

MINUTES

October 3, 2006

Chairman Guglietta called the Planning Commission meeting to order at 7:10 p.m. in the City Council Chamber. The following Commission members were present:

Chairman William Guglietta, Esq.
Vice Chairman Paul Petit
Marco Schiappa, P.E., Public Works Director
Jerome Baron, CPA, Finance Director
Councilwoman Paula McFarland
Stephen Devine

Also attending were: Jared L. Rhodes II, Planning Director
Jason M. Pezzullo, Principal Planner
Lynn Furney, AICP, Senior Planner
Vito Sciolto, Assistant City Solicitor
Joanne Resnick, Senior Clerk

The following members of the public attended:

Robert V. Colagiovanni, Esq.	Jim Bennett	Brenda Bennett
Patricia DiBiase	Mark R. Colagiovanni, Esq.	Joshua Taylor
Nina Galvin	Roberta Simone	Steven J. Ferdinand
Joseph Manera, Esq.	Robert Murray, Esq.	

MINUTES

Upon motion made by Mr. Schiappa and seconded by Councilwoman McFarland, the Commission unanimously voted to *approve* the minutes of the September 12, 2006 Planning Commission meeting.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Replat of Knightsville Plat – Preliminary Plan

Minor Subdivision without street extension
97 Randall Street and Plant Street
AP 12/4, Lot 19

Attorney Robert Colagiovanni, representing the property owners, James J. and Brenda L. Bennett of 97 Randall Street, explained the proposal to subdivide the existing 11,366 sq. ft. parcel into a

6,341 sq. ft. lot (Parcel A) that will retain the existing two-family dwelling and create a 5,025 sq. ft. lot (Parcel B) for the construction of a new single-family home. Parcel A will have 1,659 sq. ft. less than the lot area required for two-family dwellings in a B-1 zone, and Parcel B will have 975 sq. ft. less than the lot area required for a single-family dwelling. Both lots, however, will conform to the frontage requirements of the Cranston Zoning Code and will be serviced by public water and sewer.

No public testimony was offered on this application.

Mr. Rhodes then presented the Findings of Fact, documented in the staff's memorandum dated September 29, 2006, which is attached and made part of these minutes. He explained that the resulting density of approximately 11.5 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, therefore, the proposal will not impair or alter the Comprehensive Plan's intent or purpose. He pointed out that the decision to leave the existing two-family dwelling on a nonconforming lot and add one additional nonconforming lot is inconsistent with the City of Cranston Zoning Code's area requirement for parcel size. However, the resulting lot for the existing two-family dwelling would be significantly larger than 64% (9 of 14) of the existing two-family dwellings within this notification radius. Also, the resulting single-family home on 5,025 square feet of land would be the same size or larger than 33% (12 of 36) of the existing single-family homes in the surrounding neighborhood. Therefore, this proposal will not alter the general character of the surrounding area nor impair the intent of the City of Cranston Zoning Ordinance.

Public Works Director Marco Schiappa pointed out that there is existing asphalt bituminous sidewalks in the area, and that it would be appropriate for the applicant to extend the asphalt sidewalk, with concrete curbing, along the entire frontage of Plant Street.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Devine and seconded by Mr. Baron, the Planning Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision subject to the following conditions.

Findings of Fact

The following findings are made in accordance with RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations:

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 9/18/06 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 11.5 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" and therefore will not impair or alter its intent or purpose.
3. The proposal to leave the existing two-family dwelling on a nonconforming lot and add one additional nonconforming lot is inconsistent with the City of Cranston Zoning Code's area requirement for parcel size. However, the resulting lot for the existing two-family dwelling would be significantly larger than 64% (9 of 14) of the existing two-family dwellings within this notification radius. Also, the resulting single-family home on 5,025 square feet of land would be the same size or larger than 33% (12 of 36) of the existing single-family homes in the surrounding neighborhood. Therefore, this proposal will not alter the general character of the surrounding area nor impair the intent of the City of Cranston Zoning Ordinance.

4. The property in question has adequate permanent physical access to Randall Street and Plant Street, improved public roadways 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. Significant negative environmental impacts are not anticipated to result from the proposed subdivision as shown on the Preliminary Plan.
7. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on these lots, according to pertinent regulations and building standards would be impractical.
8. The design of building lots, utilities, engineered drainage and other improvements will conform to local regulations for mitigation of flooding and soil erosion.
9. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood and will reflect its existing characteristics.

Negative Findings

10. The proposed subdivision provides for safe vehicular through traffic, for adequate surface water run-off, and for a suitable building site. However, without the extension of sidewalks along the entire frontage of Parcel A and B on Plant Street, the proposed subdivision will not provide adequate local circulation of pedestrian traffic.

Conditions of Approval

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

1. Applicant shall obtain the necessary dimensional relief from the Zoning Board of Review prior to Final Plan submittal.
2. Final Plan shall depict the bituminous asphalt sidewalk extension along the entire frontages of Parcels A and B on Plant Street.
3. Provide a performance guarantee in the amount of \$5,200 with a 2% administrative fee of \$104 for the installation of sidewalks and curbing.
4. The applicant shall provide written correspondence from Veolia Water confirming the approval to connect to existing sewer utilities prior to Final Plan submittal.
5. Final record plan shall not depict proposed structures or lot improvements.
6. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of Final plat recording.

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

ZONING BOARD OF REVIEW ITEMS

JAMES J AND BRENDA L BENNETT 97 RANDALL STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission, pending minor subdivision approval, to leave an existing legal non-conforming two-family dwelling with restricted front and corner side-yard setback on a proposed 6866+/- SF undersized [parcel "A"] and build a new 28' X 44' single-family dwelling on the remaining 4500+/- SF parcel ["B"] at **97 Randall Street**. AP 12/4, lot 19, area 11,366+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.92.030 Special Conditions.

Findings of Fact:

1. Review of the initial proposal through the subdivision process resulted in the applicant revising the submission to increase the size of Parcel B by 500 + sq. ft., and decrease the size of Parcel A by the same.
2. The applicants received Preliminary Minor Subdivision approval from the Planning Commission to leave the existing two-family on a 6,341 sq. ft. parcel and create a new 5,025 sq. ft. parcel for future development of an additional single family unit.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Schiappa, the Commission unanimously *approved* that:

Action can not be taken on the variance request as submitted, since the proposed lot sizes and dimensions shown (Parcel A, 6,866 sq. ft. and Parcel B, 4,500 sq. ft.) do not match those approved by the Planning Commission (Parcel A, 6,341 sq. ft. and Parcel B, 5,025 sq. ft.) The application must comply with Sec.V,G, of the City's Subdivision Regulations, entitled *Precedence of Approvals Between Planning Commission and other Local Permitting Authorities*.

If the variance request were able to be amended at the October 11, 2006 meeting of the Zoning Board of Review, to conform to the October 3, 2006 approval of the Planning Commission, (Parcel A, 6,341 sq. ft. Parcel B, 5,025 sq. ft.) then the recommendation would be to approve, based on the following:

1. The proposed subdivision and its resulting density of approximately 11.5 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" and therefore will not impair or alter its intent or purpose.
2. The proposal to leave the existing two-family dwelling on a nonconforming lot and add one additional nonconforming lot is inconsistent with the City of Cranston Zoning Code's area requirement for parcel size. However, the resulting lot for the existing two-family dwelling would be significantly larger than 64% (9 of 14) of the existing two-family dwellings within the 400' zoning notification radius. Also, the resulting single-family home on 5,025 square feet of land would be the same size or larger than 33% (12 of 36) of the existing single-family homes in the surrounding neighborhood. Therefore, this proposal will not alter the general character of the surrounding area nor impair the intent or purpose of the City of Cranston Zoning Ordinance.

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

LUSINE KHACHATRYAN 1058 RESERVOIR AVENUE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to convert the first floor of an existing single family dwelling into a café and the second floor into a professional office with restricted frontage and front yard setback on an undersized lot at **1058 Reservoir Avenue**. AP 9/2, lot 2621, area 4500+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses.

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 Planning Commission recommended denial on August 1, 2006 for an application which requested a café on the first floor, and office on the second floor. However, the

applicant has since submitted new plans which removed the proposed café on the first floor, and replaced it with office space. The new findings and recommendation are based on the office use of the entire building.

2. The Cranston Comprehensive Plan Future Land Use map calls for “Commercial and Service” use to be made of the property and therefore the proposed use does not impair its intent or purpose.
3. The proposed office use is allowed by right within the property’s C-1 zoning designation.
4. The subject property is situated on a block that contains three other office uses that front on Reservoir Avenue. All of those offices were former residential buildings situated on 4,500 S.F parcels; therefore, the application will not alter the general character of the surrounding area.
5. The proposed installation of a side door staircase will result in a restricted 4’ side yard setback. Analysis using Cranston’s GIS shows 6 out of 15 commercial properties on Reservoir Avenue within the 400’ radius notification area also have restricted side yard setbacks of 4’ or less. Therefore, the proposed side yard setback will not alter the general character of the surrounding area along Reservoir Ave.
6. The existing front yard setback of 20.21’ will be reduced to 11.23’ with the proposed installation of a handicap ramp. Only 1 out of the 15 buildings on Reservoir Avenue within 400 ft. has a similar setback. This proposed ramp addition therefore, will alter the front yard general character of the surrounding area along Reservoir Ave.
7. The proposed 1304 sq. ft. of office use requires the provision of 5 off-street parking spaces. As the site plan provides 4 spaces, the off-street parking capacity falls 1 space short of the requirement. However, discussions with Dave Ferguson, the City’s Traffic Engineer, confirms that if the parking lot were redrawn, 5 spaces could be accommodated on site.
8. The new proposed curb cut on Reservoir Avenue requires a Physical Alteration Permit from RIDOT.
9. Although the plans note that the existing driveway and asphalt along the northerly lot line are to be removed, there is no depiction of new curbing to be installed along Reservoir Ave., or proposed landscaping treatments for the abandoned driveway area.

Recommendation:

Upon motion made by Chairman Guglietta and seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend *denial as submitted*, until such time that the applicant revises the proposal to include:

1. Relocation of the handicap ramp to either the side or rear of the building.
2. A City Traffic Engineer Approved Parking Plan that accommodates 5 off-street parking spaces.
3. Plans which depict a minimum driveway width of 11’, installation of new curbing along that portion of the existing driveway that is proposed for abandonment and appropriate landscaping improvement.
4. An approved Physical Alteration Permit from the Rhode Island Department of Transportation.

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

ROBERTA A SIMONE AND DOROTHY AND UGO A CATALDI 190 CAPUANO AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build a 24’ X 36’ one story family accessory apartment addition to an existing legal non-conforming single family

dwelling with restricted front side and rear yard setback at **190 Capuano Avenue**. AP 10/1, lot 227, area 8400+/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses.

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 June 14, 2006, the Planning Commission voted to recommend approval for an application for an accessory family apartment with the following conditions:
 - a) Enter 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.
 - b) Reduce the accessory apartment square footage and construct it within the walls of the existing 24'x 24' garage. An interior door would give it access to the primary dwelling, bringing it into conformance with the Zoning Code's definition of accessory family apartment.
 - c) Eliminate the new exterior front door and utilize the existing breezeway door for access to the new accessory family apartment.
 - d) Construct the new 24'x 24' garage addition to the right of the new accessory apartment.
2. The revised plans dated 8/29/06 reflect all of the above conditions.
3. The revised application proposes an accessory family apartment with 580 sq. ft. of living area, which is less than the 600 sq. ft. allowed by the zoning code.
4. The primary single family use of the property conforms to the Comprehensive Plan's Future Land Use Map which calls for Residential - 4 to 8 units per acre. The proposed accessory use is subordinate to the primary single family unit and can only be used by one or more members of the immediate family. (Sec. 17.24.010 F.). Therefore, as an accessory to the primary single family use, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
5. The revised application conforms with Sec. 17.24.010 F.4. of the Cranston City code which states that dwellings containing accessory family apartments shall retain the appearance of a single family dwelling with no major structural alterations to the exterior, and shall have no additional external entrance that faces a street. This proposal converts the existing 24' x 24' garage to the accessory living unit, and is accessed through the existing breezeway door.
6. The proposed 24' x 24' new garage addition meets the required front and side yard setbacks. The proposed addition will be 12 feet short of the required rear yard setback of 20 feet. This restricted setback however, continues the restricted rear yard setbacks of the existing structure, and therefore will not alter the character of the surrounding area and will not impair the intent or purpose of the Zoning Ordinance.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Baron, 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. That the applicant be permitted to revise the proposal so as to include a hallway along the rear of the accessory apartment, which would allow indoor access from the primary residence to the garage without the need to enter the apartment; provided that the proposed accessory family apartment be no larger than 24'x 24' with a maximum floor area of 580 sq. ft.

Note : The Commission wishes to commend the applicant for following the guidance set forth by the Planning Commission and Zoning Board, and for revising the proposal accordingly, by changing the location of the accessory family apartment as suggested, and meeting all of the requirements of the Zoning Code for Accessory Family Apartments.

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

V&J REALTY LLC 379 ATWOOD AVENUE CRANSTON RI 02920 (OWN) AND PAUL MITCHELL SKIN ACADEMY SCHOOL 379 ATWOOD AVENUE CRANSTON RI 02920 (APP) have filed an application for permission to operate a Paul Mitchell Skin Academy School from an existing building at **395 Atwood Avenue**. AP 12/4, lot 3145, area 30,000+/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses.

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 Cranston Comprehensive Plan Future Land Use map calls for Commercial and Service uses to be made of the property; so therefore, the proposed trade school does not impair, but rather conforms, to its intent or purpose, as it would be an allowed use if the property were rezoned to a C-5 commercial zone.
2. The former commercial use (bakery) was allowed by variance granted by the Zoning Board of Review in May 1981. The Planning Commission had recommended approval on that application.
3. Eleven out of nineteen properties or 58% of the buildings within the entire M-1 zone in this area are used for commercial purposes. As a similar Paul Mitchell Trade School is located two lots to the south of the subject property, the application will not alter the general character of the surrounding area, or impair the intent or purpose of the Zoning Ordinance.
4. As the proposal provides 39 parking spaces and represents a change of use, the application requires a Preliminary Approval from the Site Plan Review Committee, prior to the Zoning Board's consideration of this variance. (Section 17.84.030 of the Zoning Code). The applicant is scheduled to appear before the site Plan Review Committee on October 4, 2006.
5. The SPRC Pre-application approval letter dated on September 11, 2006 notes that:
 - a) Building Inspector/Zoning Officer, Kerry Anderson has confirmed that the occupancy loads and parking figures conform to the Zoning Code requirements.

- b) City Traffic Engineer, David Ferguson, has approved the traffic circulation and parking plan for the site, but noted trees planted near the Atwood Avenue driveway openings are to have a minimum 6'7" ground clearance.
 - c) The Engineering Division, Mr. Walter Skorupski, will be satisfied that his requirements are met once the project receives a P A.P. from the Rhode Island Department of Transportation (RIDOT).
 - d) The proposal has received approval from the Fire Department.
6. The Preliminary Site Plan Review application is scheduled to be heard by the Committee on October 4, 2006 at 10:15 a.m. Staff review of the submittal confirms that the applicant has complied with 6 out of the 7 conditions outlined in the Committee's September 6, 2006, Pre-application review, and therefore anticipates that the applicant will in fact have a Preliminary SPR approval prior to the October 11, 6:30 p.m. Zoning Board hearing.
 7. The application does not request relief from the sign ordinance, and no signage plans were submitted with the building plans.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Petit, 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 applicant receive Preliminary Approval from the Site Plan Review Committee prior to review and decision by the Zoning Board, and that any conditions of approval established by the SPR Committee be incorporated as conditions of variance approval.
3. All signage to conform to the Zoning Code requirements.
4. The receipt of a Physical Alteration Permit from the RIDOT.

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

JOSHUA T. TAYLOR, 90 LOCUST GLEN DRIVE CRANSTON RI 02921 (OWN/APP) has filed an application for permission to build an 11' X 21' garage addition to an existing single-family dwelling with restricted side yard setback at **90 Locust Glen Drive**. AP 18, lot 1747, area 8669+/- 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. The Cranston Comprehensive Plan Future Land Use map calls for residential uses to be made of the property and therefore the existing dwelling and proposed addition does not impair its intent or purpose.
2. The proposed garage addition will be constructed next to the existing garage, which currently has a conforming 14' side yard setback, where 5' is required for garages in this zone.
3. The proposed side yard setback for the garage addition will be 3'-4", which is 1'-8" short of the required side yard.

4. Analysis using the Cranston GIS indicates that none of the 40 existing structures within the 400' radius zoning notification area have side yard setbacks of less than 5'.
5. Therefore, the application to build a structure with less than a 5' side yard setback will alter the character of the surrounding area and will impair the intent or purpose of the Zoning Ordinance.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to recommend *denial*; in accordance with R.I.G.L. 45-24-41, in that the proposal alters the general character of the neighborhood and will impair the intent and purpose of the Zoning Ordinance.

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

EXTENSIONS OF TIME

- None

PERFORMANCE GUARANTEES

Jenny Estates – Request for Bond Reduction

Mr. Rhodes explained that the Planning Department is in receipt of correspondence dated September 8, 2006 from Mr. Ronald R. Pezzuco of Pezzuco Construction, Inc. requesting a bond reduction from \$208,000 to \$20,000 for the Performance Guarantee issued by Citizens Bank, namely Letter of Credit (LOC) No. S902687. The City is currently holding this LOC for the satisfactory completion of roadway infrastructure at the above referenced plat.

The Engineering Division recommended to reduce this bond below 25% of the original value due to the cooperation of the developer by agreeing to wait until at least next construction season to place the final course of asphalt while construction of new dwellings proceed. Excepting the setting of granite bounds, all other items for this plat have been completed.

Based upon the above, the Engineering Division recommended a reduction of \$174,000, leaving a balance of \$34,000.

Upon motion made by Mr. Petit and seconded by Mr. Devine, the Commission voted to *reduce* Citizens Bank LOC No. S902687 by \$174,000, leaving a balance of \$34,000, in accordance with the Engineering Division's recommendation.

Voting Aye: Chairman Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Mr. Baron. There were no nay votes.

Emerald Estates – Request for Bond Reduction

Mr. Rhodes explained that the Planning Department is in receipt of correspondence dated September 13, 2006 from Mr. Frank Gaglione, developer of the Emerald Estates Subdivision, requesting a reduction in the cash bond currently held by the City for the satisfactory completion of the planned roadway.

In his request the applicant stated that the majority of the required public improvements have been completed and only the top coat of asphalt remains unfinished.

The Engineering Division recommended to reduce this bond below 25% of the original value due to the cooperation of the developer by agreeing to wait until at least next construction season to

place the final course of asphalt while construction of new dwellings proceed. Excepting the setting of granite bounds, all other items for this plat have been completed.

Based upon the above, the Engineering Division recommended the release of \$27,000, leaving a balance of \$47,000.

Upon motion made by Mr. Petit and seconded by Mr. Baron, the Commission voted to authorize the Finance Department to release \$27,000, thereby leaving a balance of \$47,000, in accordance with the Engineering Division's recommendation.

Voting Aye: Chairman Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Mr. Baron. There were no nay votes.

Pleasant View Plat – Pending Expiration/Extension of Letter of Credit

Mr. Rhodes explained that the existing Sovereign Bank Irrevocable Standby Letter of Credit (LOC) No. 4264 in the amount of \$55,000 for the satisfactory completion of the public improvements associated with the above referenced plat is set to expire on November 10, 2006.

The owner of the property, Mr. Rudolf J. Procaccianti was notified via written correspondence on September 22, 2006. Communication with the Engineering Division confirms that the planned improvements have not been fully completed as of this date. At the time of this meeting Mr. Procaccianti is in the process of extending the existing LOC.

Upon motion made by Mr. Petit and seconded by Mr. Schiappa, the Commission voted to *extend* the existing Sovereign Bank Irrevocable Standby LOC No. 4264 if received prior to October 20, 2006 and to *authorize* the City Finance Department to withdrawn the applicable funds should an extension not be received by October 20, 2006.

Voting Aye: Chairman Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Mr. Baron. There were no nay votes.

Glenham Park - Pending Expiration/Extension of Letter of Credit

Mr. Rhodes stated that the existing Key Bank Standby Letters of Credit (LOCs) No. S311110 in the amount of \$89,105 and No. S311111 in the amount of \$71,000 provided by WFD Associates for completion of public improvements associated with Phase I and Phase II of the above referenced plat are set to expire on November 30, 2006.

Communication with the Engineering Division confirms that the planned improvements have not been completed to the City's satisfaction as of this date. Mr. Michael Hennesy of WFD Associates was notified via written correspondence on September 22, 2006. At the time of this meeting Mr. Hennesy is in the process of extending the existing LOCs.

Upon motion made by Mr. Petit and seconded by Mr. Baron, the Commission voted to *extend* existing Key Bank Standby Letters of Credit No. S311110 in the amount of \$89,105 (Phase I) and Letter of Credit No. S311111 (Phase II) in the amount of \$71,000 if received prior to November 9, 2006; and to *authorize* the City Finance Department to withdrawn the applicable funds should an extension not be received by November 9, 2006.

Voting aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Mr. Baron. There were no nay votes.

MISCELLANEOUS

Petition to abandon a portion of Amflex Drive

The Planning Department is in receipt of a request to abandon approximately 310' of an undeveloped portion of the Amflex Drive right-of-way, located in the Western Cranston Industrial Park, filed by Mr. Arthur Delfino.

Attorney Robert Murray stated that Penske Truck Leasing is looking to acquire the area in question from his client, Mr. Delfino. He stated that the City of Cranston will realize the revenue of this sale should the abandonment be approved by the Public Works Committee.

Mr. Rhodes then presented the Planning Department's Findings of Fact, documented in his September 28, 2006 memorandum; which is attached and made part of these minutes. He explained that the area of the proposed abandonment was created as a public ROW through the January 18, 1991 recording of the Western Cranston Industrial Park East Subdivision (Plat Card 580). It has never been developed, paved or otherwise improved and therefore may be viewed as what is commonly considered a paper street.

The abandonment is being proposed as part of the property owners larger development plans for the site. Whereas the ROW is currently surrounded by five individual vacant lots (A.P. 36 lots 110-114), the abandonment is needed so as to allow the merger of four of those lots into one 8.5 acre parcel which is proposed as the future home of a 21,084 square foot Penske truck leasing and service facility.

Development of the proposed Penske facility is an allowed use in this M-2 Zone, will not require further review by the City Council, Planning Commission or Zoning Board of Review but will require approval of the Cranston Site Plan Review Committee. As of this date the Penske proposal has received Pre-Application Approval from the Committee, but has not received Preliminary Approval and will not be allowed to submit for Final Approval until such time that the abandonment process is approved by the Council and completed.

The Amflex Drive ROW, as platted, and beginning at its intersection with Sailor Way, stretches approximately 1,662 in length to the southeast and dead ends with a cul-de-sac bulb that has a 60' radius. If the proposed abandonment is approved, Amflex Drive will still dead end with a cul-de-sac bulb having a 60' radius however its length will be reduced by approximately 310' resulting in a net reduction of 19,453 square feet of area.

Mr. Rhodes further explained that the abandonment will have no impact on traffic flow in the area.

There being no public comment or further testimony on this matter, 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 recommend *approval* of the proposed abandonment.

Findings of Fact

1. The proposed 315' abandonment of the Amflex Drive right-of-way has never been developed and therefore has never served the public good or any private entity.
2. The Amflex Drive right-of-way was originally platted as a dead end street and was never intended to be utilized as a throughway connection to Sundale Road. Therefore, the proposed abandonment will have no impact on future traffic circulation or safety.
3. The proposed location of the cul-de-sac will be shortened by 315' so that the existing lots (AP 36/4, Lots 110, 111, 112, and 113) can be merged into proposed Parcel A for the development of the Penske Service Facility.

4. The proposed abandonment and administrative subdivision will foster economic development within the Western Cranston Industrial Park.

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

Petition to abandon a portion of Pettaconsett Avenue

Attorney Robert Murray explained that this petition for abandonment was originally placed on the Planning Commission's August 1, 2006 Agenda for review and recommendation. At that meeting, however, the Planning Commission continued its consideration of the matter to the September 12, 2006 at the request of the applicant. According to Mr. Murray, the continuance was requested so as to allow an opportunity for the Planning Commission to benefit from the results of written correspondence of the applicants negotiations with the Providence Water Supply Board (PWSB); which is the beneficiary of a significant utility easement running through the subject property.

As Mr. Murray had met with PWSB only the day before the September 12, 2006 Planning Commission Meeting, he could not produce written confirmation of PWSB's approval of the proposal. Mr. Murray stated that he is now in receipt of a letter from Mr. Paul Gadoury of PWSB, which documents that the PWSB has no objection to the Public Works Committee recommending approval of the abandonment. However, the PWSB noted that any actual abandonment of the property to the petitioner should not be granted by the City of Cranston until the City receives official notice from Providence Water that the petitioner has executed, to the full satisfaction of Providence Water, all easements and agreements necessary to protect Providence Water's interests in the land relative to its major water transmission pipeline.

Prior to a vote on this matter, motion was made by Mr. Petit and seconded by Mr. Schiappa to reconsider the September 12, 2006 vote taken by the Planning Commission. The motion was subsequently unanimously approved and, therefore, upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Planning Commission voted to adopt the Findings of Fact denoted below and forward a recommendation of *approval* of the proposed abandonment.

1. The existing easement benefiting the City of Providence will "run with land" and therefore all future owners will be subject to the same use restrictions that currently apply to the City of Cranston.
2. The City's Pettaconsett Avenue right-of-way will be reduced to an acceptable width of 60' and the current pavement and travel lane widths will be unaltered.

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

Chairman's Comment

Chairman Guglietta stated that in a meeting with the State's Economic Development Council Director it has been determined that there is no existing inventory of developable land in the state. He asked Mr. Rhodes to inquire if such an inventory exists for the City. Mr. Rhodes and Chairman Guglietta will meet with Dave Maher, City of Cranston Economic Development Director, to assist the State in preparing an inventory.

ADJOURNMENT

Upon motion made by Mr. Schiappa and seconded by Mr. Petit, the Commission unanimously voted to adjourn at 8:40 p.m.

NEXT MEETING

Monday, November 6, 2006 at 6:30 p.m. *Please note special date and time*

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary