

MINUTES

July 11, 2006

Chairman William Guglietta called the Planning Commission meeting to order in the City Council Chamber at 7:08 p.m. He announced that the Plainfield Pike Subdivision Preliminary Plan and the Park Avenue Condominiums Master Plan would not be heard, at the applicants request. Upon motion made by Mr. Schiappa and seconded by Mr. Petit, the Commission unanimously voted to *continue* the Plainfield Pike Preliminary Plan to the September 12, 2006 Planning Commission meeting. In regard to the Park Avenue Condominiums Master Plan Public Informational Hearing, upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to *continue* the hearing to the September 12, 2006 Planning Commission meeting as well. The following Commission members were in attendance:

William J. Guglietta, Esq., Chairman
Paul M. Petit, Vice Chairman
Charles Rossi
Marco Schiappa, P.E.
Councilwoman Paula McFarland (arrived 8:45 p.m.)

Also in attendance were: Jared L. Rhodes II, Planning Director
Jason M. Pezzullo, Principal Planner
Lynn Furney, Senior Planner
Vito L. Sciolto, Esq., Asst. City Solicitor
April Costa, Stenographer
Joanne Resnick, Clerk

Members of the public attending were:

Mark Perrotti	Domenic Paliotta	Gina Conca
Diane Paliotta	John Iafrati	Carmine Cece
James Bellini	Barbara Lancaster	Frank Paolino
Kevin McKenna, Esq.	John DiBona, Esq.	

MINUTES

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to *approve* the minutes of the June 6, 2006 Planning Commission meeting.

ORDINANCE COMMITTEE ITEMS

Ordinance #2-06-08 – Zone Change, AP 12, Lots 997-1002 and the southerly 40 ft. in width by the entire depth of Lot 996

Chairman Guglietta gave a brief explanation of the proposal, which has been before the Commission several times for Comprehensive Plan Amendment, Change of Zone and subdivision approval. The current proposal seeks to merge the subject property into one 2.36 acre parcel and to construct 27 condominium units. Whereas Lots 938-953 are currently zoned

B-2, allowing single, two and multi-family residential uses, Lots 996-1002 are currently zoned A-6, allowing only single family residences on 6,000 sq. ft. lots. The applicant is seeking a change in zone for Lots 996-1002 and the area of the proposed Burton Street abandonment from A-6 to B-2 so as to facilitate the larger development of the condominium units on those parcels.

Attorney Kevin McKenna, representing Mr. Carmine Cece, abutting property owner along Atwood Avenue and downhill from the proposed condominium development, objected to several aspects of the proposal. He stated that his client received no notice of the "zoning recommendation". He objected on that basis as well as the fact that the Comprehensive Plan Amendment granted by the City Council in 2004 was not approved by the State Director of Planning. He stated that the Commission cannot consider the Master Plan at this time without State approval. He stated that "this has been a bad habit in Cranston for many years". Mr. McKenna further stated that the second section of lots, which the applicant seeks to merge, was approved by the City Council, however, the City Council tabled the matter. He stated that "you can't have zoning without the State approving the Comprehensive Plan Amendment".

Attorney John DiBona, representing the applicants, Testa and Carlino Developers, LLC, stated that in terms of Ordinance #2-06-08, the applicant is seeking the Planning Commission's recommendation prior to the City Council hearing. He stated that the initial ordinance application indicated that the applicant would be limited to 9 units. As a result of the plan submitted, the total number of units will be 27, with the addition of the newly acquired parcel. He stated that, when appropriate, it is his intent to file an amended application for the zone change to indicate the additional 11 units. Therefore, what is before the Commission at this time does not reflect the current proposal. He stated that it is his opinion that the hearing on the Master Plan proposal may proceed but that consideration of the ordinance should be continued until his client requests that the City Council take it "off the table".

Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission unanimously voted to *continue* the review of Ordinance #2-06-08

Aye Votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Schiappa. There were no nay votes.

Chairman Guglietta and Assistant City Solicitor Vito Sciolto concurred that the Master Plan hearing may go forward at this time.

Testa/Carlino Condominiums II – Master Plan

Berry/Burton Street

Major Land Development Plan with street extension

AP 12/4, Lots 938-953 and 996-1002

Attorney McKenna then presented a memorandum to Assistant City Solicitor Sciolto on the "points of law" as they relate to the State Statute on land use. Mr. Sciolto then stated that as this document is being presented at the meeting, he did not have opportunity to review it and could not provide recommendation based on it. Mr. McKenna then stated that according to State Statute, a vote on the Master Plan is not required. He further went on to explain the process for appeal.

Attorney DiBona gave a brief overview of the history of the project to date, stating that what is before the Commission for review is a Master Plan of a condominium project that will consist of 27 units. In September, 2004, the City Council approved a Comprehensive Plan Amendment, changing the designation from residential, 4-8 units per acre to multi-family transitional and also approved a zone change, from A-6 to B-2 to permit condominium development for 16 units. The Planning Commission had recommended approval of those ordinances. Subsequent to the approval of those two ordinances, the Planning Commission granted Master Plan approval for the original proposal of 16 units. He went on to explain that his client purchased additional property

to the west of said property, which is on Burton Street. In May, 2006, 1) the Planning Commission made recommendation to the City Council to approve the Comprehensive Plan Amendment and Zone Change and 2) the City Council's approval of the Comprehensive Plan Amendment and tabling of the Zone Change pending the Planning Commission's granting of conditional Master Plan approval for the revised development proposal.

Mr. DiBona stated that Attorney McKenna previously indicated that the process that has been followed in the past was not in compliance with the City's own ordinance or State Law, which indicates that an applicant must first receive Master Plan approval prior to seeking a change of zone. Mr. DiBona went on to explain that the zone change amendment has been tabled, and the Comprehensive Plan Amendment has been approved which has changed the designation of this property from 4-8 units per acre to multi-family transitional zoning designation. At this time his client is seeking Master Plan approval for 27 units. The previous project, consisting of 16 units that received Master Plan approval, will not proceed.

Mr. Peter Alviti, P.E., representing the developers, Carlino and Testa, presented an engineering analysis for the 27 unit Master Plan. He explained that the proposal is a sequel to a previous Master Plan submittal for 16 condominium units on the easterly side of the site that was originally submitted and approved by the Planning Commission in 2004. He stated that at the time of the original submission he reviewed a number of factors including topographic conditions, property lines, zoning setback requirements, water supply, sewage disposal, refuse removal and traffic issues. He explained that soil samples were taken at the time, and the soil was determined suitable in accordance with the grading plan submitted. He stated that the existing utilities were studied, namely the existence of water and sewer lines on Atwood Avenue, Burton Street and Randall Street, all of which are sufficient and provide adequate capacity to supply not only the original 16 units that were approved but also the additional 11 units proposed.

Mr. Alviti further testified that stormwater runoff will be handled entirely on-site. The stormwater will be collected in a drainage system much the way a conventional drainage system is. The existing flow from this property down gradient into the Atwood Avenue drainage system will be allowed to continue to flow at their current levels (pre-development conditions). Any additional stormwater flows that are created by the development will be handled by a series of underground disposal systems (infiltration wells) that will moderate the peak flows from the development and provide treatment, both quantitative and quality treatment, so that the flow from the site in the future will remain the same as the flow that currently exists in its undeveloped state.

The traffic analysis submitted in 2004 is the basis of the traffic counts taken, which are still valid. Recommendations made by RIDOT have been taken into account in the traffic circulation plan. The particular recommendation made by RIDOT is that the applicant study and "every attempt must be made to utilize the undeveloped section of Berry Street, and bring the proposed access road out to Randall Street. This would allow access to Atwood Avenue via the existing traffic signal rather than adding an additional access point (Cady Avenue) along Atwood, as currently proposed". Traffic counts were taken at the above noted intersection, and the results were put through standard ITE models. It was determined that the current Level of Service at this intersection is Level of Service "B". It is expected that the increased traffic from this development, in peak conditions, will increase the number of hourly vehicles into the Atwood Avenue traffic stream by 15 vehicles per hour at the a.m. peak time. A small order of magnitude when compared to traffic counts which showed 690 vehicles per hour in the northbound direction and 697 vehicles per hour in the southbound direction during the a.m. peak. Upwards of 1,300 vehicles per hour would easily assimilate the additional 15 vehicles per hour that is proposed by this development. The Level of Service "B" would not change as a result of this development.

He further mentioned that no hazardous materials were located on the site during the soil evaluation. The area has been generally wooded and undeveloped at least since the 1930's. Prior to that, no aerial photo records exist.

In regard to parking, 54 parking spaces are required by City Code, and the plan provides 66 spaces.

Chairman Guglietta reiterated the major difference in the two proposals is the Cady Avenue vs. Berry Street access. He asked Mr. Alviti what would be left of Cady Avenue and what relevance Cady Avenue has to the development as now proposed, if any.

Mr. Alviti stated that Cady Avenue would not be changed and would remain in its current state and continue to be illegally used by adjacent businesses for parking. The current proposal is to leave that paper street, named Cady Avenue, in its present condition. The proposal is to re-construct a new road coming out of the easterly side of the site that would be a new area of pavement along 150 ft. of Berry Street extending from the subject property to its intersection with Randall Street. The current proposal was instituted in light of the recommendation of RIDOT, who, upon reviewing the traffic pattern submitted, strongly suggested and recommended that "all possibilities of the utilization of Berry Street be exhausted". He explained that traditional engineering reasoning is that if the proposal could send its traffic to Randall Street (a controlled intersection at Atwood Avenue), this would result in a more suitable traffic condition than developing Cady Avenue and allowing uncontrolled turns onto Atwood Avenue.

Chairman Guglietta then questioned RIDOT's role in this process, asking if RIDOT "ordered" the developer to avoid the use of Cady Avenue. Mr. Alviti responded that RIDOT simply responded to a recommendation as a precursor to an application for a Physical Alteration Permit. He stated that if the developer had continued with the plan to use Cady Avenue, a Physical Alteration Permit would be required from RIDOT. In RIDOT's preliminary review of the use of Cady Avenue, they asked that the developer consider the Berry Street alternative as one that they would prefer. He reiterated that it was not an "order" but rather a strong recommendation on the part of RIDOT.

Public Works Director Marco Schiappa cited several concerns raised previously with the proposed use of Cady Avenue and concurred with RIDOT that the use of Berry Street is preferred and results in a safer situation.

Mr. Rhodes then quoted the February 10, 2005, letter from RIDOT which states that "every attempt is to be made to utilize the undeveloped section of Berry Street and bring the proposed access road out to Randall Street".

Chairman Guglietta then invited public comment.

Attorney Kevin McKenna cited three major objections to the proposal as follows: 1) He stated that the "height of the land along Berry Street is 18 feet above his land". He asked that Chairman Guglietta question Mr. Alviti's presentation regarding water flow and "what Mr. Alviti meant when he said there would be no change in water flow when he is going to build a road, a tarred road,,that is going to go uphill 18 feet". Mr. McKenna challenged Mr. Alviti's statement that there would be no change "in drainage". It is Mr. McKenna's opinion that this proposal "defies common sense". 2) Mr. McKenna questioned the connection to Randall Street and suggested the developer use Burton Street. He stated that he and his client have no objection to the use of Burton Street. He stated that "a private party cannot demand a change in zoning-that is spot zoning". He stated that the Planning Commission and the City Council erroneously accepted application from a private party for a change of zone. He stated that the proposal proposes an "unconstitutional taking". 3) He stated that there is no way to enforce the use of Berry Street rather than Cady Avenue, claiming that Cady Avenue goes all the way down to Atwood Avenue and is not a parking lot. He referred to the plan submitted as "spot planning and spot zoning to satisfy one property owner on the second transaction". He stated that this is a "bad plan". He cited State Statute that requires topographical readings every 5 feet, stating that no topographical data was submitted. He stated that the driveway is misrepresented as a flat driveway when it is actually a drop of 18 feet.

Chairman Guglietta stated that the Planning Commission members have done their due diligence and are familiar with the demographics of the site. He stated that he testified at the last hearing that he spent a morning on the site, driving up and down the streets in the neighborhood.

Mr. McKenna interjected, stating that "you are a creature of state law; you are not a witness finding facts". He stated that the applicant has a duty, under State Law, to present topographical information. He continued to object to the statement that there will be no change in drainage. He made the following two statements: 1) "Tell me how a driveway going down an 18 ft. slope, paved, doesn't increase drainage." 2) He stated that "those streets are public streets, they are right-of-ways, and State Law says the abutting owner owns to the middle of the street." He stated his client is not party to this application, claiming that the developer cannot include in any plan, Master Plan, Preliminary Plan, etc., his client's property. He stated that "If that is a paper street, then we own it halfway through, and the developer owns the other half". Mr. McKenna stated that "the applicant cannot submit an application, as a matter of law". He suggested that Berry Street is a public street, stating that the street should be "auctioned", further stating that Berry Street is not the developer's street. He objected to the insinuation that residents would not use Cady Avenue, however, there is no way to enforce the use of Berry Street over Cady Avenue. He stated that the original Comprehensive Plan calls for the use of Burton Street to Randall Street, stating that sewer and water will be brought in from Burton Street. He stated that the proposal, as such, is for the benefit of a private owner on Burton Street who does not want increased traffic.

Mr. McKenna reiterated, that "neither the first Planning approval nor the second, has been signed by the State, therefore, the initial change is wrong and this is wrong". He concluded by stating that his client has no objection to the use of Burton Street to access the proposed development, however, his client strongly objects to the use of Berry Street.

Mr. John Iafate, 198 Randall Street and the owner of property located at 342 Atwood Avenue, stated that he is against the use of "this one parcel of land" to add 11 more condominiums. He cited a petition signed by 69 homeowners who are against the addition of any more multi-family units. He stated that in past meetings the "C-4 buffer zone was not taken into consideration". He stated that the west side of Burton Street contains the seven lots in question, and only one lot, to the south, abuts commercial property. The remaining lots abut single family homes. He cited a signed affidavit in which Mr. Carlino claimed that he would not allow access to this project through Burton Street. He stated that, "it is up to the City Planning Commission to make the final decision where the egress should be, not Mr. Carlino". He stated that he is against the abandonment of the undeveloped portion of Burton Street, further stating that any "building on Burton Street should use Burton Street and not create a new street to satisfy a sales agreement made when Mr. Soccia sold his land to Testa/Carlino Developers". He stated that "they should not be using a public street in a sales agreement for their own personal gain". He stated that the use of Berry Street and Cady Avenue would create a hardship to the commercial owners of property on Atwood Avenue for truck deliveries and a danger to the tenants. He stated that, "it is the Planning Commissions responsibility to keep these people out of harms way ". In conclusion, he asked Mr. Carlino if there is "any way he can get out of that sales agreement that he made with Mr. Soccia and put the egress on Burton Street".

Mr. Carmine Cece, represented by Attorney McKenna, addressed the Commission, stating that he is opposed to the egress proposed on Berry Street.

There being no further public testimony, Planning Director Jared Rhodes presented the staff's findings, documented in his memorandum dated July 7, 2006, which is attached and made part of these minutes. He began with the Staff/Agency Comments of the memorandum, citing the various agency responses (see staff memorandum noted above). He began by noting that waivers are required for sidewalk, curbing provision and roadway width. The matter of provision of curbing will be addressed at the Preliminary Plan stage. A waiver for sidewalk provision is acceptable given the lack of an existing sidewalk network with which to connect. However, the

existing paved portions of Berry Street are 24 ft. in width at their widest point (30 ft. is City standard), therefore, a width of 24 ft. is acceptable.

Mr. Rhodes noted that the proposed drainage system will require a Physical Alteration Permit from the RIDOT since it will connect with the State drainage system on Atwood Avenue. He also noted that the Public Works Director has required that an appropriate easement and/or maintenance agreement will need to be put in place for the proposed retaining wall which will extend onto the City right-of-way.

Mr. Rhodes stated that Cady Avenue is a paper street, created when the lots on Berry Street were platted. He pointed out that a portion of Berry Street is unpaved, but the parcel lines shown on the site plan indicate there was anticipation of future development whereby these properties would access a roadway network by Berry Street.

Attorney McKenna objected to Mr. Rhodes comments, stating that they were "dead wrong". He cited the Comprehensive Plan's indication that the plat was "set for Burton Street". He stated that the reason it is a public right-of-way is because of the 18 foot high slope of the land.

Mr. Rhodes went on to present the Planning Department's staff Findings of Fact and Conditions of Approval, documented in the staff memorandum. Chairman Guglietta questioned Condition #4 regarding the Physical Alteration Permit. Mr. Rhodes responded that the Physical Alteration Permit, at a bare minimum, is for connection of the overflow portion of the drainage system to the State's drainage system located on Atwood Avenue. Presently the drainage flows overland, down the hill, onto the properties and toward the roadway. This proposal will install several manholes and catch basins to direct the water into the State system.

Chairman Guglietta questioned the purpose of the Underground Injection Control (UIC) Permit. Mr. Rhodes explained that the drainage system located at the top of the hill works differently than the lower portion. He stated that there are "galleys" in the ground that will collect the water, and that water will then percolate down into the ground water table. This type of drainage system requires a permit from the RIDEM.

Chairman Guglietta noted that he is in receipt of a set of plans that were submitted by the applicant. The plans contain both the existing topographic contours as well as proposed contours. These topographic contours shall be included as part of the record, File #859 entitled "Testa/Carlino Master Plan".

Chairman Guglietta also mentioned, for the benefit of the Commission members, the provisions of *R.I.G.L. 45-23-40* which are essentially the requirements for Master Plan approval. He stated that *45-23-40 (a) (2)* requires that there be supporting material which includes the neighborhood, the geographic and manmade conditions of the site, the topographic features, design concept, public improvements and construction phasing. As indicated previously, he stated that he is satisfied that the provisions of *45-23-40 (a) (2)* have been met. As for *45-23-40 (a) (3)*, which requires initial comments from local agencies; public works, police and fire, RIDOT, etc., Chairman Guglietta stated that Mr. Rhodes presented their comments, as referenced in the staff memorandum, thereby satisfying the requirements of *45-23-40 (a) (3)*. Looking at *45-23-40 (d)*, which requires an informational hearing, this has been accomplished at this meeting in hearing testimony both from the applicant and from interested members of the public. Finally, *45-23-40 (e)* which allows this Planning Commission to approve the Master Plan; approve with changes or conditions or deny the application. Clearly the Commission is within their statutory right to approve this particular application with conditions.

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

Upon motion made by Mr. Petit and seconded by Mr. Schiappa, the Commission unanimously voted to adopt the Findings of Fact denoted below and to *approve* this Master Plan submittal, with waiver for pavement width, subject to the following conditions.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Major Land Development – Master Plan has been conducted. The abutters have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for the informational meeting was published in the June 28, 2006 edition of the Cranston Herald.
2. The proposed development is consistent with the City of Cranston Comprehensive Plan Future Land Use Map as amendment by Ordinances 2004-40 and 2006-37 which designate that the subject parcel is to be used for “Multi Family Transitional” purposes.
3. Significant negative environmental impacts are not anticipated to result from the proposed development as shown on the Master Plan submission provided that the applicable UIC Permit for the proposed drainage system is received from the Rhode Island Department of Environmental Management.
4. The proposed land development 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.
5. The proposed development will have adequate permanent physical access to Berry street, an improved public roadway located in the City of Cranston.
6. Significant natural, cultural, or historic features that contribute to the attractiveness of the community have not been identified on site.
7. The proposed development will serve as a transition between the commercial uses located along Phenix and Atwood Avenues and the single family residential neighborhood to the north and west. It will be well integrated with the surrounding area and reflect the general characteristics of the development patterns located along the north-western portion of the Atwood Avenue corridor.

Conditions of Approval

The following conditions shall apply to this Master Plan approval, in addition to other applicable state and local requirements:

1. Approval of the proposed Zone change from A-6 to B-2 by the City Council prior to Preliminary plan submittal.
2. Approval of the proposed Burton Street abandonment by the City Council prior to Preliminary plan submittal.
3. Preliminary Site Plan Review Committee Approval prior to Preliminary Land Development Plan submittal to the Planning Commission.
4. Physical Alteration Permit to be granted by the Rhode Island Department of Transportation prior to Preliminary Plan submittal.
5. Underground Injection Control Permit to be granted by the Rhode Island Department of Environmental Management prior to Preliminary Plan Submittal.
6. Provision of fully engineered water system design plans at Preliminary Plan submittal addressing the concerns documented by the Providence Water Supply Board in their June 16, 2006 correspondence.

7. Provision of fully engineered sewer system design plans at Preliminary Plan submittal addressing the concerns documented by Veolia Water in their January 28, 2005 correspondence.
8. Provision of fully engineered and stamped drainage and grading design plans at Preliminary Plan submittal.
9. Provision of fully engineered and stamped retaining wall design plans at Preliminary Plan submittal with accompanying draft easement and maintenance agreements as documented by the Public Works Director in his June 15, 2006 correspondence.
10. Provision of draft condominium declaration/incorporation and homeowners association documents at Preliminary Plan submittal.
11. Payment of Eastern Cranston Capital Facilities Impact Fees of \$14,484.42 at the time of final plat recording.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Schiappa. There were no nay votes.

Greenfield Commons – Preliminary Plan

Major Land Development Plan with street extension
Greenfield Street
AP 12, Lots 3158, 3166, 3167 and 3234

Chairman Guglietta reminded the commissioners that this application had been heard by the Commission previously, in 2004. The Master Plan was reinstated in May, 2006, however, due to a number of outstanding concerns, the Commission continued consideration of the Preliminary Plan to the July meeting so as to allow the applicant an opportunity to address these concerns.

Attorney Americo Scungio, office located at 91 Friendship Street, Providence, RI, representing the applicants, Domenic and Diane Paliotta, explained that the proposal is for the development of ten condominium units on 5.57 acres on Parcel C. Parcels A and B will retain the existing homes. He explained that Greenfield Street will be extended and end in a cul-de-sac. He stated that the need for variances has been resolved by reconfiguring parcel boundaries, converting the decks to patios and by the applicants commitment to remove the roof overhang from the existing home located on Parcel A. Drywells have been eliminated from the plan.

No public testimony was offered on this application.

Jason Pezzullo, Principal Planner, presented the staff's report, documented in his memorandum dated July 11, 2006, which is attached and made part of these minutes. He stated that since the Master Plan reinstatement in May, the applicant has worked diligently and addressed the issues raised at that meeting. The applicant has requested waivers for sidewalk provision, cul-de-sac length and curbing.

Public Works Director, Marco Schiappa, stated that based on topography, concrete curbing would maintain the flow of water to the proposed detention basins and to the existing Greenfield Street City drainage system and should be required. Attorney Scungio stated that the existing paved portion of Greenfield Street does not have curbing. Mr. Schiappa pointed out that several neighbors attended the first public hearing on this proposal (June, 2004) and expressed concern with water "build up" in the area, therefore, concrete curbing is required.

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

Upon motion made by Mr. Rossi and seconded by Mr. Petit, the Commission unanimously voted to adopt the Findings of Fact denoted below and to *approve* this Preliminary Plan submittal with waivers for cul-de-sac length and sidewalk provision, subject to the following conditions.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. The abutters have been notified via certified / return receipt mail and the meeting agenda has been properly posted. Advertisement for the public hearing was published in the June 22, 2006 edition of the Cranston Herald.
2. The proposed development and the resulting density of 1.77 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 4 - 8 units per acre".
3. The proposed development complies with the standards and provisions of the City of Cranston Zoning Code and will not impair its intent or purpose.
4. Significant negative environmental impacts are not anticipated to result from the proposed development as shown on the Preliminary Plan, provided that all applicable RIDEM and City requirements are complied with.
5. The proposed land development 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.
6. The proposed development will have permanent physical access to Greenfield Street, an improved public street within the City of Cranston.
7. Natural wetlands have been identified on site and applicable permits have been received from the RIDEM. Significant cultural or historic features contributing to the attractiveness of the community have not been identified on site.
8. The proposed development will be well integrated with the surrounding neighborhood, and reflect its general characteristics.
9. The design and location of streets, building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.
10. The proposed land development provides for safe and adequate local circulation of pedestrian and vehicular traffic.

Conditions for Approval

The following conditions shall apply to this Preliminary Plan approval, in addition to other applicable state and local requirements:

1. The roof overhang on Parcel "A" shall be depicted as "to be removed" on the Final Record Plan submission with notes referencing that the demolition is to occur prior to the issuance of building permits for construction of the new units.
2. Provide final Private Home Owners Association documents specifying the owner's responsibility and plan for maintaining all of the proposed detention facilities and open space.
3. Provide written correspondence from Veolia Water stating that the items detailed in the 6/29/06 letter from Bill Wilbur have been fully addressed.
4. Provide concrete curbing along the entire length of the proposed public extension of Greenfield Street.
5. Payment of Western Cranston Capital Facilities Impact Fees of \$ 13,895.00 (\$1,389.50 x 10 at the time of Final plat recording.
6. Payment of performance guarantee in the amount of \$131,000 with a 2% administrative fee of \$2,620.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Schiappa. There were no nay votes.

Tory Woods II – Master Plan

Major Subdivision with street extension

Old Scituate Avenue

AP 36/4, Lots 1, 20 and 26, AP 37/3, Lots 138 and 839

Attorney John DiBona explained that since the April, 2006, Planning Commission Master Plan approval the applicants have added additional lots. The owners of the additional lots are Robert and Richard Caito. The plat has been reconfigured with a new proposal that totals 18 lots; 15 single family building lots; one detention pond lot and two lots that will retain the existing homes. A 50 foot wide strip, zoned S-1 (Open Space) runs along the eastern, northeastern and northwestern sides of the property; created to provide a buffer between future residential and industrial uses.

Kevin Morin, P.E., DiPrete Engineering, presented a brief overview of the engineering aspects of the project. He stated that soil testing indicated that the site is ISDS suitable, however, work remains to be done for RIDEM site suitability. RIDOT requests a Physical Alteration Permit for alterations to Old Scituate Avenue. Two detention pond lots are proposed at either end of the proposed roadway. Waivers for sidewalk provision, pavement width and cul-de-sac length have been requested. The proposed roadway will be 1,683 feet, where 400 feet is the specified maximum; and 28 foot wide roadway is proposed, where 30 feet is the required standard.

Public Works Director Marco Schiappa requested that the applicant consider the possibility of accessing the proposed detention pond located at the northern end of the development from Amflex Drive. Mr. Morin responded that he will consider that possibility.

Upon request for public testimony, area resident Pam Jackvony, 905 Scituate Avenue, expressed concern with additional water that may be created by this development as the land behind her property slopes uphill. Mr. Morin stated that some of the surface water flow will be cut off, and the proposed detention pond is down grade from her property. Chairman Guglietta reiterated Mr. Morin's comments that, generally, the proposal should improve drainage in the area.

There being no further public testimony, Mr. Rhodes presented the staff's report, documented in the memorandum dated July 1, 2006, which is attached and made part of these minutes. He stated that the development will require a detailed landscape/buffer plan for those portions of the property that abut the S-1 Open Space, Industrial zones, detention/utility lots and for the provision of street trees.

In regard to the above waiver requested for cul-de-sac length, he stated that the applicant's the do not have the ability to create physical access to abutting residential property on Charcalee Drive, and that the possible connection of Tory Woods Drive to Amflex Drive would reflect poor planning practice by linking an established industrial area to an emerging residential neighborhood and creating a possible cut-through between Scituate Avenue and Plainfield Pike.

Mr. Rhodes enumerated the recommended Findings of Fact and Conditions for Approval, adding an additional request that the applicant consider the feasibility of accessing the detention pond from Amflex Drive.

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

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to adopt the Findings of Fact denoted below and to *approve* the new Master Plan submission, with waivers for sidewalk provision, pavement width and cul-de-sac length, subject to the following conditions.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. This major subdivision has been properly advertised per Section V.F.2.c of the City of Cranston Subdivision Regulations and appeared in the June 29, 2006 edition of the *Cranston Herald*.
2. The proposed subdivision and its resulting gross density of approximately 1.18 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the property in question as "Residential" allowing 1-4 units per acre.
3. The proposal is consistent with the City of Cranston Zoning Code. All proposed lots conform to the area and frontage requirements of the **A-20** single family residential zone.
4. The property in question has adequate permanent physical access to Old Scituate Avenue, an improved public roadway located within the City of Cranston.
5. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
6. The proposed land development provides for safe and adequate local circulation of pedestrian and vehicular traffic.
7. The proposed development will be well integrated with the surrounding neighborhood, and reflect its general characteristics.
8. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on subject lots, according to pertinent regulations and building standards would be impracticable.

Conditions of Approval

The following conditions shall apply to this Master Plan approval, in addition to other applicable state and local requirements:

1. Provide a detailed landscape/buffer plan for the S-1 portions of the property, for the drainage/utility lots and for the planting of appropriate street trees.
2. Preliminary plan submittal to include a tree inventory as well as street trees shown along Tory Woods Drive.
3. Draft conservation easement language for the S-1 zoned open space buffer is to be provided at Preliminary Plan submittal.
4. Preliminary Plan submittal shall be prepared to Class I surveying standards and signed by a Registered Professional Land Surveyor
5. Lots 17 and 18 to be titled "utility" as opposed to "open space" lots.
6. Include a Street Index on the Record Plan sheet of the Preliminary Plan submission.
7. Preliminary plan submittal to include RIDEM Subdivision Suitability Approval for all proposed lots.
8. Coordinate with the Providence Water Supply Board for the proper location of the needed water main from Old Scituate Avenue.
9. Preliminary plan submittal to include a Physical Alteration Permit from RIDOT for alterations to Old Scituate Avenue.
10. Installation of permanent bounds denoting the S-1 zoned open space buffer to be depicted on the Preliminary Plan submittal's record plan.
11. The applicant is to consider the feasibility of accessing the proposed northerly detention pond from Amflex Drive.

12. Payment of \$20,842.50 (1389.50 x 15 units) in Cranston Capital Facilities Impact fees at time of Final plat recording.
13. Payment of \$20,280 (1,352 x 15 units) in Western Cranston Water District Impact fees prior to Final plat recording.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

ZONING BOARD OF REVIEW ITEMS

REO PROPERTIES INC 806 RESERVOIR AVENUE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to leave an existing legal non-conforming single-family dwelling with restricted front yard setback on an undersized 5120+/- SF [lot 2522] and build a new 26' X 30' two-story single-family dwelling on the abutting lots [2523, 3055 and 3056] with restricted frontage and front yard setback at **18 Dunedin Street**. AP 7, lots 2522, 2523, 3055 and 3056, area 12,254+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.110 Required Front Yards, 17.88.010 Merger of Sub-Standard 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 will result in a density of 8.5 residential units per acre for the existing single family, and 5.8 units per acre for the proposed new single family. The Future Land Use Map allows for more than 8 units/acre in this area, therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
2. Whereas the first part of the application will leave the existing single family home on a 5,120 sq. ft. lot, fifteen out of sixty-eight (22%) of the residential dwellings within the 400' radius are on lots that are 5,000 sq. ft. or less. Therefore, the proposal does not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Ordinance.
3. The proposed new single family parcel conforms in area to the B-1 zone, though the lot's frontage is 2.64 feet short of the required 60 feet. However, the proposed frontage conforms to 13 other residential frontages within the 400" radius.
4. The proposed front yard setback of 15' will not interfere with any sight distances as the lot is located at the end of a dead end street.
5. The reduced setback also conforms with the front yard setbacks of 24 other houses (35%) within the 400' radius; many of which have setbacks less than 15'. The front yard setback on abutting lot #2522 is 10.5 ft.
6. The proposal therefore, does not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Ordinance.

Recommendation:

Upon motion made by Mr. Petit and seconded by Mr. Schiappa, the Planning Commission 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.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi and Mr. Schiappa. Councilwoman McFarland voted nay.

MICHAEL D AND NICOLINA GIANFRANCESCO 160 HINES FARM ROAD CRANSTON RI 02921 (OWN/APP) has filed an application for permission to add interior seating for patrons for a delicatessen in an existing legal non-conforming building with restricted front and side yard setback and off-street parking [lot 2001] and build a new 28' X 44' raised ranch style single family home on the abutting 4800 SF undersized [lot 2004] at **1606 Cranston Street corner of Vermont**. AP 8/1, lots 2000, 2001 and 2004, area 13,561+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.64.010 Off-street Parking, 17.88.010 Merger of Sub-Standard 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. Though the City's Comprehensive Plan Future Land Use Map calls for residential uses on this portion of Cranston Street, the existing commercial deli business is currently considered a legal non-conforming use.
2. The deli with the expanded seating and the second floor apartment requires a total of 14 off street parking spaces to be provided for the uses occurring on A.P. 8 lot 2001.
3. The submitted site plan shows an existing 10 space parking lot on A.P. 8 Lot 2000 and confirms the ability to provide for an additional 4 off street parking spaces on A.P, 8 Lot 2001
4. The single family home proposed for A.P. 8 Lot 2004 will result in an onsite residential density of 9 units per acre, and therefore, will not impair the intent or purpose of the Comprehensive Plan's Future Land Use Map, which allows for residential densities in excess of 8 units per acre.
5. Of the 54 residential structures within the 400' radius, there are currently 17 residential dwellings on the same or smaller size lots as that proposed. Of those, 6 are located on the same street as the proposal. The application, therefore, will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Mr. Petit, the Planning 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. Submit the parking plan depicting the provision/construction of 14 total off-street parking spaces on Lots 2000 and 2001 for review and approval by the City Traffic Engineer.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

647 OAKLAWN LLC 647 OAKLAWN AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to have additional signage than that allowed by ordinance at **1375 Park**

Avenue. AP 11, lots 749, 3599 and 3600, area 67,001.69+/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 Signage.

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. Mr. John DiBona, Esq. informed staff on June 26, 2006 that the applicant will be requesting a continuance of this matter before the Planning Commission and the Zoning Board of Review. As such staff did not review the current submittal and will await further submittal.

Recommendation:

1. Continue at the request of the applicant’s attorney.

BAKHSHI FARYAN AND SONYA PETROSYAN 36 STAM AVENUE CRANSTON RI 02910 (OWN/APP) have filed an application Pursuant to Section 17.20.130 Dimensional Variance by the Building Official for permission to build a 10’ x 20’ two story addition with restricted rear yard set back to an existing legal non-conforming single family dwelling at **36 Stam Avenue**. AP 15, lot 752, area 4864+/- 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 application will not alter the density or use of the property, and is consistent with and will not impair the intent or purpose of the Comprehensive Plan, which calls for residential use of the property.
2. The existing house has a 29’ rear yard setback, whereas 20’ is required. The proposed rear addition will have a rear yard setback of 19 feet.
3. The City’s GIS shows that only one of the residential buildings within the 400’ radius may have a restricted rear yard setback. That property is located directly to the rear of the subject property and therefore it is felt that this request for dimensional relief of 1’ will not impair the intent or purpose of the Zoning Ordinance.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Planning 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 Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

JANICE BARTA 50 OAKRIDGE 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, front and side yard setback on an undersized 49,400+/- SF [lot 324] and relinquish ownership of the abutting 30,000+/- SF lot [2179] to the abutting owner of lot 274 at **50 Oakridge Drive**. AP 20, lots 324 and 2179, area 79,400+/- SF, zoned A-80. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Merger of Sub-Standard 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 will not alter the existing residential density of the subject area (.89 units per acre) and will remain in conformance with the Comprehensive Plan Future Land Use Map which establishes a maximum residential density of 1 unit per acre.
2. The average parcel area for the 19 single family dwellings within the 400’ radius is 26,798.25 s.f. therefore the resulting lot areas of 52,000 S.F. for revised lot 274 and 49,400 S.F. for existing lot 324 will not alter the character of the surrounding area or impair the intent or purpose of the Zoning Code or the Comprehensive Plan on which it is based.
3. An administrative subdivision that combines lot 274 with lot 2179, has received a conditional approval from the Administrative Officer of the Planning Commission, pending an approval from the Zoning Board.

Recommendation

Upon motion made by Councilwoman McFarland and seconded by Mr. Petit, the Planning 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. Recording of an administrative subdivision formally merging the area of lot 2179 with that of lot 274.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

FRANK AND SUSAN PASSARELLA 20 WOODLAND AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application for permission, pending minor administrative sub-division, to leave an existing single family dwelling with restricted front and side yard setback on a proposed 6555+/- SF undersized [lot 2] and build a new single family dwelling on the remaining proposed 6522+/- SF undersized [lot1] at **20 Woodland Avenue**. AP 37/2, lots 28,29,32,33, area 13,077+/- SF, zoned A-8. 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. On April 4, 2006, the applicant received an Approval from the Planning Commission for the Preliminary Subdivision of the above referenced property.
2. The proposal results in a density of 6.66 residential units per acre, which is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential, allowing 4 - 8 units per acre".
3. There are a total of 52 single-family dwelling units within 400' of the subject property. The average residential density of these units is 1 dwelling unit per 7,797 square feet. However, exactly half (26) of those existing single-family units in this area are situated on the same or smaller sized lots.
4. The total number of units within the 400' radius, including the single, two and multi-family units, is 79 (52 single-family, 12 two-family, 1 three-family). The average density of these units is one per 6,150 square feet. The applicant's proposal is actually less dense than the existing residential development in the surrounding neighborhood.
5. Therefore, the application does not alter the character of the surrounding area, and is consistent with, and will not impair, the intent or purpose of the Zoning Code or the Comprehensive Plan on which it is based.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Rossi, the Planning 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 Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

EXTENSIONS OF TIME

Koutsogiane Estates – Final Plan

Mr. Rhodes explained that written correspondence was received from Mr. Chris Koutsogiane, dated 6/25/06, requesting an extension of their Final Plan approval, originally granted to "**Koutsogiane Estates**" on July 3, 2002. The project has received three previous extensions, the last on July 12, 2005.

Mr. Koutsogiane's project experienced several health related setbacks, however, he is currently about to apply a final coat of asphalt that will require inspection by the Public Works Department before he records the final plat.

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to *approve* the request for a one-year extension of time and to *reduce* the required bond amount due at the time of final plat recording to \$70,000, in accordance with Mr. Skorupski's written recommendation, dated July 11, 2006.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Sanctuary Estates – Preliminary Plan

Mr. Rhodes explained that written request was received from Ms. Robin Emin, Project Manager, Ocean State Planners, on behalf of her client, Presbytery of Southern New England, Inc., requesting a one-year extension of time. Ms. Emin indicated that the need for this extension is that the applicant continues to work with the RIDOT to revise the design such that a Physical Alteration Permit (PAP) can be granted. Mr. Schiappa confirmed that the applicant has, in fact, been working with RIDOT and the Department of Public Works to receive a PAP from RIDOT.

Upon motion made by Mr. Petit and seconded by Mr. Schiappa, the Commission unanimously voted to *approve* the request for a one-year extension of time.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

PERFORMANCE GUARANTEES

Prescott Farms

Mr. Rhodes explained that this project was originally named “Rosewood Estates” and received Preliminary Plan approval from the Planning Commission on January 4, 2005. At that time the Planning Commission stipulated that the developer shall provide a performance guarantee of \$305,000 and an administrative inspection fee of \$6,100. The developer has since constructed much of the needed infrastructure, therefore, the applicant is requesting a reduction in the required bond amount.

Upon motion made by Mr. Schiappa and seconded by Mr. Rossi, the Commission unanimously voted to *approve* the request for the required bond amount to \$88,000, with an administrative inspection fee of \$6,100 due at the time of final plat recording, as supported in writing by Mr. Walter Skorupski, Engineering Division, on May 24, 2006.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Cranston Commons

Mr. Rhodes explained that Cranston Commons, LLC, has provided the City with Letter of Credit No. 85700076 in the amount of \$102,000 and Letter of Credit No. 85700077 in the amount of \$73,000 for the development of “Cranston Commons Section 3”, which are set to expire on August 1, 2006. The Engineering Division has confirmed that the planned improvements have not been completed to the City’s satisfaction. The applicant has been notified via telephone and written correspondence.

Upon motion made by Mr. Rossi and seconded by Mr. Petit, the Commission unanimously voted to *approve* the extension of the above Letters of Credit to August 1, 2007 and to *authorize* the City Finance Department to withdraw the associated funds should an extension not be received prior to July 18, 2006.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Note – As of the compilation of these minutes, appropriate extensions have been provided by the applicant and filed with the City’s Finance Department.

Jenny Estates

Mr. Rhodes explained that Pezzucco Construction has provided the City with Letter of Credit No. S902687, in the amount of \$208,000, from Citizens Bank as a performance guarantee for the development of Jenny Estates. This LOC is set to expire on August 3, 2006. The Engineering Division has confirmed that the planned improvements have not been completed to the City's satisfaction. The applicant has been notified via telephone and written correspondence.

Upon motion made by Mr. Petit and seconded by Mr. Rossi, the Commission unanimously voted to *approve* the extension of the above Letter of Credit to August 3, 2007 and to *authorize* the City Finance Department to withdraw the associated funds should an extension not be received prior to July 18, 2006.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

Note – As of the compilation of these minutes, appropriate extensions have been provided by the applicant and filed with the City's Finance Department.

Emerald Estates Phase I

Mr. Rhodes informed the Commission that written correspondence was received from Mr. Frank Gaglione, dated July 6, 2006, requesting a reduction of the required performance guarantee for the development of Emerald Estates Phase I. In this case the applicant has decided to pursue a build/bond scenario, completing a substantial amount of the public improvements required prior to final approval. The amount established by the Planning Commission was \$260,000, with a 2% administrative fee of \$5,200.

Mr. Gaglione has submitted correspondence from Walter Skorupski, City Engineering Division, dated July 5, 2006, confirming that work completed to date is satisfactory, therefore, he is recommending a reduction in the performance guarantee by \$189,000, leaving a balance of \$71,000 to complete the remainder of the public improvements.

Upon motion made by Mr. Rossi and seconded by Mr. Petit, the Commission unanimously voted to *approve* the above reduction in the bond amount required. Mr. Gaglione shall provide a Letter of Credit in the amount of \$71,000, with the original 2% administrative fee of \$5,200, at the time of final plat recording.

Aye votes: Chairman Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

MISCELLANEOUS

Comprehensive Plan Update

Mr. Rhodes called attention to the revised "Goals and Policies Statement" draft submitted by The Cecil Group, a copy of which was provided to the Commissioners. He stressed the importance of this particular section of the Comprehensive Plan and requested any comments the Commissioners may have be forward within the next two weeks.

ADJOURNMENT

Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission unanimously voted to adjourn the meeting at 10 p.m.

DATE AND TIME OF NEXT MEETING

Tuesday, August 1, 2006 at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary