

NORWALK ZONING COMMISSION
125 East Avenue
Norwalk, Connecticut



MEMORANDUM

December 3, 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**

Commissioners,

Since your October 7th, 2021 meeting where this application was reviewed preliminarily, a peer review traffic study has been completed by AKRF and the applicant has continued to obtain sign-offs from each CEAC agency. As of the drafting of this memo, signoffs have been issued by the Fire Marshal and DPW. Staff has also received public input both in favor and in opposition of the project. Below is additional background information that will hopefully be useful to the Commission during the public hearing process:

- The AAA Residence Zone was created in 1946 and has always permitted house of worship uses without the requirement for additional lot size. Prior to 1946, the residential zones in Norwalk were the A, B, C and D Residence Zones, all of which allowed houses of worship to be constructed.
- The parking standard that is applied to houses of worship is one parking space per five seats, *based on the maximum seating capacity*.
 - o There are two ways to determine maximum seating capacity per the zoning regulations:
 - Without fixed seating, possible occupancy shall be computed at the rate of one (1) person for each seven (7) square feet of floor area intended for patron occupancy.
 - With fixed seating, possible occupancy shall be computed in accordance with the number of individual seats provided and at a rate of eighteen (18) inches in width per person in bench or bleacher-type seating.
 - o The applicant has presented a seating arrangement showing the areas in which congregants will sit during ceremonies. Based on this arrangement, there will be a maximum of 240 congregants which would require 48 parking spaces. Another way to interpret the seating arrangement, since congregants are seated on the floor, is to take the area of the two boxes which is 1,763 square feet, divide by seven (7) square feet per person, then by five (5) for the number of parking spaces required and the result is 51 parking spaces. Further, the applicant has stated that they will limit capacity to 240 people.
 - The applicant should specify at which times they may exceed 240 people for special events so that arrangements can be made for off-site parking.
- To clarify a point in my last memo to the Commission, the proposed building is 18,000sf in floor area, the footprint of the building is 6,000sf.
 - o Temple Shalom has an approximate area of 20,300sf
 - o The congregational church has an approximate area of 5,525sf
 - o St. Matthews prior to the gymnasium addition had an approximate area of 30,350sf
- Regarding traffic, AKRF's peer review found that per the applicant's traffic report dated September 28, 2021, that during the Sunday arrival hour that 100 cars will be entering the site and that 15 cars will be departing the site. Given that the applicant meets the minimum required number of parking spaces per the zoning regulations, a 32-space shortfall in parking spaces remains.

- The applicant should detail how they will address this issue to the satisfaction of the Commission.

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.

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:**
- AKRF’s peer review made multiple findings after reviewing the application. The applicant should discuss each of these findings and how they plan to address each one to the satisfaction of the Commission. The major finding that must be addressed is:
 - o The applicant should respond to the parking supply provided versus the number of vehicles that appear to park on site based on the trip generation estimates.

Table 2
Vehicular Site-Generated Traffic (Revised)

NUMBER OF VEHICLE TRIPS					
FRIDAY HOURLY VOLUME			SUNDAY HOURLY VOLUME		
IN	OUT	TOTAL	IN	OUT	TOTAL
Arrival Hour					
20	5	25	100	15	115
Departure Hour					
5	20	25	15	100	115

- c) **Availability of mass transit facilities and provision of sidewalks, with a minimum clearance of five (5) feet without obstructions:**
- The applicant has proposed 5’ wide sidewalks that meet DPW’s standards.
- 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 applicant has submitted revisions based on the Health Department’s comments which as of the drafting of this memo, are under 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. Odor and fumes are not anticipated to be issues as a result of the proposed use.
- 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:**
- Zoning setbacks have been and a landscaping plan has been provided as part of the engineered site plans.
- 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.
 - 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:**
- The proposal is not inconsistent with the Plan of Conservation and Development.
- 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.

In summary, the outstanding issues that need to be resolved to the satisfaction of the Commission are:

- 1. 53 parking spaces are provided on site to meet the zoning regulations standard of one parking space per five seats based on a maximum capacity of 240 people, however, the applicant's parking study indicates that at peak Sunday hours that 85 cars will be entering the site which exceeds the provided parking by 32.**
- 2. The applicant should detail when it is expected that there will be over 240 people on site and what accommodations have been made to supply overflow parking.**
- 3. As of the drafting of this memo, the Health Department has not issued a final signoff for the proposed well and septic system for the site.**