

NORWALK ZONING COMMISSION
125 East Avenue
Norwalk, Connecticut



MEMORANDUM

October 6, 2021

TO: Zoning Commission - Louis Schulman, Chairman
FROM: Bryan Baker, Principal Planner
RE: #2021-32 SP – **The Guru Tegh Bahadur Ji Foundation, Inc. – 283 Richards Avenue – Construction of a two (2) story Sikh Religious Center**

APPLICANT/OWNERS NAME/ADDRESS: The Guru Tegh Bahadur Ji Foundation, Inc.

PROPERTY ADDRESS/DBL: 283 Richards Avenue

ZONING: AAA Residence

LOT AREA: 44,189sf

EXISTING CONDITIONS: The existing site is just over an acre in size, located in the AAA Residence Zone and is currently a vacant parcel of land. Nearby uses include single-family residences as direct abutters as well as other religious institutions such as the United Congregational Church, Temple Shalom, St. Matthew Church and municipal uses such as Fox Run Elementary School in proximity.

PROPOSED CONDITIONS: The applicant is proposing to construct an 18,000sf, two-story Sikh Religious Center on the property. Places of worship, churches and church buildings are a special permit use in the AAA Residence Zone.

Per the standards for special permits, the Commission may attach reasonable conditions and safeguards as it deems necessary to protect the general health, safety, welfare and property values of the neighborhood, including but not limited to, requiring additional screening of lights and parking areas, limiting the hours of operation, requiring the redesign of buildings, and similar types of safeguards and conditions. A Special Permit may be granted after determination by the Commission that the proposed use or structure is in harmony with the general purpose and intent of these regulations and after consideration of the following conditions where applicable:

a) The density of use and bulk of buildings:

- As shown on the table on the following page, the proposed structure complies with all standards regarding bulk and height for the AAA Residence Zone. Minor changes are needed regarding the location of the accessory structures such as the propane tank, transformer and generator in order to comply with accessory structure setbacks. Although maximum building area is specific to structures, the amount of impervious surface on the site will be high in relation to other residentially zoned properties. For some comparison, multifamily developments in the D Residence Zone have a maximum building area of 25% for the building and 65% total when including parking. Utilizing pervious pavement and other green infrastructure to improve drainage on the site may help alleviate concerns.
 - o **The applicant has provided a response that the generator pad, propane tank and transformer are not considered accessory structures. Planning & Zoning does consider**

generators, above-ground propane tanks and transformers to be accessory structures and must be in a location that complies with all applicable setbacks for such structures.

ZONING TABLE OF BULK REQUIREMENTS

ZONE AAA - RESIDENCE

DESCRIPTION	REQUIRED	PROVIDED
MINIMUM LOT AREA	43,560 SF	44,189 SF
MINIMUM LOT WIDTH	150 FT	149.76 FT ⁽¹⁾
MINIMUM FRONT YARD SETBACK ⁽²⁾	40 FT (AAA) 73.5 FT (S.P.)	87.1± FT
MINIMUM SIDE YARD SETBACK		
ONE SIDE	22.5 FT (AAA) ⁽¹⁾ 40 FT (S.P.) ⁽²⁾	41.5 FT
AGGREGATE SIDE	45.0 FT (AAA) ⁽¹⁾ 80 FT (S.P.) ⁽²⁾	96.4± FT
MINIMUM REAR YARD SETBACK ⁽²⁾	30 FT (AAA) 63.5 FT (S.P.)	80.8± FT
MINIMUM DRIVEWAY WIDTH	8 FT	22 FT
RECREATION AREA	N/A	N/A
MAXIMUM BUILDING AREA	25%	13.6%
MAXIMUM BUILDING HEIGHT TO AVERAGE ROOF	50 FT ⁽³⁾	34.4± FT
MAXIMUM BUILDING HEIGHT TO PEAK OF ROOF	50 FT ⁽³⁾	38.9 FT
MAXIMUM NUMBER OF STORIES	2-1/2	2-1/2

(1) SIDE YARD CALCULATION:

AVERAGE LOT WIDTH = 149.76'

SIDE YARD = 15% x 149.76' = 22.5' (FOR AAA ZONE)

(2) BASED ON 107' BUILDING LENGTH, PER NORWALK ZONING REGULATIONS SECTION 118-1450.D.2:

FRONT YARD = 107' - 40' = 67' x 0.5' = 33.5' + 40' = 73.5' < 80' [USE 73.5']

SIDE YARD = 107' - 40' = 67' x 0.5' = 33.5' + 22.5' = 56.0' > 40' [USE 40' MAX]

REAR YARD = 107' - 40' = 67' x 0.5' = 33.5' + 30' = 63.5'

(3) PER SECTION 118-810-K. SPIRES ARE EXCLUDED PER SECTION 118-810-J.

b) **“Stable traffic flow” shall mean that site-generated traffic shall not adversely affect pedestrian or vehicular safety, conflict with the pattern of highway circulation or increase traffic congestion to a level of service (LOS) considered unacceptable by the Commission. The Commission shall not approve developments which fail to maintain a stable traffic flow unless provision has been made for the improvement of inadequate conditions:**

- As noted in the traffic study, most of the traffic generated by the site occurs on Friday evenings and Sunday mornings during prayer services. At their existing location on West Avenue, pre-Covid attendance was approximately 50 attendees on Friday evenings and 150 attendees on Sunday mornings. The Commission should note that based on the zoning regulations, the 53 parking spaces provided on the site complies with our parking standards and the traffic study found minimal impacts to existing LOS.

- Transportation, Mobility & Parking provided a preliminary review of the traffic report as well as the on-site parking and listed some concerns that the site is under-parked, especially for important holy days where attendance is likely to be higher than a normal Sunday service and that there is no on-street parking availability on Richards Avenue. TMP also recommended that the northern driveway be ingress only and the southern driveway be egress only with dedicated left and right turn lanes, which P&Z Staff also recommends. As of the drafting of this memo, the applicant is working on a response to all TMPs comments including the possibility of an off-site parking space agreement to accommodate any overflow parking.
 - o The applicant has provided a response which is under review by TMP. The applicant has also included a schedule of services and events detailing the number of anticipated attendees during each service.
- Staff recommends that the Commission consider utilizing one of the city's on-call traffic consultants to further analyze the traffic and parking for the site.
- c) Availability of mass transit facilities and provision of sidewalks, with a minimum clearance of five (5) feet without obstructions:**
 - The applicant has provided a list of nearby mass transit facilities to the site. The site plans show that the proposed sidewalk along Richards Avenue will be four (4) wide, which must be revised to show a minimum of a five (5) foot wide sidewalk.
 - o The applicant has revised the site plans to show a five (5) foot wide sidewalk along Richards Avenue.
- d) Availability and compatibility of utilities:**
 - The site will utilize a well for water and a septic system which is under review by the Health Department. The Health Department should provide a preliminary signoff prior to the public hearing date being set by the Commission.
 - o The applicant has provided comments back to the Health Department which is awaiting their review.
- e) Adverse impacts from noise, odor, fumes, dust and artificial lighting:**
 - The applicant has provided a lighting plan that shows measurements of 0.0 footcandles along the property line. Light posts are proposed to not exceed 15' in height. The proposed location of the dumpster is close to the neighboring property line, other locations away from the neighbors should be explored.
 - o The applicant has revised the lighting plan to mount wall pack lights at an elevation of 14' along the building for security purposes and replaced the pole mounted light near the entrance with a bollard style light. The revisions to the lighting plan result in a lower light level than previously proposed.
- f) Signs of size and design that are in harmony with the neighborhood:**
 - All signage must comply the sign regulations.
- g) Adequacy of yards and open space, screening and buffering:**
 - The standards for yards and buffering are met, but Staff did have concern on the maintenance of the retaining wall located along the rear of the property. As proposed, the retaining wall is located along the property line which would require access to neighbors' properties to maintain. By adjusting the driveway to one-way circulation, as recommended by TMP, there is the possibility that the retaining wall can be moved away from the property line and additional screening can be added. The chain-link fence along the northern property can be improved to a different material that may provide better screening for the neighbors.
 - o The applicant has provided revised site plans that move the proposed retaining walls three additional feet away from the property lines allowing for more buffering from neighboring properties. The applicant has also added additional landscaping along the front property line as requested by P&Z.

- The applicant has revised the chain-link fence and proposed to install a 6' vinyl fence instead.
- h) Impact on neighborhood properties, as compared to uses and structures permitted as a matter of right:**
- The maximum height for churches, schools, public libraries and public museums in a residential zone is 50' whereas the maximum height for a single-family residence is 35' as measured to the midpoint of the roofline. As proposed, the average height of the worship facility will be 34'4" with decorative domes located on the roof which are not to be calculated towards the height of the building. In comparison to other nearby places of worship: Temple Shalom is generally 20' in height with the roof increasing to 47' in height over the prayer area; St. Matthews Church has varying building heights but on average is 29' in height with the cross at the top of the steeple being 47' in height.
 - The maximum building coverage for the AAA Residence Zone is 25% and roughly calculating some of the neighboring single-family residences near 283 Richards Avenue, about 7% of the lots are covered by buildings, as proposed this lot will have 13.6% of the total area covered by buildings. We do not have a regulation limiting maximum impervious surface, in scenarios where impervious surface is proposed to be increased, DPW reviews for compliance with the city's drainage manual.
 - The applicant has provided a response to DPW's initial comments and is awaiting a response.
 - Although mentioned in the standards for special permits, the design of the building does not fall under the Commission's purview. Furthermore, there are no design standards for buildings to be compared to.
- i) Existing land use in the area:**
- As mentioned earlier, the subject property is directly abutted by single-family residences and is near the United Congregational Church, Temple Shalom, St. Matthews Church, multiple cemeteries, Fox Run Elementary School, Norwalk Community College and Oak Hills Park.
- j) Proximity of community facilities:**
- See above.
- k) Compliance with the Zoning Code and Plan of Conservation and Development:**
- As mentioned earlier, as proposed the structure mostly complies with the zoning regulations other than minor changes to the location of the accessory structures and the widening of the sidewalk along Richards Avenue. The proposal is consistent with the Plan of Conservation and Development.
 - The applicant has provided a response that the generator pad, propane tank and transformer are not considered accessory structures. Planning & Zoning does consider generators, above-ground propane tanks and transformers to be accessory structures and must be in a location that complies with all applicable setbacks for such structures.
- l) Conservation of wetlands, watercourses and other ecologically viable lands:**
- No wetlands or watercourses are located on the site.
- m) No zoning violation exists on the property:**
- No zoning violations exist on the property.

STAFF COMMENTS: For next steps, the Commission must determine if a traffic peer review is necessary for this project. After doing so, the Commission may set the public hearing date for the application. Staff encourages the public hearing date be set after signoffs have been received from the Health Department, Fire Marshal, DPW and TMP.