

MINUTES

September 1, 2009

Vice Chairman Charles Rossi called the Planning Commission Meeting to order in the City Council Chamber at 7:05 p.m. The following Commission members were in attendance:

Charles Rossi, Vice Chairman
Robert Strom, Finance Director
Michael Smith
James Moran
Gene Nadeau

Also present were:

Peter Lapolla, Planning Director
Jason Pezzullo, Principal Planner
Lynn Furney, Senior Planner
J. Resnick, Senior Clerk
Stephen Marsella, Esq., Assistant City Solicitor
Ron Ronzio, Stenographer

Those members of the public in attendance were: Maria Zincone, Doug Kubaska, Paul Rocchio, Lori Carlino, Marge Santamaria, Agnes Killabian, Eric Falk, Art O'Connell and Kenneth Filarski.

MINUTES

Upon motion made by Mr. Moran and seconded by Mr. Strom, the Commission unanimously voted to *approve* the minutes of the August 4, 2009, Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT

Comstock Industrial Subdivision – PHASE I Preliminary Plan

Comstock Parkway - AP 36/4, Lot 46

Property owner attorney Richard Licht, Adler Pollock Sheehan, explained that the project will be completed in Phases. At the present time only a portion of the entire 17.31 acre parcel, Phase 1; which is comprised of lots 1-3 and the proposed detention basin/utility lot, is proposed. All of the proposed lots conform to the area and frontage requirements of the Cranston Zoning Code and will be serviced by public water and sewer. The proposed subdivision received Master Plan approval for 13 lots in total: 12 new record lots and 1 detention basin/utility lot, in March, 2008.

Mr. Licht stated that a 45 ft. right-of-way is proposed with 36 ft. of pavement. He then turned the presentation over to civil engineer, Mr. Kevin Morin, P.E., DiPrete Engineering. Mr. Morin stated that 630 ft. of road is proposed. He stated that the property abuts Amflex Drive, KAMCO, Crossroads Condominiums and Western Industrial Drive. Wetlands have been verified by RIDEM. He further noted that Master Plan-Sheet 4 was submitted, and underground utilities are proposed. Fire hydrant locations were approved by the Fire Department in December, 2008. The new roadway entrance will be "shifted about 6 ft. to meet with the road across" Comstock

Parkway (Western Industrial Drive). A temporary cul-de-sac and defeasible easement is proposed for possible future expansion.

Ms. Kathryn O'Connor, Sweet Pea Drive, asked how close the development would be to her back yard. She expressed concern that the 100 ft. distance to her property is inadequate. She stated that she was never made aware that the property behind her was zoned industrial (M-1).

Planning Commission Vice Chairman, Charles Rossi, reminded Ms. O'Connor that at this time only the lots closest to Comstock Parkway are proposed for development.

Principal Planner, Jason Pezzullo, assured Ms. O'Connor that there are very stringent industrial development standards that will be enforced once the project reaches the Site Plan Review process.

Mr. Licht gave a brief history of the parcel in question, stating that he has owned the property since 1974 and that, at that time, the entire area was zoned industrial with the exception of 400 ft. in from Scituate Avenue. He stated that he was approached by Mr. Frank Paolino, developer of the Crossroads Condominiums, to change that portion of the property that is currently Crossroads Condominiums to multi-family with a 50 ft. buffer requirement between the multi-family and the industrial properties. He stated that prior to the development of Crossroads Condominiums, the property has been zoned industrial since 1965.

Mrs. O'Connor again addressed the Commission, stating that a "50 ft. buffer is inadequate". In response, Vice Chairman Rossi reiterated that the M-1 zoning in that area existed prior to the condominium development. Mr. Lapolla informed Ms. O'Connor that any concerns with lighting, landscaping, noise, etc. would be addressed by the Site Plan Review Committee, and property abutters within a 200 ft. radius would be notified of the Site Plan Review Committee meeting.

Mr. Pezzullo stated that the previous Public Works director had agreed to the reduced roadway width and right-of-way. The present Acting Public Works Director, Nicholas Capezza, has determined that the proposed waivers for standard roadway design requirements of the Subdivision and Land Development Regulations are unacceptable. He further noted that the proposed turning radius is hazardous, and every effort should be made to "T up" the proposed road with existing Western Industrial Drive. As well, the Fire Department stressed the need for adherence to the Industrial Subdivision requirements.

Mr. Licht argued that the proposed roadway will not be a thru road. He also pointed out that this Preliminary Plan submission proposes underground utilities, as required. He further stated that the proposed new roadway can be "lined up" with Western Industrial Drive. Both Mr. Pezzullo and Chairman Rossi agreed that traffic safety is a concern and that only a 5 ft. waiver for right-of-way should be considered.

There being no further comment, the Commission moved to a vote. Upon motion made by Mr. Nadeau and seconded by Mr. Smith, the Commission unanimously voted to adopt the below Findings of Fact and *approve* this Preliminary Plan subject to the Conditions of Approval denoted below.

Positive Findings

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 certified/return/receipt requested mail and the meeting agenda has been properly posted. Advertisement for this major subdivision was published in the 8/12 and 8/19 editions of the Cranston Herald.
2. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Industrial".

3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. The property in question has adequate permanent physical access on Comstock Parkway, an improved public roadway located within the City of Cranston.
6. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
7. The proposed subdivision promotes high quality design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
8. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
9. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. The Final Plan shall depict underground utilities consistent with the performance requirements of the Cranston Subdivision and Land Development Regulations.
2. The Final Plan shall depict a 55' ROW and a 40' wide paved street with concrete curbing consistent with the Cranston Subdivision and Land Development Regulations.
3. The Final Plan application shall submit temporary cul-de-sac and defeasible easement documentation to be recorded with the Final Record Plan.
4. The Final Plan shall depict the roadway aligned directly with the adjacent Western Industrial Drive.
5. Future utilization of the individual lots will require the applicant to appear before the Site Plan Review Committee for substantive review.
6. Turning movements into the proposed subdivision shall provide a radius designed to WB 55, per the City traffic engineer's request.

Aye votes: Vice Chairman Rossi, Mr. Strom, Mr. Nadeau, Mr. Smith and Mr. Moran. Nay votes: none.

PERFORMANCE GUARANTEE

Birchwood Estates

Major Land Development – Bond Revocation

Mr. Pezzullo stated that the Planning Department/Commission has been dealing with this matter over the last few months. He provided photographic documentation of the roadway as it appears today. He explained that the property owner/applicant, CMG Inc., namely James Colucci, faxed a copy of a proposed contract with Fleet Construction at 3:30 p.m. on August 31, 2009, for completion of the required roadway paving.

Mr. Lapolla noted that he discussed the proposed contract with the Acting Public Works Director, Nicholas Capezza, who noted that the contract is void of specifics.

In light of this, Vice Chairman Rossi stated that the City should move forward to revoke the existing Hartford ITT Insurance Bond #02BCSAA8195 in the amount of \$135,250.

ZONING BOARD OF REVIEW

ARTHUR TAYLOR AND ROBERT ROCCHIO JR 1398 NEW LONDON AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to convert a 576+/- SF portion of an existing 3894+/- SF dry-cleaning plant to studio residence and convert the balance [a 3318+/- SF garage] to a cold storage facility with existing two-family to remain at **642-644 Dyer Avenue**. AP 8/3, lots 1497, area 7,984 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.010 Off-Street Parking, 17.20.030 Schedule of Uses, 17.20.070 More than one Dwelling Structure on any lot prohibited.

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 portion of the property's commercial services use is inconsistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, more than 8 units per acre, in this area of the City; however, the property has been used commercially since 1930.
2. According to tax records, the dry cleaning buildings were constructed in 1930.
3. A cold storage facility is a less intensive use than a dry cleaning plant.
4. Only 4 parking spaces are provided on the parcel, but are existing. (The site plan submitted shows 2 double parking spaces; however, a length of 27 feet is not enough to permit parking end to end, without parking on the sidewalk.
5. The site plan submitted shows the proposed 586 sq. ft. studio apartment conversion is located where the former office space was. The conversion to residential space conforms with the Comprehensive Plan.
6. The attached 80' x 41.5'. building 3,318 sq. ft on the rear of the lot has two overhead garage doors that front on Fountain Street.
7. It is not known what type of "Cold Storage" is proposed for this former garage/dry cleaning plant, and whether or not individual storage compartments will be rented to the public, requiring more parking spaces.
8. It is also not known whether a large condenser will be installed for the cold storage building. Its location and the decibel level during operation could have an adverse impact on the abutting residential neighborhood.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Strom, 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. Limit "Cold Storage" to one or two renters, so as to limit the need for additional parking, and not adversely effect the surrounding residential neighborhood.

Aye votes: Vice Chairman Rossi, Mr. Strom, Mr. Moran, Mr. Nadeau and Mr. Smith. Nay votes: None.

PMR PARK AVENUE LLC 1025 PARK AVENUE CRANSTON RI 02910 (OWN) AND PARK AVENUE GASOLINE STATION INC 1025 PARK AVENUE CRANSTON RI 02910 (APP) have filed an application for permission to install an electronic fuel price message board at **1025 Park**

Avenue. AP 6/3, lots 1865, area 17,976 +/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.72.010 B,G,P & Q Signs, 17.48.010 Gasoline Service Stations.

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

Findings of Fact:

1. The property's commercial use is consistent with the Comprehensive Plan's Future Land Use Map, which calls for commercial and services in this area.
2. Total sign area permitted in a C-4 zone is 300 square feet.
3. The maximum area allowed for a freestanding sign is 50 sq. ft. The existing 4'-4" x 6' pylon, two sided sign is 52 sq. ft.
4. The application contains two options:
 - Option C is the same area as the existing sign, except with electronic fuel pricing.
 - Option D : The proposed pylon sign is 5'-4" x 7'-4" for a total of 78.22 sq. ft.
5. The existing sign is a conforming 15' high, where the proposed new sign height for both options is 20' high. Other freestanding signs within the 400' radius conform in height with the zoning code.
6. As the business has three street frontages, 3 freestanding signs would be permitted (one on each street frontage).
7. Photographs taken on August 31, 2009, show illegal temporary signs exist on the property. Correspondence with the Building Inspections Office reveal that the applicant has ignored a verbal notice and two written notices of Sign Violations issued to him on August 3rd. and August 26th for the temporary signs.

Recommendation: Page 43 of the Comprehensive Plan under the *Commercial Corridor Design Strategies* section states the City should: "Prohibit tall and internally lit signs, and allow free-standing signs only under limited conditions." Though the Commission is not recommending elimination of the proposed freestanding sign, it is looking to reduce the height of the proposed sign, to conform with the Comprehensive Plan. Upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Commission unanimously voted to recommend *approval* for the electronic fuel price display shown as sign Option D, (78.22 sq. ft.) with the following conditions:

1. Limit the pylon sign height to 18 feet.
2. The applicant is to conform with the Building Inspection Departments' issuance of Sign Violations and immediately remove any extra temporary signs on the property.
3. 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: Vice Chairman Rossi, Mr. Strom, Mr. Moran, Mr. Nadeau and Mr. Smith. Nay votes: None.

CHARLES CHIN 45 VICTORY STREET CRANSTON RI 02910 (OWN/APP) has filed an application for permission demolish an existing one story 1573+/- SF single family home and build a new two story 2216+/- SF single family dwelling with restricted front and side yard set back on an undersized lot at **45 Victory Street**. AP 6/3, lots 1772, area 4800 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.050 Structural Alteration to non-conforming building.

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

Findings of Fact:

1. The property's residential use is consistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, more than 8 units per acre, in this area of the City.
2. The site plan submitted shows there is an existing restricted 15'-9" front yard setback and restricted 5' side yard setback for the house to be demolished.
3. The existing restricted front and side yard setbacks will not change, as the new house is being constructed on the old foundation.
4. The existing neighborhood density will not change.
5. Not one of the 28 houses on the entire street has a conforming front or side yard setback; therefore, constructing a new house with a restricted front and side yard setbacks, will not alter the general character of the neighborhood.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to recommend *approval* as the existing neighborhood density will not change, and with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Vice Chairman Rossi, Mr. Strom, Mr. Moran, Mr. Nadeau and Mr. Smith. Nay votes: None.

MARIO AND LORIANN CARLINO 45 TRAYMORE STREET CRANSTON RI 02920 (OWN/APP) have filed an application for permission to leave an existing legal non-conforming single family dwelling with restricted front and side-yard setback on an undersized 3688+/- SF [lot 889] and build a new 26' X 30' two story single family dwelling on the abutting 3222+/- SF undersized [lot 888] at **84 Florida Street**. AP 8/1, lots 888 & 889, area 6,910 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Intensity, 17.88.010 Substandard Lots of Record.

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

Findings of Fact:

1. The property's residential use is consistent with the Comprehensive Plan's Future Land Use Map, which designates this area of the City for residential, more than 8 units per acre.
2. The average lot size for the 44 single family houses within the 400' Zoning notification radius is 5,820 sq. ft.
3. The lot has two street frontages - Florida Avenue and Rose Street.
4. The plans submitted shows a 26' x 32' house that can meet the required side yard setbacks and the 25' front yard setback from Rose Street.
5. The proposed house will have a restricted 8'9" front yard setback from Florida Avenue; however 6 out of the 10 houses that have frontage on Florida Avenue (within the 400' radius) have restricted front yard setbacks.

6. Only 13 (20%) out of the 64 total residential lots in the radius are on 3200 sq. ft. lots.
7. The applicant's vacant lot is 45% smaller than the average single family lot area within the 400' radius; therefore, constructing a house on the 3,222 sq. ft. lot will alter the general character of the surrounding area, and impair the intent and purpose of the Zoning code, and the Comprehensive plan, upon which the code is based.
8. The proposed resulting density of the lot is 13.5 units per acre, where the average density within the radius is 7.5 units per acre.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to recommend *denial* as constructing a single family on a 3,222 sq. ft. lot will alter the general character of the neighborhood, and impair the intent and purpose of the Zoning Code, and the Comprehensive Plan, upon which the Code is based.
Aye votes: Vice Chairman Rossi, Mr. Strom, Mr. Moran, Mr. Nadeau and Mr. Smith. Nay votes: None.

ESTATE OF MARVIN M AND MARCIA B SMITH 1008 PONTIAC AVENUE CRANSTON RI 02920 (OWN) AND WINES & MORE OF RI INC 2 BELOIT STREET PROVIDENCE RI 02908 (APP) have filed an application for permission to have additional signage than that allowed by ordinance at **125 Sockanossett Crossroads**. AP 10, lot 1489, area 2.32 +/- acres, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 Signs.

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

Findings of Fact:

1. The property's retail use is consistent with the Comprehensive Plan's Future Land Use Map, which calls for commercial and services in this area.
2. 16,900 sq.ft. of the 31,860 sq. ft. building will be converted to a liquor/wine store.
3. The existing pylon sign is 376 square feet.
4. The proposed pylon sign is 374.0 sq. ft., where 35 sq. ft. is allowed by the sign ordinance. The proposed sign is 10 times larger than what is permitted.
5. The existing sign is 23'-2" high, where a max height of 15' is permitted. The proposed pylon sign is the same height as the existing. The existing sign alters the general character of the surrounding area, as freestanding signs within the 400' zoning radius, conform to the zoning code's height restriction of 15'.
6. The proposed building sign is 25'-6 ¾" x 5'-8 ¼" for a total of 146 sq. ft., where 30 sq. ft. is allowed by ordinance. (Almost 5 times larger than what is permitted).
7. The total signage, 520 sq. ft., exceeds the 200 ft. maximum total square footage allowed in a C-3 zone, by 320 sq. ft.

Recommendation: Page 43 of the Comprehensive Plan under the *Commercial Corridor Design Strategies* section states the City should: "Prohibit tall and internally lit signs, and allow free-standing signs only under limited conditions." Though the Commission is not recommending elimination of the proposed freestanding sign, it is looking to reduce the height of the proposed sign to conform with the Comprehensive Plan. Therefore, upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission unanimously voted to recommend *approval* with the following conditions:

1. Reduce the size of the building sign to 100 sq. ft. (20' x 5') which is still over three times the area allowed for a building sign; however, given the area of the building's façade, the increased sign area is appropriate.

2. Reduce the area of the proposed pylon sign to 200 sq. ft., with a maximum height of 20 feet, to bring the size and height of the proposed sign more in conformance with the signs on surrounding commercial properties on Sockanosset Crossroad, and with the Comprehensive Plan.
3. 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: Vice Chairman Rossi, Mr. Strom, Mr. Moran, Mr. Nadeau and Mr. Smith. Nay votes: None.

APPOINTMENT TO THE PARKS AND RECREATION COMMITTEE

Mr. Lapolla stated that again, as in the last few months, we will wait to vote on a designee to this Committee until we have a full Planning Commission membership in attendance.

COMPREHENSIVE PLAN 5-YEAR UPDATE – Discussion of Final Draft

Mr. Lapolla stated that he has e-mailed the final draft to the Commission and the City Council. He will be holding a workshop with the City Council on September 8, 2009, at their regular meeting. He asked that any comments the Commission may have be submitted to the office as soon as possible. He explained the procedure for adoption as follows: the administration will submit the Comprehensive Plan to the City Council for adoption. The Council will, in turn, send it to the Planning Commission for an advisory recommendation. The Plan will then be submitted to the City Council for final adoption.

ADJOURNMENT

Upon motion made by Mr. Rossi and seconded by Mr. Moran, the Commission unanimously voted to adjourn at 9:15 p.m.

NEXT MEETING:

Tuesday, October 6, 2009, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary