

(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, August 11, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 8:15 P.M. by the Chair.

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

Absent: Councilman Emilio L. Navarro

Also Present: Councilman Michael W. Favicchio
Gerald Cordy, Deputy Director of Administration
Mark Capuano, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Robert Strom, Director of Finance
Steve Woerner, City Council Internal Auditor
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Meredith Mahoney, 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. Motion passed unanimously.

CORRESPONDENCE:

OLD BUSINESS:

5-11-3 Ordinance in amendment of Chapter 2.08, of the Code of the City of Cranston, 2005, entitled "City Departments" Cont. 6/16/2011, 7/14/2011. [\[click here to view\]](#)

No one appeared to speak in favor or to oppose.

Council President Lupino asked that this Ordinance be withdrawn and within the next few months, a formal questionnaire and form will be drafted.

Ordinance was withdrawn.

PUBLIC HEARINGS/NEW BUSINESS:

4-11-5 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 800 Oaklawn Ave. and 828-836 Oaklawn Ave.), As amended in Committee 7/14/2011 (referred from City Council 7/25/2011)
[\[click here to view\]](#)

Public Speakers:

Mary Marzilli McKenna, 53 Warman Ave., appeared to oppose to this Zone Change and asked that the Zoning for this area be left as is.

Olga Pagano, 96 Warman Ave., appeared to speak and stated that the neighbors are not opposed to the Zone Change from A-6 to C-2 for 828-836 Oaklawn Ave., but are opposed to the Zone Change to C-3 for 800 Oaklawn Ave. even with restrictions because in the future, new owners could have the restrictions removed.

Louis DeMarco, 16 Miles Ave., appeared to speak and presented a petition and stated that there is no C-3 Zoning in the area. He questioned why the applicant wants a C-3. This is the fifth time this issue has come before this Committee. The residents do not want this Zone Change.

William Felci, 15 Hillside Ave., appeared to oppose to this Zone Change request.

Robert Murray, Esq., appeared to represent applicant and introduced Edward Pimental, Land Use Consultant of Pimental Consulting, Inc.

Edward Pimental, 26 Avon Rd., appeared to speak and presented a handout.

Gloria DiZoglio, Battery Lane, Jamestown, applicant, appeared to speak and presented a handout.

Christopher Perry, 115 Warman Ave., appeared to speak and asked if the Zoning is changed to C-3 for the property in question, will it affect his property or his neighbors' properties. He stated that he is opposed to the Zone Change to C-3.

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

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to amend the above Ordinance to state "C-3 with restrictions of no drive-thru and no nightclub and restrictions to remain on property if ownership is transferred".

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to further amend the above Ordinance to state that "restriction of no drive-thru can't be lifted even with a variance.

Under Discussion:

Councilman Stycos asked Solicitor if restriction would continue if the land is transferred. Solicitor Kirshenbaum stated that you could make it so the restrictions would run with the land, but he does not know if it would be 100% guaranteed.

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

Discussion took place on the Ordinance as amended and Councilman Donahue indicated to Section 13.03 of the City Code. He stated that by not approving the C-3, would be inconsistent with the Code and the City Charter with respect to the Comprehensive Plan.

Councilman Favicchio addressed Mr. Ferri's question as to whether his property would be affected if the C-3 is approved and stated that as long as Mr. Ferri's property does not abut any part of Oaklawn Ave., his property will remain residential.

Discussion continued on the amended Ordinance.

Councilman Stycos stated that he has a concern with the Ordinance that is before the Committee. He stated that last month, the Committee amended the Ordinance and the City Council referred it back to this Committee. The Ordinance before the Committee this evening is not the amended version. Solicitor Kirshenbaum indicated that the amended Ordinance was advertised and is properly before this Committee.

Council President Lupino asked if the Change in Zone requires any more change in density for parking requirement. Mr. Pimental stated that it depends on the type of establishment because some establishments do not require a lot of parking, such as a doctor's office, as compared to a restaurant, which would require more parking.

Roll call was taken on motion to recommend approval of the above Ordinance as amended and motion passed on a vote of 3-1. The following being recorded as voting "aye": Councilmen Archetto, Donahue and Council Vice-President Pelletier -3. The following being recorded as voting "nay": Councilman Stycos -1.

MISCELLANEOUS BUSINESS:

Mary Marzilli McKenna, 53 Warman Ave., stated that 193 Brayton Ave. property is a mess, shrubs not cut and home is abandoned. Chair asked Ms. McKenna to contact the Building Inspector regarding this issue.

The meeting adjourned at 9:55 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees