denial of the application. Mr. Blank believed that there was a need for a mosque in Norwalk and that it would be appropriate for the site; however, he did not believe that a 27,000 sq. ft. Islamic Center was appropriate for it. He did not think the application complied with Norwalk's Special Permit requirements. He would like the commission to consider modifying the application so that the mosque could be built. However, he did not think that he had the support of his fellow commissioners. He went over some of the language in the regulations and how it related to the application. He discussed the definitions of accessory use and community center. He also went over the various parking regulations. The Zoning Commission has not, in the past, required additional parking for an accessory use. For example, in the case of the SoNo Field House it did require additional parking, for its use as a convention center. He did not think the community center was an accessory use. He also believed that this application was for a high density use. He also discussed the high holy days and how parking would be on those days. He compared the applicant's lot size to other churches/synagogues. He then discussed the North Taylor/Fillow Street intersection as

well as the additional parking on these streets during the high holy days due to insufficient parking on-site. He thought this would have a negative impact on the neighborhood. He noted that the applicant's traffic engineer only considered the mosque, and not the community center, in his traffic report. He then continued to discuss the traffic on the high holydays. He did not think some of the applicant's witnesses were credible in their analysis of the number of worshippers at the mosque. He believed that the applicant's use of the Religious Land Use and Institutionalized Persons Act ("RLIUPA") was misleading and had not merit to this application. The applicant could have built a more modest building. He urged the applicant to consider removal of the community center from the project because it was the best way to have it conform to Norwalk's regulations. It would still be a large project. He urged the other commissioners to consider modifying the application as he had outlined.

Mr. Santo reminded Mr. Blank that the commissioners would only be voting on the motion as presented. If it did not pass, then they could entertain alternate motions. The next commissioner to speak was Mr. Mushak.

Mr. Mushak thought that although Norwalk needed a mosque, he did not think this was the appropriate place for it. He then gave a history of religion in Norwalk from the founding of the city in 1651. He also discussed the religious diversity of Norwalk. He then noted that there were traffic accidents that did not seem to be reported to Norwalk Police. These were evidenced by testimony of the neighbors at the public hearings. He urged the Zoning Department staff to investigate the discrepancies. He also thought that the applicant was being held responsible for the unsafe walking conditions in the area. He again urged the city to take notice of the conditions and make improvements so that children could walk to school. He agreed with Mr. Blank on some of what he said. He did not have a problem with the bulk of the building. He did not think it was going to be the "Great Mosque of Istanbul." He did not agree with all of the items in the resolution and would not be voting for it.

The next commissioner to speak was Mr. Sumpter. He believed that the mosque should be built on the site. He thought that the applicant complied with all of the Zoning regulations. He did not think that the traffic consultant who spoke on behalf of the neighbors was credible. He thought that there would be no impact on traffic as set forth by the applicant's traffic report. The 1 p.m. service on Fridays would be over before any of the children were dismissed from school. He discussed the high holy days and how they were similar to holy days in other religions. He also noted that the arborvitae would grow rapidly and hide the mosque. He believed that all citizens of Norwalk deserved a house of worship. He urged the other commissioners to reconsider voting for the denial of the application.

At this time, Mr. Greene asked each commissioner, individually, for their vote.

**** MOTION PASSED (4-3) with Commissioners Santo, White, Wilson & Jacobson voting for the resolution and Commissioners Blank, Sumpter and Mushak voting against the resolution.**

IV. COMMENTS OF DIRECTOR

There were no comments from the director.

V. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

VI. ADJOURNMENT

**** MR. SANTO MADE A MOTION TO ADJOURN.
** MR. WHITE SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Diana Palmentiero