

(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, January 12, 2012 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 7:15 P.M. by the Chair.

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

Also Present: Councilman Richard D. Santamaria, Jr.
Gerald Cordy, Director of Administration
Mark Capuano, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Patrick Quinlan, City Council Legal Counsel
Robert Strom, Director of Finance
Carlos Lopez, Director of Constituent and Government Affairs
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council Vice-President Pelletier, seconded by Councilman Donahue, 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:

PUBLIC HEARINGS/NEW BUSINESS:

12-11-1 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (860 Reservoir Avenue- Zone Change). [\[click here to view\]](#)

J. Joseph Shekarchi, Esq., appeared to represent the applicant and state he had his experts present to do a presentation. **Chairman Archetto** that he was limited to four minutes. Mr. Shekarchi stated that this plan is consistent with the Comprehensive Plan. He stated that this is good economic development. His client is proposing a buffer lot, directional signal, vegetation and a wall as a buffer zone. His client is willing to work with the neighbors as far as the hours of operation and work out restrictions that are favorable.

Edward Pimentel, Traffic Engineer, appeared to speak regarding analysis he conducted.

Timothy Dodd, Esq., 215 Broadway, Providence, appeared to represent some of the residents who are present this evening and are opposed to this Zone Change. He presented two handouts. Attorney Dodd stated that this is premature. There is no guarantee from the applicant that this is going to be a Wendy's, as stated in the proposal. The lot to be used for the drive-thru is undersized and they would have to go through Variance relief. The applicant should do that first and then come before this Committee for a Zone Change. Attorney Dodd presented samples of certified mail notices sent to the residents, which were post marked January 4th for hearing on January 3rd by the Planning Commission. He questioned the notices whether they are valid or not. City Clerk stated that State Law and City Charter requires notice of the public hearing before the Ordinance Committee and City Council. There is no notice requirement for the Planning Commission. She stated that the notices were not defective.

Peter LaPolla, City Planner, appeared to speak and stated that there is no notice requirement for the Planning Commission.

Joseph Lombardo appeared to oppose and asked that the Committee refer this back to the Planning Commission to review the process.

Barbara Polichetti, 18 Shirley Blvd., appeared to oppose and stated that her main concern is the City is acting too swiftly and prematurely. She asked that the Council please protect the quality of life of the older neighborhoods in the City.

Jane Renza, 55 Shirley Blvd., appeared to oppose and stated that a drive-thru will allow applicant to be open until 2:00 A.M., which will bring in bad element from other cities and cause problems for the neighborhood.

Jody Boyer, 134 Shirley Blvd., appeared to oppose to any drive-thru or drive-in at this location.

Joseph Cherkes, 420 Sheridan St., appeared to oppose.

Brenda Ciccarelli, 415 Auburn St., appeared to oppose and stated that her concerns are noise, traffic and trash. She has nothing against Wendy's and closing at a reasonable hour, but drive-thru would destroy the neighborhood.

Ms. Corvese, 57 Clearview Dr., appeared to represent her brother Dr. Steven Corvese, who owns property in the area and is opposed to this request for Zone Change.

Karen McDonald, 125 Auburn St., appeared to oppose and stated that the main reason is trash. Drive-thru will only make the trash problem worse.

Robert Harold, 56 Shirley Blvd., appeared to oppose and stated that this request is not a good move for the City. There are enough fast food businesses on Reservoir Ave.

Clifford Reed, 41 Hazelwood St., appeared to oppose and stated that the residents are not opposed to a Wendy's, what they are opposed to is the drive-thru.

Dave Palombo, owner of 434 Auburn St., appeared to oppose and stated that when Bickfords was at this location, he was picking up beer bottles every day from his property. The owner of this property is not maintaining his property and it is affecting his property.

Sandy Howe, 130 Shirley Blvd., appeared to oppose.

Eric Ciccarelli, 15 Auburn St., appeared to oppose.

Albert Pechie, 68 Nickerson St., appeared to oppose.

Robert Vosier, 124 Shirley Blvd., appeared to oppose and stated that he is not opposed to a Wendy's, but his concern is flow of traffic and hours of operation. He does not think there should be any traffic exiting on Auburn St. and hours of operation should be kept at a reasonable time.

On motion by Councilman Navarro, seconded by Councilman Stycos, it was voted to deny this Ordinance.

Under Discussion:

Councilman Navarro stated that some of the reasons he does not support this request for Zone Change is a drive-thru would have an adverse affect on the neighborhood, not knowing the plans, not knowing what affect it will have on the neighborhood, trash, not knowing the hours of operation and amount of traffic would be a problem.

Council President Lupino stated that a similar issue to this occurred in another part of the City, where the Zone Change was denied by this Committee and applicant was prevented from coming back to this Committee for another two years. He asked if this would prevent this applicant from coming before this Committee on this issue or on the entire situation for another two years. He asked for clarification from the Solicitor.

Council Vice-President Pelletier stated that rather than flat out deny this or approve it, this Committee should continue this request and the two parties, applicant and neighbors, meet and come to some agreements on the issues.

Mr. Quinlan addressed Council President Lupino's question. He stated that applicant is restricted for twenty-four months from coming before the City Council on the same application.

Roll call was taken on motion to deny this Ordinance and motion passed unanimously.

Mr. Quinlan indicated that the applicant still has the right to go before the full City Council on the denial as an appeal. City Clerk clarified that this Ordinance will be listed on the Council Docket as a denial.

12-11-2 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 45-51 Sockanosset Crossroad).

[\[click here to view\]](#)

Robert Murray, Esq., appeared to represent the applicant and presented a map of the area and a copy of the radius map. He stated that the Planning Commission has reviewed this plan and found that it is consistent with the Comprehensive Plan. He also presented another map of the area.

Jeffrey Salatin, Managing Partner, appeared to speak in favor.

No one appeared to oppose.

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

Under Discussion:

Councilman Navarro asked if there was a traffic study done. Attorney Murray stated, no, because the change would be a less intense use. Councilman Navarro stated that he is hesitant to approve this without a traffic study because this area is always congested with traffic now.

Chair stated that he sees an improvement to changing this Zone to a C-3. His only concern is C-3 would allow restaurant or lounge. He asked if there are any guarantees that this will not occur. Attorney Murray stated that his client has no plans for this and it would be incompatible to what he is doing with his property. All his client's properties, he rents to office type of business. Chair asked Attorney Murray if his client would agree to add as a stipulation, of no restaurants, bar or club. Attorney Murray stated that his client had to leave the meeting, but would agree to add this as a stipulation.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

12-11-3 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Zoning Board of Review Hearing Procedure). [\[click here to view\]](#)

Peter LaPolla, City Planner, appeared to speak and stated that the Planning Commission submitted its recommendation.

Steve Boyle, Cranston Chamber of Commerce, appeared to oppose.

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to deny this Ordinance.

Under Discussion:

Council President Lupino stated that the law is specific of the City Council getting involved in boards’ business, especially the Zoning Board of Review.

Mr. Quinlan stated that this Ordinance is to incorporate Charter provision in the Ordinance as to this body, as to the Oath. As to the voting section of this Ordinance, it does not conflict with State Law. This is within the realm of the City Council responsibility of directing the board in handling cases.

Councilman Archetto suggested that Councilman Stycos place this issue in the form of a Resolution to the Zoning Board. Councilman Stycos stated that he wants this mandated by Ordinance.

Roll call was taken on motion to deny this Ordinance and motion failed on a vote of 1-3. The following being recorded as voting “aye”: Councilman Donahue -1. The following being recorded as voting “nay”: Councilmen Archetto, Stycos and Navarro -3. Council Vice-President Pelletier was not present for vote.

On motion by Councilman Stycos, seconded by Councilman Navarro, it was voted to recommend approval of this Ordinance. Motion passed on a vote of 3-1. The following being recorded as voting “aye”: Councilmen Archetto, Stycos and Navarro -3. The following being recorded as voting “nay”: Councilman Donahue -1.

12-11-4 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Commercial Accessory Uses). [\[click here to view\]](#)

Peter LaPolla, City Planner, appeared to speak and stated that the Planning Commission submitted its recommendation.

Steve Boyle, Cranston Chamber of Commerce, appeared to oppose.

Council President Lupino asked that this Ordinance be withdrawn at this time. No one objected.

12-11-5 Ordinance in amendment of Title 5, Chapter 4 of the Code of the City of Cranston, 2005, “Business Licenses and Regulations” (Radius Maps for Notification of Abutters). [\[click here to view\]](#)

No one appeared to speak in favor or to oppose.

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

12-11-6 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 2005, “Administration and Personnel” (Repeal Classified Service). [\[click here to view\]](#)

No one appeared to speak in favor or to oppose.

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to continue this Ordinance to March, at the request of the Administration. Motion passed unanimously.

The meeting adjourned at 10:00 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees