

(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, June 11, 2015, in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:00 P.M. by the Vice-Chair.

Present: Council Majority Leader Archetto, Chair (appeared at 6:02 p.m.)
Councilman Mario Aceto, Vice-Chair
Councilman Steven A. Stycos
Councilman Michael J Farina
Council President John E. Lanni, Jr.

Absent: Councilman Donald Botts, Jr.

Also Present: Council Minority Leader Michael W. Favicchio
Council Vice-President Richard D. Santamaria, Jr.
Robert Coupe, Director of Administration/Acting Personnel Director
Evan Kirshenbaum, Assistant City Solicitor
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committee
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilman Stycos, seconded by Council President Lanni, it was voted to dispense with the reading of the last meeting and they stand approved as recorded. Motion passed unanimously.

CORRESPONDENCE/COMMUNICATIONS

OLD BUSINESS:

4-15-02 Ordinance in amendment of Title 10, Ch. 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Stop, Park Ave. westbound at Gansett Ave.). Sponsored by Councilman Archetto.
[\[click to view\]](#) (Cont. 5/14/2015).

Chair stated that the Sponsor of this Ordinance has asked that it be continued.

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

PUBLIC HEARINGS/NEW BUSINESS:

John Bolton, Esq., appeared to represent applicant for proposed Ordinances 4-15-05 and 4-15-06. He stated that the majority of the property is already Zoned Commercial. The proposal is to construct a Cumberland Farms with a convenience store and a gas station. Under the current Zone, a convenience store is permitted and under the Zoning Code, a gas station is permitted by special use. If this is approved, the applicant would have to go before the Zoning Board for a special use permit. One of the houses is Zoned C-3 and one is not. The reason for the request for a Comprehensive Plan Amendment is because of the house that is Zoned Residential.

Maureen Levesque, Registered Professional Engineer, 55 Dorrance St., Providence, appeared to speak and presented a handout. She stated that most of the business this establishment would be conducting is people who are already on the road. This proposal would not have a significant adverse impact on the neighborhood.

Joseph Lombardo, Planning Expert, appeared to speak and presented a handout. He stated that if you look at this property, there is approximately 25,000 sq. ft. of Commercial space and approximately 9,000 sq. ft. of Residential space and the proposal is to replace it with under 5,000 sq. ft. of Commercial space plus gas pumps. The developer will address safety, landscaping and better parking. This proposed project would be an improvement to the area of what is there now. Both the Comprehensive Plan application and the Zone Change application are consistent with both the Zoning Ordinance and the existing Comprehensive Plan.

Steve Boyle, President of Cranston Chamber of Commerce, appeared to speak in favor of proposed Ordinances 4-15-05 and 4-15-06 and stated that this property has been vacant and has been an eyesore for years. He indicated that Cumberland Farms has spent \$6 million on two locations in Johnston. They have also built one in Appanoag in Warwick. This project would create construction jobs and permanent jobs.

Hope Pilkington, 12 Selkirk Rd., appeared to oppose to this proposed project for two reasons: safety and quality of life. She stated that this area is a very narrow intersection. There is a fire station and rescue station across the street and in an emergency, the cars on the street have no place to pull over to. She also indicated that there are seven other gas stations within walking distance of this area. There are homes abutting the back of this property. The property value of those homes would decrease. She questioned why anyone would buy a house with a gas station in their back yard with the smell of gas, bright lights and noise.

William Rose, 102 Park Ave., appeared to oppose to this proposed project and questioned if the fire station across the street from this property has been taken into account. He also questioned how many pumps the gas station would have because it is not just the cars that are pumping gas, but cars waiting in line that needs to be taken into consideration.

Kim Ladefian, 127 Warwick Ave., appeared to oppose to this proposed project and stated that her and eight of her neighbors' back yards abutt the gas station. She does not want to hear noise and smell. She also stated that curb cuts will affect her and go into her property. This is not a good place for a Cumberland Farms. She also stated that she has concerns with traffic. The traffic at the fire station has been so bad that there are times when there are no breaks and if a fire truck or rescue has to get out, they can't.

Chair stated that this meeting will recess in order to call the Finance Committee meeting to order since it is after 6:30 p.m. and the Finance Committee meeting was advertised for 6:30 p.m. and then reconvene this meeting.

The meeting recessed at 6:40 P.M.
The meeting reconvened at 6:45 P.M.

Jonathan Stevens, 29 Windsor Rd., Professional Planner, asked to be recognized as an expert and appeared to represent the Edgewood Waterfront Preservation Association. He presented an analysis and asked that it be made part of the record. Chair asked if any members of the Committee objected to Mr. Stevens being recognized as an expert. No one objected. Solicitor Kirshenbaum asked if the petitioner has a copy of the report presented by Mr. Stevens. Chair stated that copies can be provided to the petitioner if they do not have a copy. Chair gave Mr. Stevens twenty minutes to speak. Mr. Stevens gave his qualifications. He stated that he takes issues that this development is consistent with the surrounding land use. Most of the properties in the vicinity are Residential and they are small lots. To take this project and the size of the proposed building and place it in this area is not consistent with the neighborhood. He also stated that it is evident that this property is suffering from neglect. In his analysis, he would like to suggest to Cumberland Farms to configure the building on the corner of Park and Warwick and place the pumps and canopy in the rear of the property with buffer so the properties on Henry St. are protected.

Michael Schlesinger, 96 Ocean Ave., appeared to oppose to this proposed project and presented a copy of his written statement. He stated that there are five gas stations in the immediate area, all independently owned and there are two Mini Marts right near the proposed project.

Matthew Gendron, 139 Smith St., appeared to oppose to this proposed project and stated that questions the Committee should be addressing to the developer are: how will this affect the tax base and how does the traffic at this intersection both pedestrian and vehicle be impacted. Even though this property is in disrepair, they are paying taxes to the City.

Denise Marcinko, 9 Ivy Ave., appeared to oppose to this proposed project and stated that she needs to stand up for the family-owned stores in the neighborhood. She asked that the Committee not approve this project.

Ms. Tashian, owner of 95 Warwick Ave., appeared to oppose to this proposed project and stated that she owns a gas station at this location and she is working hard to support her family as a single mom. She cannot afford to close her doors. Cumberland Farms owns hundreds of gas stations, she owns one. She asked that this proposed project be denied.

Resident of 35 Henry St., appeared to oppose to this proposed project for the following reasons: noise, traffic, lighting, environmental impact in the area, stores left behind who can't afford to compete with Cumberland Farms. She asked that this proposed project be denied.

Diane Lewis, 183 Park Ave., appeared to oppose to this proposed project and stated that this area is very congested at this time. This area is used for pedestrians and if this project is approved, this will be lost.

Pat April, 130 Park Ave., appeared to oppose to this proposed project and presented a petition. She stated that if this project is approved, it would force at least eight businesses to relocate. The residents want to keep this neighborhood residential not commercial.

Doreen Mullin, Roslyn Ave., appeared to oppose to this proposed project and stated that Cumberland Farms will take the neighborhood atmosphere in Edgewood away.

Attorney Bolton stated that if these Ordinances are approved, the petitioner would still have to go to the Zoning Board and Site Plan Review. He stated that prior to submitting any Site Plan, he would agree to hold a neighborhood meeting to get input from the neighbors. As to traffic, no one is disputing that traffic is bad in this area. As to the intensity in the development, he asked that everyone keep in mind that there is a 25,000 sq. ft. development there today. The petitioner is looking for a building less than 5,000 sq. ft.

4-15-05 Amending the Comprehensive Plan of 2010 (Cumberland Farms –Intersection Park and Warwick Ave). Petition filed by Park Associates, LLC, Phala Long, Cumberland Farms. [[click to view](#)] [[click to view Planning Commission Recommendation](#)]

4-15-06 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005 entitled “Zoning” (Warwick and Park Intersection). Petition filed by Park Associates, LLC, Phala Long, Cumberland Farms. [[click to view](#)] [[click to view Planning Commission Recommendation](#)]

Chair indicated that whatever the vote is on the above two Ordinances this evening, whether to approve or deny, they would still go before the full City Council on June 22nd.

On motion by Councilman Aceto, seconded by Councilman Stycos, it was voted to deny Ordinance 4-15-05.

Under Discussion:

Councilman Aceto stated that neighborhoods are the heart of the City and you can't take neighborhoods from the City. He will vote to deny.

Council President Lanni stated that if this project is approved, small businesses in the City will be hurt and put out of business and this is why he will vote to deny.

Councilman Farina stated that he will not be in favor of denying this project because he believes everyone should be given opportunity to make their case. He would like to have the full City Council hear this proposal rather than denying it in Committee.

Councilman Stycos stated that this proposal would make the traffic in the area worse. He thinks the biggest problem with this project is the scale. It is a mixture of Residential and Commercial and this neighborhood is walkable and this project to take that away.

Council Vice-President Santamaria stated that the problems he sees is the Cumberland Farms on Park and Reservoir, when he travels this road every morning, people coming out and cutting traffic lanes because there are too many entrances and exits. With the Warwick and Park location, with a smaller intersection, you would have an absolute nightmare.

Council Majority Leader Archetto stated that his concern is the fire station across the street from the proposed project. If there is an emergency, traffic would be a big problem for the fire rescue to get out. He also stated that there are schools in the area with children walking.

Councilman Aceto asked what the Administration's position is of this proposal. Mr. Coupe stated that the Administration acts through the Planning Commission. The Administration, in the past few years, has been pretty clear of business growth, balance the neighbors' concerns and needs and get businesses in that area. The building is not being used and is vacant and we need to get some businesses in there.

Council Minority Leader Favicchio addressed the suggestion made by Mr. Stevens of a triangular configuration and asked what he means by that. Mr. Stevens suggested that the building be configured to preserve as much as possible the integrity historically.

Council Minority Leader Favicchio asked if the Tax Assessor has figures on the impact for tax purposes. Mr. Coupe stated that the Tax Assessor has not had the opportunity to do an analysis of the impact.

Roll call was taken on motion to recommend denial of Ordinance 4-15-05 and motion passed on a vote of 4-1. The following being recorded as voting "aye": Council Majority Leader Archetto, Councilmen Aceto, Stycos and Council President Lanni -4. The following being recorded as voting "nay": Councilman Farina -1.

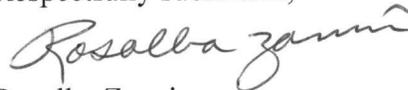
On motion by Councilman Aceto, seconded by Council Majority Leader Archetto, it was voted to deny Ordinance 4-15-06. Motion passed on a vote of 4-1. The following being recorded as voting "aye": Council Majority Leader Archetto, Councilmen Aceto, Stycos and Council President Lanni -4. The following being recorded as voting "nay": Councilman Farina -1.

5-15-01 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Stop Horizon Drive at Comstock Parkway). Sponsored by Councilman Aceto. [\[click to view\]](#)

On motion by Councilman Aceto, seconded by Council President Lanni, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

The meeting adjourned at 7:55 P.M.

Respectfully submitted,



Rosalba Zanni
Assistant City Clerk/Clerk of Committees