

*(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).*

## **ORDINANCE COMMITTEE**

Regular meeting of the Ordinance Committee was held on Thursday, September 13, 2012 in the Council Chambers, City Hall, Cranston, Rhode Island.

### **CALL MEETING TO ORDER:**

The meeting was called to order at 6:15 P.M. by the Chair.

Present: Councilman Paul H. Archetto, Chair  
Councilman Steven A. Stycos, Vice-Chair  
Councilman James E. Donahue  
Council President Anthony J. Lupino

Absent: Council Vice-President Emilio L. Navarro  
Councilwoman Maria A. Bucci

Also Present: Gerald Cordy, Director of Administration  
David Igliozi, Assistant City Solicitor  
Peter LaPolla, Planning Director  
Stanley Pikul, Building Official  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

### **MINUTES OF THE LAST MEETING:**

On motion by Council President Lupino, seconded by Councilman Archetto, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded.

### **CORRESPONDENCE:**

### **OLD BUSINESS:**

**3-12-1** Ordinance in amendment of Title 10, Chapter 28 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Overnight Parking Permits). (Tabled 8/16, 2012) [[click here to view](#)]

**Councilman Stycos** stated that he detects not much support for this Ordinance and asked what the Committee's feelings are on this Ordinance.

**Council President Lupino** stated that this would develop severe burden on trying to develop enforcement. He understands the favor of it, but enforcement is a bid concern of his.

**Public Speakers:**

**Diana Gordon**, 363 Pontiac Ave., appeared to speak and stated that this is a good Ordinance. It would give the City some finances. The City would have to hire more people to bring in revenues to the City.

**Councilman Donahue** stated that, as Ms. Gordon state, it is a good idea, in theory, but his concern is enforcement, as Council President Lupino indicated and also the impact on City departments. He also stated that although some people would like to have overnight parking, in walking campaigning, people have indicated to him that they are frustrated with cars parked on the streets overnight. He does not think there is enough support for this in the community.

**Councilman Stycos** stated that he would like to withdraw this Ordinance.

**Council President Lupino** stated that the City of Providence has a Deputy Parking Director, whose salary is \$53,000. He does not know how much the Director's salary is, plus benefits. Providence has a whole department with staff that handles this type of operation. He disagrees that this would be bringing in revenues when compared to salaries and benefits for staff.

On motion by Councilman Stycos, seconded by Council President Lupino, it was voted to withdraw this Ordinance. Motion passed unanimously.

**6-12-3** Ordinance in amendment of Chapter 17.84 of the Code of the City of Cranston, 2005, entitled "Zoning" (Site Plan Review). Referred from Special Ordinance Committee meeting 8/2/2012; tabled 8/16/2012). As Amended 8/16/2012. [[click here to view](#)]

On motion by Council President Lupino, seconded by Councilman Donahue, it was voted to remove this Ordinance from the table. Motion passed unanimously.

**Mr. Cordy** appeared to speak and stated that his comments will be in general to this Ordinance and Ordinances 6-12-4 and 6-12-5. He indicated that these Ordinances have nothing to do with the Comprehensive Plan. These are housekeeping initiatives. Some are approximately fifty years old and we are trying to bring them into the 21<sup>st</sup> century and make it easier for people to get through the system. Planning and Building and Zoning, who are experts, are also regulated by State Law. He implored the City Council to take advantage of our experts. They are not going to violate the Law.

**Public Speakers:**

**Richard Tomlins**, 400 Farmington Ave., appeared to speak and stated that his concern is if this has been looked into in detail by the City Council and been given a full review.

**Councilman Stycos** stated that since the last meeting, he compared the current Site Plan Review Statute to this Ordinance and drafted some amendments. He presented copies of his proposed amendments.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to add to line #33 after “traffic”, “pedestrian and bicycle”.

Under Discussion:

**Mr. LaPolla** stated that he does not see a problem with this.

Roll call was taken on above motion and motion passed unanimously.

**Councilman Stycos** questioned why language in line #48 was removed. Mr. LaPolla stated that this is addressed in lines #34-35. Councilman Stycos withdrew his proposed amendment regarding this language.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to add to line #49 the following “The PDR shall not be used to grant any uses prohibited by Zoning”.

Under Discussion:

**Mr. LaPolla** stated that if this language is added, this would be taking the person’s right away from going to Zoning, if Site Plan Review approves the application.

Motion and second were withdrawn.

**Councilman Stycos** questioned why the change was made to the new standards in line #52. Mr. LaPolla stated that it was not changed at all. The only change is “in or within” was added.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to add the following new sentence at the end of line #102 as follows: “The application form and the Site Plan, as determined by staff, shall also be filed electronically and posted on the City’s website.”

Under Discussion:

**Councilman Donahue** stated that the applications and plans are amended, he asked what would the impact be on the Planning Department to meet this Ordinance. Mr. LaPolla stated that as he stated at previous meeting, the official document is what is filed in his Office and is available for the public to view. This would be problematic not just in amended plans and applications, but the amount of paperwork that would need to be done. Mr. LaPolla showed a sample of large size maps with a large volume of reports and questioned how these could be placed online.

**Mr. Cordy** stated that the applications that go before the Planning Commission is a process. It is constantly changing and could change numerous times. His concern is when the public meetings are held, the public would show up with older versions of documents and would create a confusion.

**Councilman Stycos** asked why the developer couldn't file the applications electronically with attachments. Mr. LaPolla stated that these types of documents would possibly overflow the City server. This would possibly require a separate server.

**Mr. Pikul** stated that a lot of the information on the Site Plan Review process is technical and a lot of the public would not be able to understand it. Once the plans go to the Zoning Board, that is when the public is explained the technical aspects of the plans and as Mr. LaPolla stated, all these documents would clog the City server.

**Councilman Stycos** stated that he would like information from the City IT Department as to what impact, if any, there would be to the server by placing these documents with maps online.

Motion and second were withdrawn.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was to amend line #102 by adding the following language as a last sentence to state: "The application form and the Site Plan, as determined by staff, shall be filed electronically and posted on the City's website". Motion passed unanimously.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #134 as follows: after "vehicular", add "bicycle". Motion failed on a tie vote. The following being recorded as voting "aye": Councilmen Archetto and Stycos -2. The following being recorded as voting "nay": Councilman Donahue and Council President Lupino -2.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #182(1(a) as follows: after "plans", add "plus one electronic copy". Motion passed unanimously.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #335 as follows: add "(g) Analysis of bicycle and pedestrian routes".

Under Discussion:

**Mr. LaPolla** stated that this is about traffic study impact study. This is not the section to place this amendment, if it passes. He suggested using the language "consideration" instead of "analysis".

Motion and second were withdrawn.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #335 as follows: add “(g) Consideration of bicycle and pedestrian routes”. Motion passed unanimously.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #362 as follows: after “pedestrian”, add “bicycle”. Motion passed unanimously.

**Chair** asked that this Committee recess this meeting and convene Finance committee and then reconvene this meeting after Finance.

On motion by Councilman Donahue, seconded by Council President Lupino, it was voted to recess this meeting. Motion passed unanimously.

The meeting recessed at 7:45 P.M.

On motion by Councilman Donahue, seconded by Councilman Archetto, it was voted to reconvene this meeting. Motion passed unanimously.

The meeting reconvened at 8:15 P.M.

**Chair** stated that if there are no objections, the Committee will continue with the amendments and not go past 10:00 P.M. and whatever is left, a special meeting can be held. No one objected.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #379 as follows: add “the 15% landscaping standard shall be a higher priority that meets off street parking minimums”.

Under Discussion:

**Mr. LaPolla** stated that a distinguishment has to be made between redevelopment and new development.

Motion and second were withdrawn.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #379 as follows: add “(c) Once a project complies with minimum parking standards, than priority shall be given to meeting the landscaping standards above additional parking”. Motion passed unanimously.

On motion by councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #392 as follows: (b), after “planting”, add “natural areas”. Motion passed unanimously.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #395 by deleting “in kind” and adding “with specimens of a comparable type and size”.

Under Discussion:

**Councilman Stycos** stated that his concern is ‘specimen trees’ are really large.

Motion and second were withdrawn.

Councilman Stycos motioned to amend line #434 by adding “Failure to properly maintain required plantings shall result in such work being performed by the City at the owner’s expense”. He questioned why this language was removed in the current draft. Mr. LaPolla stated that the City does not have the staff and it is the responsibility of the owner. No one seconded the motion.

Councilman Stycos removed this amendment.

Councilman Stycos motioned to amend line #450 by changing “may” to “shall” to mirror existing law. Mr. LaPolla stated that there needs to be a movement from straight numbers to quality. Anything less than “shall” is not obligatory. If this language is changed, he would need for some kind of warning mechanism. No one seconded the motion.

Councilman Stycos removed this amendment.

**Councilman Stycos** indicated to line #486 and questioned, shouldn’t the whole DPR decide if the road and parking dimensions are to be altered, not just the traffic engineer. Mr. LaPolla stated that the Traffic Engineer is the expert and has to agree on an issue. It all goes through Site Plan Review.

Councilman Stycos removed the proposed amendment for this issue.

**Councilman Stycos** indicated to line #489 and stated that in the chart one way traffic/45 degrees is changed from 13 feet to 15 feet. He questioned if this was an error. Mr. LaPolla stated that this is a typo.

Councilman Stycos removed the proposed amendment for this issue.

**Councilman Stycos** indicated to line #502 and stated that this isn't in the current law. He questioned why this should be added. Mr. LaPolla stated that we have to take into consideration and accommodate for a 6' snow storm.

Councilman Stycos removed the proposed amendment for this issue.

**Councilman Stycos** indicated to line #565 and stated that this change only allows appeal if the application is rejected. Current law states appeals may be made by "a person aggrieved by any final action of the SPR Committee" Change to "A. A person aggrieved by any final action of the DPRC may appeal the decision in accordance with Chapter 17.116 Appeals of Zoning." Mr. LaPolla states that this is what State Law states. Site Plan Review's decisions are not appealable.

Councilman Stycos removed the proposed amendment for this issue.

**Councilman Stycos** indicated to line #566 and stated that the current language states the Zoning Board "may affirm a decision of the SPR Committee or remand the case for further proceedings for may reverse or modify the decision if substantial rights of the appellant have been prejudiced". He questioned if this is needed. Mr. LaPolla stated that State Law states decisions cannot be modified.

Councilman Stycos removed the proposed amendment for this issue.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #554 as follows: at the beginning of "B", add "The DPRC shall make a good faith effort to follow the design and landscape standards required by this Chapter."

Under Discussion:

**Mr. LaPolla** stated that this is already being done, but he does not object to this amendment.

Motion passed unanimously.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #557 as follows: at the end of "B", add "Any such modification or waiver of standards shall be justified in writing by the DPRC as part of its statement of final decision."

Under Discussion:

**Mr. LaPolla** suggested adding "in writing" to line #575 after "finds".

Motion and second were withdrawn.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend line #575 as follows: add “in writing” after “finds”. Motion passed unanimously.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to recommend approval of the above Ordinance as amended. Motion passed unanimously.

**Chair** asked that this Ordinance be re-advertised and referred to the full Council with recommendation of approval as amended.

**Councilman Donahue** stated that since this Ordinance is going to be re-advertised with the amendments made this evening, we should also include the amendment made by Mr. LaPolla on page 5 of the Ordinance.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to reconsider this Ordinance. Motion passed unanimously.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to recommend approval of this Ordinance.

On motion by Councilman Donahue, seconded by Councilman Stycos, it was voted to amend this Ordinance that inserts on page 5, lines #156-159 the following language: “A change to the approval shall be major if:

- The requested change could have affected vote to grant approval
- The requested change creates or intensifies project impacts which require additional conditions to address said impacts.”

Motion to amend this Ordinance passed unanimously.

On motion by Council President Lupino, seconded by Councilman Donahue, it was voted to amend line #566 on page 14 of the Ordinance as follows: after “with”, add “Chapter 17.116 Appeals”.

Under Discussion:

**Mr. LaPolla** stated that this language was in the original proposal.

Motion to amend as stated, passed unanimously.

On motion by Councilman Donahue, seconded by Councilman Stycos, it was voted to recommend approval of the above Ordinance as amended this evening. Motion passed unanimously.

**Council President Lupino** requested that Councilman Stycos meet with Mr. LaPolla and provide him with a copy of any further requests or suggestions prior to the next Council meeting, in order to streamline that meeting.

**6-12-4** Ordinance in amendment of Chapter 17.20.030 of the Code of the City of Cranston, 2005, entitled “Zoning” (Schedule of Uses). Referred from Special Ordinance Committee meeting 8/2/2012. Tabled 8/16/2012). As amended 8/16/2012. [[click here to view](#)]

On motion by Councilman Donahue, seconded by Councilman Stycos, it was voted to remove this Ordinance from the table. Motion passed unanimously.

**Mr. LaPolla** and Mr. Pikul appeared to speak.

**Mr. Pikul** stated that this Ordinance is to simplify the process.

On motion by Council President Lupino, seconded by Councilman Archetto, it was voted to recommend approval of this Ordinance as amended. Motion passed unanimously.

**6-12-5** Ordinance in amendment of Chapter 17.04.030 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions). Referred from Special Ordinance Committee meeting 8/2/2012. Tabled 8/16/2012) [[click here to view](#)]

On motion by Council President Lupino, seconded by Councilman Donahue, it was voted to remove this Ordinance from the table. Motion passed unanimously.

On motion by Council President Lupino, seconded by Councilman Donahue, it was voted to recommend approval of this Ordinance.

Under Discussion:

**Councilmen Stycos** and Archetto both stated that these Ordinances have been amended without this Committee’s approval. If there are recommendations for changes by the Planning Director or the Administration, they should have been brought before this Committee prior to the Ordinances being amended.

**Mr. LaPolla** stated that the Use Table Ordinance was amended at the request of this Committee from the previous meeting. As to the Site Plan Review Ordinance, the only change was to address the major and minor changes, which is in red ink.

**Councilman Stycos** stated that a City Department should not be amending Ordinances. We have a City Clerk and this is a concern. The Ordinances are all off on the lines from the previous Ordinances from last month to this evening’s draft.

**Chair** stated that the version received this evening is not the same as the previous Ordinance that was originally submitted. Any changes or amendments have to be made by this Committee.

**Solicitor** stated that the point is well taken. If in fact, the version before the Committee this evening is different then the original one, that is a concern.

Motion to recommend approval of this Ordinance passed unanimously.

**PUBLIC HEARINGS/NEW BUSINESS:**

**Diana Gordon**, 363 Pontiac Ave., appeared to speak and stated that she is concerned with Ordinance 6-12-5 as to halfway houses. She questioned if they are allowed under this Ordinance. She stated that there are five halfway houses in her Ward. Chair asked Ms. Gordon to contact her local Council person or a City-Wide Council member or a member of the City's Administration and they will have to answer this question.

The meeting adjourned at 10:00 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Rosalba Zanni". The signature is written in a cursive, flowing style.

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees