

MINUTES

January 8, 2008

Chairman Petit called the Planning Commission Meeting to order at 7:10 p.m. in the City Council Chamber. The following Commission members were in attendance:

Paul M. Petit, Chairman
Corsino Delgado, Finance Director
Anthony Sylvia, P.E., Public Works Director
Stephen Devine
Charles Rossi
Robert Cicerone

Also present were:

Peter Lapolla, Planning Director
Jason M. Pezzullo, AICP, Principal Planner
Lynn Furney, AICP, Senior Planner
Vito Sciolto, Esq., City Solicitor
J. Resnick, Senior Clerk

The following members of the public attended:

| | | |
|-------------------|---------------------|------------------|
| Christina Howe | Kirk Rerick | Susan Rerick |
| Suzanne Soprano | Dale Saccoccio | Vincent DiRaimo |
| Nicholas Bouris | Karen Bouris | Margaret Caprara |
| Gilbert Parrillo | Russell Ferland | Chris Mazzier |
| Fr. Marcos Girgis | John Pariseault | John Bolton |
| Thomas Sweeney | Carol Najarian | Candace Ayvazyan |
| Katie King | Robert Murray, Esq. | |

MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *approve* the minutes of the December 4, 2007, Planning Commission Meeting.

ORDINANCES

12-07-2 – Amendment of Chapter 17.28 of the Code of the City of Cranston, 2005, Entitled “Zoning” (Drive Ins)

Mr. Lapolla explained that on January 7, 2008, the Planning Department staff met with Councilman Navarro and members of the Building Inspections Department in order to review the above referenced proposed zoning amendment. Based on that meeting, the following is proposed:

- Both Sec. 17.28.010.B.13. and Sec. 17.28.010.B.14 should be deleted and a new section should be added which states “Any uses that proposes to include a drive-in use shall be subject to a site plan review.”

- The amendment as proposed be further amended to state “The city traffic engineer’s written approval shall be required prior to the Zoning Board of Review taking any action regarding a drive-in use.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to adopt the above amendments and forward them along with a recommendation for *approval* to the City Council.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Delgado, Mr. Sylvia and Mr. Cicerone. There were no nay votes.

SUBDIVISION AND LAND DEVELOPMENT PLANS

The Petrucci Plat – Preliminary Plan

Minor Subdivision without street extension
 Tampa Street and Curry Street
 AP 12/2, Lots 2548, 2549, 2550 and 1480

Mr. Pezzullo explained that the applicant proposes to re-plat and subdivide the existing 14,043 sq. ft. of land area (four existing record lots) into two new conforming house lots; one for the existing single-family home to be moved to conform to zoning setbacks, and one for a new single-family residence. Both of the proposed lots meet the minimum frontage and area requirements within the A-6 zone and both will be serviced by public water and sewer.

Mr. Pezzullo went on to explain that no response from Veolia Water or the Providence Water Supply Board have been received, however, both sewer and water exist in the street. No waivers have been requested nor are required.

There being no further testimony, the Commission moved to a vote.

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision subject to the following conditions.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100’ radius have been notified via first class mail on 1/2/08 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed subdivision and its resulting density of approximately 6.2 residential units per acre is consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map which designates the subject parcel as “Residential” allowing more than 8 residential units per acre”.
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.

6. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access to Tampa Street and Curry Road, improved public roadways located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Complete the work of relocating the existing home to the area depicted on the Preliminary Plan prior to Final Plan submission and provide documentation from the Building Department confirming the work has been completed to their satisfaction.
2. Applicant shall install 6" concrete curbing to the satisfaction of the Building and Zoning Department.
3. Payment of Eastern Cranston Capital Facilities Impact Fee of \$593.46 at the time of Final Plan Recording.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Mr. Cicerone. There were no nay votes.

2008 – 2013 CAPITAL BUDGET AND IMPROVEMENT PROGRAM

Mr. Pezzullo stated that contained in the Planning Commission members packets are the “raw departmental requests”. He explained that the Planning Department staff will meet individually with each Department representative next week in order to produce the first draft of the proposed 2008-2013 Capital Budget proposal for the February Planning Commission Meeting.

PERFORMANCE GUARANTEES

Wildflower Estates

Pending Bond Expiration and Performance Guarantee Extension

Mr. Pezzullo explained that existing Domestic Bank Letter of Credit No. 168 in the amount of \$409,000, is set to expire on February 2, 2008. Communication with the Engineering Division confirmed that the planned public improvements have not been completed to the City’s satisfaction as of this date.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to allow the *extension* of existing Domestic Bank Letter of Credit No. 168 for **two** additional years if received by January 25, 2008, and to authorize the City Finance Department to withdraw the applicable funds should an extension not be received by January 25, 2008.

Aye Votes: Chairman Petit, Mr. Sylvia, Mr. Rossi, Mr. Devine, Mr. Delgado and Mr. Cicerone. There were no nay votes.

Glenham Park Phase III

Performance guarantee Release Request

In response to the applicant's request for release of existing Key Bank Letter of Credit No.S306179 (Amendment 003) in the amount of \$25,000, the Planning Commission took the following action:

Upon motion made by Mr. Delgado and seconded by Mr. Rossi, the Commission unanimously voted to *table* their decision on this matter for one month; in accordance with the Public Works Department's recommendation, in order to allow the applicant sufficient time to complete the planned public improvements.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Sylvia, Mr. Delgado, Mr. Devine and Mr. Cicerone.
Nay votes: none.

Newbury Village Phase 1H

Performance Guarantee Release Request

Mr. Pezzullo explained that written request has been received by the Planning Department from Robert Murray, Esq. on behalf of his client, Boylston Realty, LLC of Newbury Village Phase 1H, for release of the remaining cash bond in the amount of \$20,000.

Upon motion made by Mr. Devine and seconded by Mr. Rossi, the Commission unanimously voted to release \$15,000 of the remaining \$20,000 cash bond, leaving a balance of \$5,000; in accordance with the Public Works Department's recommendation.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Cicerone, Mr. Devine and Mr. Sylvia.
There were no nay votes.

Orchard Meadows

Performance Guarantee Reduction Request

Mr. Pezzullo stated that this request for a bond reduction was received verbally by the Planning Director. Due to the fact that no formal request for action has been received by the Planning Department, the Commission, upon motion made by Mr. Delgado and seconded by Mr. Rossi, unanimously voted to *table* this request.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Mr. Cicerone.
Nay votes: none.

Briar Hill Drive Extension

Performance Guarantee Reduction Request

Mr. Pezzullo stated that written correspondence has been received from Attorney John DiBona requesting reduction of his client's cash bond.

Upon motion made by Mr. Rossi and seconded by Mr. Sylvia, the Commission unanimously voted to *reduce* the existing cash bond currently being held in the amount of \$65,000 by \$41000, thereby leaving a balance of \$24,000; in accordance with the City Engineer's recommendation.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Mr. Cicerone.
Nay votes: none.

ZONING BOARD OF REVIEW ITEMS

MICHAEL COSTA 290 ALPINE ESTATES DRIVE CRANSTON RI 02921 (OWN/APP) has filed an application for permission to leave an existing legal non conforming single family dwelling with restricted frontage and side yard set back on a proposed 8000 SF [lots 963 & 964] and build a new 24' X 44' single family home with restricted frontage on the abutting undersized 4000+/- SF [lot 962] to the east at **101 Chestnut Avenue**. AP 9/3, Lots 962, 963, 964, area 12,000 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard Lots of Record.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The application's proposed resulting density of 7.26 residential units per acre, is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcels as "Residential" allowing more than 8 residential units per acre".
2. The proposed 8,000 sq. ft. parcel is sufficient area for a two-family dwelling in this zone, however, the existing house will remain a single family.
3. The total square footage (12,000 sq. ft.) is enough area for 2 single family dwellings on 6,000 sq. ft. lots. Unfortunately, the location of the existing house, on the middle 4,000 sq. ft. lot, does not permit the properties to be evenly divided into 6,000 sq. ft. lots. However, the resulting net density is the same.
4. The City's GIS shows that of the 72 one family dwellings within the 400' zoning notification radius, 35 or 49 % are on 4,000 sq. ft. lots with the same 40 ft. frontage as the applicant's proposal.
5. The proposed new single family dwelling meets all required yard setback distances.
6. Therefore, the proposal to construct a single family on an existing 4,000 sq. ft. lot with insufficient frontage, will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

Recommendation: Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to recommend *Approval* with the following conditions:

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.
2. The existing single family on the 8,000 sq. ft. parcel (lots 963 and 964) is to remain a single family.
3. The applicant is to submit an Administrative Subdivision to combine Lots 963 and 964 into one parcel.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Mr. Cicerone.
There were no nay votes.

VARUJAN AND CANDACE A AYVAZIAN 559 OAKLAWN AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to reconfigure an existing lot line and leave an existing legal non-conforming building on a proposed undersized 4707+/- SF [lot 1] with restricted rear yard set back and off street parking at **4-6 Rolfe Street**. AP 5/1, Lots 575 and 574, area 8,980

+/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.64.010 Off Street Parking.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The current commercial uses of the building is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel for "Commercial and Services."
2. The applicant has submitted an Administrative Subdivision to the Planning Commission to reconfigure the lot line between lots 575 and 574.
3. The rear section of the building at 4-6 Rolfe Street on lot 575, encroaches on a portion of the abutting lot #574, that fronts on Park Avenue.
4. The proposed irregular lot line will place the building at 4-6 Rolfe Street entirely on its own lot, but will create an unavoidable restricted rear yard setback of 2', where 20' is required.
5. A preexisting shared parking area is located on the corner of Park Avenue and Rolfe Street on portions of both lots 575 and 574.
6. The proposed lot line change is on paper only, no physical changes are proposed for the properties, therefore, the application will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

Recommendation: Upon motion made by Mr. Devine and seconded by Mr. Rossi, the Commission unanimously voted to recommend *Approval* with the following condition:

That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Mr. Cicerone.
There were no nay votes.

VARUJAN AND CANDACE A AYVAZYAN 559 OAKLAWN AVENUE CRANSTON RI 02920 (OWN/APP) AND SAI YUE LEUNG 840 PONTIAC AVENUE CRANSTON RI 02910 (LESSEE) have filed an application for permission to reconfigure an existing lot line and leave an existing legal non-conforming building on a proposed undersized 4188+/- SF [lot 2] with restricted frontage and off street parking at **840 Park Avenue**. AP 5/1, Lots 575 and 574, area 8,980 +/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.64.010 Off Street Parking.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The current commercial use of the property is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Commercial and Services."

2. The applicant has submitted an Administrative Subdivision to the Planning Commission to reconfigure the lot line between lots 575 and 574.
3. The side lot line of lot #574, at 840 Park Avenue, passes through the rear section of the building located on abutting lot 575 at 4-6 Rolfe Street.
4. The proposed irregular lot line will eliminate the encroachment of the building at 4-6 Rolfe Street and place it entirely on its own lot, but will decrease the lot area for lot 574 by 809.5 sq. ft.
5. A preexisting parking area is located on the corner of Park Avenue and Rolfe Street on portions of both lots.
6. The proposed change is on paper only, no physical changes are proposed for the properties, therefore, the application will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

Recommendation: Upon motion made by Mr. Delgado and seconded by Mr. Rossi, the Commission unanimously voted to recommend *Approval* with the following condition:

1. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Mr. Cicerone. There were no nay votes.

ST MARY & ST MENA COPTIC ORTHODOX CHURCH OF RI 8 PENDLETON STREET

CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build new church with restricted height, additional signage and street access greater than that allowed by ordinance at the **northeast corner of Scituate Avenue and Seven Mile Road**. AP 32, lot 38, area 348,480 +/- SF, zoned A-80. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.72.010 Signs, 17.64.010 (F) (2) Street Access.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The property is located on the Western Cranston Historic Scenic Farm Route, and is directly across the street from Cloverdale Farm, one of the State's only remaining operating dairy farms. The development rights to this farm were purchased by the City, DEM, and the West Bay Land Trust in 2003. The applicant's property was used for agricultural purposes, as illustrated in the aerial photography of the site, taken on Easter, 2001.
2. The City's Comprehensive Plan states in the *Open Space* element on page 171: "Scenic roads are an important type of linkage because they provide visual continuity between open space sites. Designation of a scenic road acknowledges its scenic qualities...It is important to protect these landscapes to provide a visual link with Cranston's rich agricultural heritage, and to provide an alternative to the suburban landforms of eastern Cranston." The City Council embraced this recommendation of the Comp Plan and designated by RESOLUTION No. 2002-63, in November 25, 2002, the *Western Cranston Historic Scenic Farm Route*. This portion of Scituate Avenue, as well as Seven Mile Road, Hope Road, Laten Knight Road, and Pippin Orchard Road were included in the designation. The Resolution "urges that the preservation of this important agricultural

and scenic legacy continue to guide future City actions in the regulation of private development and the acquisition of open space.”

3. Also in the Comp Plan’s *Open Space* element on page 173, under the heading of *Conserving Farmlands*, it reads: “Preserving the rural quality of western Cranston and its existing farmland is one of the goals of the Comprehensive Plan.” This application therefore, does not conform with the intent and purpose of the Comprehensive Plan.

4. The following are Site Plan review issues:

Section 17.84.010 A of the Zoning Code entitled *Site Plan Review, Purpose*, lists the following:

A. “The purpose of this section is to establish procedures pursuant to the permitting process which will enable the city to perform a comprehensive review of certain proposed developments...The site plan review requirements of this section are designed to assure safe, orderly and harmonious development of property in a manner that shall:

1. Provide suitable safeguard and consideration for land use and site and architectural design that is compatible with adjacent districts and uses;...
3. Preserve and protect natural resources and features and encourage consideration of environmental impacts and mitigative measures;...
8. Preserve natural, historical and cultural resources which will be preserved to the maximum extent feasible;
9. Protect appropriate vistas and environmental qualities of the city;
10. Assure consideration of the various elements of the comprehensive plan of the city; and
11. Ensure compatibility among neighboring land uses.”

Section 17.84.070 A, entitled **Development and landscaping design standards**, states the Purpose and Objectives are to:...

3. “ Preserve the character and scales of existing development and control new development in conformity with the existing character of the area;
4. Provide a transition between, and a reduction in, the environmental, aesthetic and other impacts of one type of land uses upon another...”

Section 17.84.070 C. Development Standards states:

1. Compatibility. “Applicants are encouraged to design developments, the basic design of which (including proposed style and materials, the relationship between any proposed buildings and the site and the overall physical appearance), will be consistent with the goals of the city’s Comprehensive Plan.”

To be consistent with the Comprehensive Plan, Staff would encourage the applicant to submit a new design for the church that is both harmonious and in character with the surrounding agricultural/rural neighborhood, in which it is located. There are examples of designs for Coptic churches in Canada and the United States that have met this challenge.

5. The proposed Church is 205’-7” long, 108’ wide and 80 feet high. The application states the total area of the building will be 21,781 sq. ft. For comparison, the largest building in the Cranston is an irregular shaped 130’ x 38’, barn with a total of 5,616 sq. ft on the Cloverdale Farm across the street. The proposed building therefore does not conform to the scale of the buildings in the neighborhood, as required in the **Design Standards** of the Site Plan Review Ordinance. The size of the building will have a negative impact on the general character of the area.
6. There is a 15’ difference in elevation between Scituate Avenue and the proposed church’s location. The building’s highest point, a steeple 80’-1” above ground, will be from that elevation. There is a 40’ diameter dome on the church that has a height of 73’. The

roof line of the rest of the building is at a height of 43'. In contrast, the highest building, is a Methodist Church on the opposite corner of Seven Mile Road and Scituate Avenue in Scituate. That roofline is at 35' with a steeple that is 24' over the peak of the roof.(at elevation 59'). There is also a Bell Tower with a height of 40.5' (This elevation information was verified by a Certified land surveyor.)

In comparison, in 1993, a height variance was received for the steeple at the Holy Apostle Church located down the street on Scituate Avenue. The variance was for a 40' high steeple, which is only 5 feet higher than what is allowed by ordinance. Therefore, the 80' height variance request will alter the general character of the area..

7. The site plan submitted shows that the mature trees along the Seven Mile Road property line will be removed and disposed of (within the area 350' from the intersection) , in order to provide a clear sight distance for the driveway openings in this location.
8. In addition, the Holy Apostles Church building's setback is 215 from the property line on Scituate Avenue. The setback for the proposed new church is 115' from the property line along Scituate Avenue, which does not leave an adequate buffer/open space area for the agricultural scenic view vista on the Farm Route, and does not comply with the Comp Plan's recommendation to "protect these landscapes to provide a visual link with Cranston's rich agricultural heritage.."

When the site plans for the City's newest school, Orchard Farms, (located on Scituate Avenue next to the Holy Apostles Church) were drawn, the building was purposely moved to the rear of the property to maintain an open space agricultural buffer along Scituate Avenue, in order to comply with the Comprehensive Plan. That area in front of the school is farmed by a local farmer.

The house to the right of the applicant's property is set back 258' from Scituate Avenue.

9. The Zoning requirement for number of parking spaces required for churches is 1 space per every 10 seats. The proposed church will contain 600 seats, requiring 60 seats per Code. The site plan provides a parking area for 79 cars, which does conform with the current Zoning Code. However, this original Cranston Zoning requirement was adopted in 1965, when churches were located in residential areas, where many of the congregation walked to church. Because of the location of the proposed church in an agricultural/rural area of the City, it is safe to assume that no one will be walking to church, and the peak parking need, would result in overflow parking on Scituate Ave.
10. A *Traffic Impact Assessment*, performed by RAB Professional Engineers, Inc., states that currently the church's congregation serves 130 families who come from Rhode Island, Connecticut and Massachusetts. The report states on an average Sunday, 80-100 families attend the service. The Planning Staff finds that though technically, the zoning requirement for parking is met; realistically, the parking lot proposed is not large enough to accommodate the current congregation. The report states that based on the number of seats, it is expected that the number of families in the church could increase to approximately 250 over a number of years. Staff acknowledges that the parking area would have to be increased in the future, which makes the placement of the church on the property very important. It is uncertain whether additional parking spaces could be provided, considering the high water table and the placement of the septic system.
11. The Traffic Assessment also states that on the northwest corner directly across the street from the applicant's property (in Scituate,) there is a small Methodist Church. Actual traffic counts conducted by RAB on a Sunday between 9 and 10:00 am showed 70 cars entering the Methodist Church's parking lot. Their lot provides 77 spaces.

12. The application requests relief from the 6 sq. ft. sign allowed by ordinance. The applicant is requesting a 56 sq. ft. monument sign located on top of a two stepped, stone pedestal. The total height is 11.5 feet from grade.
13. The Site Plan Review Committee gave the applicant a pre-application submission approval on November 14, 2006. Condition #8 of the Committee's approval required the applicant to "Reevaluate the location of the proposed new church structure, giving consideration to moving it further back from Scituate Avenue, to help maintain a wider rural view-field along this Historic Farm Route." The decision letter to the applicant states that Chairman Rhodes noted that "although the church is a remarkable structure in scale and design, its location in the midst of farm fields along Cranston's Historic Farm Route, could have a negative impact on the rural character of the area. He said that the large site provided the opportunity to move the church's footprint further north on the site, resulting in a deeper setback from Scituate Avenue. Additionally, moving the proposed street trees back along with the structure, would provide better screening from the roadway, thus creating a wider area of open space along the Historic Farm Route."
14. It is the Staff's opinion that with the change of membership of the Site Plan Review Committee, since the applicant's first submittal in November 2006,(fire department member, building inspector, and chairman), that during Preliminary review, the Committee mistakenly overlooked the issues of architecture, massing, and location of the building that was discussed at the pre-application submission, and only reviewed the application with regard to engineering, drainage issues, and landscaping.

Recommendation:

Upon motion made by Mr. Devine and seconded by Mr. Rossi, the Commission unanimously voted to recommend that this application be *Tabled* in order to give the applicant and the architect for the building, the opportunity to explore options to reduce the height of the building, especially given the strong neighborhood/citizen opposition to the recent D'Ambra application for a height variance of 80' for a silo on Plainfield Pike.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Mr. Cicerone.
There were no nay votes.

GEORGE & INNA GARCIA 209 HYDE STREET CRANSTON RI 02920 (OWN/ APP) have filed an application for permission to leave an existing 10' X 12' +/- shed with restricted side yard set back at **209 Hyde Street**. AP 11/3, lot 1336, area 6300 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The residential use of the property is consistent with the Comprehensive Plan's Future Land Use Map, and therefore, does not impair its intent or purpose.
2. The shed is located within the right side yard setback area for the house, and has a restricted side yard setback of 1.9 ft., where 5 feet is required for accessory structures.
3. The application states that yard equipment and pool supplies are stored in the shed.
4. The site plan submitted shows an open area in the north west corner of the property, where the shed could be located with legal yard setbacks.
5. The City's GIS shows that there are no other properties within the 400' zoning notification radius that has a shed within the side yard setback area for the dwelling on the lot.

6. The aerial GIS map shows the house on the abutting lot (1338) has an existing restricted side yard setback of approximately 1.5 feet from the common lot line of the applicant's property, leaving approximately a 3 foot separation between the applicant's shed and the neighboring house. The application therefore, alters the general character of the neighborhood and impairs the intent or purpose of the Cranston Zoning Code.

Recommendation: Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to recommend *Denial* for the following reasons:

1. The application alters the general character of the neighborhood and impairs the intent or purpose of the Cranston Zoning Code.
2. There is ample room on the north west corner of the lot to accommodate the 10 x 12' shed without the necessity for any side or rear yard zoning variances.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Mr. Cicerone.
There were no nay votes.

PACCO REALTY CO INC 30 BUDLONG ROAD CRANSTON RI 02920 (OWN) AND CHARLES C AND VICTORIA A ZAYAT 301 ALPINE ESTATES DRIVE CRANSTON RI 02921(APP) have filed an application for permission to build a new 50' x 120' one story industrial building with restricted frontage, front, side, rear yard setback and off-street parking on **Calder Street**. AP 11/2, lot 1892, 1893, 1894, 1895, 1896 area 14,946 +/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.64.010 Off-Street Parking.

Findings of Fact:

1. No action can take place on this application until the Site Plan Review process is initiated and approved.

SOPRANO REALTY COMPANY 4 NOTTINGHAM DRIVE HOPE RI 02831 (OWN/APP) has filed an application for permission to leave an existing legal non conforming 5000+/- SF commercial building with restricted frontage, front and side yard set back on a proposed undersized 20,481+/- SF lot [parcel A] and leave an existing legal non-conforming 7000+/- SF commercial building with restricted frontage, front and side yard set back on a proposed undersized 20,877+/- SF lot [parcel B]at **225 Macklin Street and 86 Calder Street**. AP 11, Lot 2064, area 41,358 +/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Upon motion made by Mr. Devine and seconded by Mr. Delgado, the Commission unanimously voted to *Table* this application, at the request of the applicant's attorney.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Mr. Cicerone.
There were no nay votes.

COMPREHENSIVE PLAN UPDATE

Mr. Lapolla explained that the Planning Department staff is currently working on the Historic Element of the Draft Comprehensive Plan.

MISCELLANEOUS

Mr. Lapolla announced that the petition to rezone a parcel on Plainfield Pike (proposed alzheimer's center) has been withdrawn by the applicant.

Cranston Print Works

Mr. Lapolla explained that the Planning Department staff attended a presentation to Rhode Island Housing given by the applicant for the redevelopment of the Cranston Print Works site. He explained that the staff were in attendance to lend their support for the project.

Providence Foundation

Mr. Lapolla explained that a member from the Planning Department will attend future meetings on the Providence Foundation's study to establish mass transit from Woonsocket to Warwick.

Chairman Petit announced that this meeting is the last for Commissioner Stephen Devine as his term has expired and he does not wish to seek another term. He thanked Mr. Devine for his service to the Commission and the citizens of Cranston. In turn, Mr. Devine thanked the Commission for the opportunity to experience local level planning as his career is in State government.

PLANNING COMMISSION SCHEDULE CHANGE

Mr. Lapolla stated that the November 11, 2008 Planning Commission Meeting must be re-scheduled to another date as November 11 is Veteran's Day. The meeting was originally re-scheduled from the 1st Tuesday of the month as November 4 is election day. Therefore, the Commission agreed to meet on Wednesday, November 5, 2008.

NEXT MEETING

Tuesday, February 5, 2008 at 7 p.m. in the City Council Chamber

ADJOURNMENT

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Planning Commission Meeting adjourned at 10:05 p.m.

Respectfully submitted

Jason M. Pezzullo, AICP
Principal Planner/Secretary