

MINUTES

April 5, 2005

Vice Chairman Paul Petit called the monthly Planning Commission meeting to order in the City Council Chamber at 7:10 p.m. The following Commission members attended:

William Guglietta, Chairman (7:40)
Paul Petit, Vice Chairman
Stephen Devine
Marco Schiappa
Councilwoman McFarland

Also present were:

Kevin Flynn, Planning Director
Michael DeLuca, Principal Planner
Jared Rhodes, Associate Planner
Joanne Resnick, Sr. Clerk
Nancy Simoes, Stenographer

The following members of the public attended:

William Fooks	Kevin Wilbur	Richard Bzdyra
Jack McNamara	Victor Giannini	Robert Silvia
Ron & Ann Soscia	Jay Fitzgerald	Norman Silva
Vincent Troglia	Esther Reali	Edward D'Arezzo
Anna D'Arezzo	Kathy Richie	Joan Piascik
Gary Vierra	Julie Heath	Everett Heath
Ann Fraraccio	Steven Beattie	Janet Germano
Mark Fyrer	Eric Colburn	Ken Bock
Rick St. Jean	Dave Capuano	

MINUTES

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to approve the minutes of the March 1, 2005, meeting.

ORDINANCE COMMITTEE ITEMS

Ordinance # 2-05-7 Zoning Ordinance – Text Amendment (Drainage Erosion Standards)

Mr. Flynn briefly explained the purpose of this text amendment is to bring the City Code language into compliance with State and Federal Storm water Control permitting standards.

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission voted to APPROVE this ordinance. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa, and Councilwoman McFarland. There were no Nay votes.)

Ordinance # 2-05-10 Zoning Ordinance – Text Amendment (Household Defined)

Mr. Flynn briefly explained the purpose of this text amendment is to add restriction to the number of unrelated individuals living together and restore the number of unrelated individuals living together to three (3).

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission voted to APPROVE this ordinance with the following conditions:

- The existing definition of ‘household’ should not be deleted, as the ordinance as currently proposed would do. This is the exact definition of household as exists in the state enabling statute, and cities and towns are required by state law to have definitions consistent with the state’s.
- Subheading 2 under the definition of household should be amended to read: “A person or group of unrelated persons living together, the number of which shall not exceed three”.
- Delete the phrase in the existing code – “the maximum number may be set by local ordinance, but this maximum shall not be less than three.”

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

SUBDIVISIONS AND LAND DEVELOPMENT PLANS

**Garden Vista Condominiums Master Plan
(Major LDP w/street extension)
Bellevue Drive
AP 12, Lot 2285**

Informational Hearing

Mr. Richard Bzdyra, registered land surveyor, gave a brief explanation of the proposal to construct ten (10) condominium units in five 2-unit buildings. Each unit will have two

bedrooms and a garage. The site will be served with private wells. The development will be serviced by sewers. He explained that there is some ledge in the area, however, blasting will be minimal as these units will be built on slabs. Drainage will be on site. Mr. Bzdyra explained that he explored the possibility of a public well but decided private wells would better suit this area.

Mr. Schiappa asked how easterly building drainage would be handled. He noted that full engineering design is not required at this state but is required at the Preliminary Plan stage. Mr. Bzdyra explained that the developer will ensure there will be no impact on neighbors.

At Mr. Flynn's request, Mr. Bzdyra explained that this condominium proposal would be developed as a 'cluster development'; with private roads maintained by the homeowner's association. He explained that while a conventional development would allow 14 residences, his client, Mr. Fooks, has proposed only ten (10) units.

Mr. Flynn pointed out that on the plan submitted, the decks, as proposed, would require Zoning Board of Review variance as they are on the property line. Mr. Bzdyra stated that, in view of this, the decks would be moved to the side of the structures.

Mr. Schiappa asked why the southeast portion of the property would not be used. Mr. Bzdyra explained that it would be used as passive recreation as there is a trail in the area.

Area resident Ann Soscia asked how high the proposed units would be. Mr. Bzdyra explained that they are one-story garden-style condominium units.

Mr. DeLuca, referring to his memorandum dated April 5, 2005 (which is a part of these minutes), explained that a 'conventional plat' was submitted in 2000 to establish density allowance.

Upon motion made by Mr. Devine, seconded by Mr. Guglietta, the Commission unanimously voted to accept the Planning Department staff findings as their own and APPROVE this Master Plan submission subject to the following conditions:

1. Request for waiver of 5 acre minimum is approved subject to applicants ability to properly address stormwater runoff.
2. Provide fully engineered sewer system design plans at preliminary plan review for approval by Veolia staff.
3. Provide well yield data, to be performed by a licensed hydro-geologist, for staff review with preliminary plan application. If individual wells are chosen over a single public well, provide yield data for no fewer than three test wells. This must be performed by a licensed hydro-geologist.
4. Public well must be approved by RI Department of Health prior to final plat approval. Vesting of dwellings in this approval is conditioned upon an approved public well or approval of several individual wells. Should yields be found insufficient for 10 dwellings, the number of approved

units shall be reduced to an amount that may be adequately served. In the event public water is extended for drinking purposes this condition may be waived.

5. Show open space as a “non-buildable” separate lot on preliminary plan.
6. Address technical concerns of Public Works Director, Engineering staff, Veolia Water staff, Conservation Commission and Providence Water staff as described in their memoranda to the Planning staff, prior to preliminary plan application.
7. Provide Homeowners Association documents and open space conservation easement for staff review at preliminary plan stage.
8. Show perimeter buffering on preliminary plan including area(s) of proposed tree preservation.
9. Plans as submitted will require either dimensional relief through the zoning board for four sundecks or revision prior to preliminary plan removing the sundecks from the setback areas.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

**Replat of Pleasant View Plat
Lots 242, 243 & 244 Preliminary Plat
(Minor Subdivision w/street extension)
Whiting Street
AP 12, Lots 1108, 1109 & 1110**

Public Hearing

Attorney David Iglizzi, representing owner Rudolph Procaccianti, gave a brief description of the proposal to merge and divide Assessor’s Lots 1108, 1109 & 1110 into two buildable lots in an A-6 zone. Each record lot is 4,000 sq. ft. in area. As divided, both Lot 1 and Lot 2 would be 6,000 sq. ft. in area. He stated that the grading satisfies both the Fire Department and Public Works Departments. There will be a zero increase in runoff as drainage will be to individual property drywells.

Mr. Joseph Casale, P.E., further stated that the property is not in a flood zone, there are no wetlands, ledge outcrops are prevalent and reiterated there will be no increase in runoff as underground drainage is proposed. He stated the roadway would be extended with a 7 ½ percent grade, which conforms with City grading requirements. Providence Water Supply requires a water main extension of 140 ft., and booster pumps are required. The project proposes a 24 ft. easement for City service vehicle turnaround.

Area resident Ann Soscia asked, “Right now there is one dwelling allowed; they want to put two. Can everybody else do this?” Chairman Guglietta explained that this is one case. We cannot speculate as to what may happen in the future. Attorney Iglizzi reiterated that the proposal is for single-family homes to be constructed on each 6,000 sq. ft. lot, which complies with the A-6 zoning district.

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to accept the Planning Department staff findings (included in these minutes) as their own and APPROVE this Preliminary Plat subject to the following conditions:

1. Construction of street extension and turn-around in accordance with City roadway specifications.
2. Water Pressure booster pump be installed in each dwelling.
3. Recording of temporary turn around easement as shown on plans, for use by City service vehicles, which may be eliminated at any time in the future when street is extended through to Randall Street.
4. Performance Guarantee of \$55,000.00.
5. 2% Administrative Fee of \$1,100.00.
6. Capital Facilities Impact Fee of \$1,186.92.
7. Engineering of proposed retaining walls to be submitted for Department of Public Works approval prior to Final plat application.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

**Crestwood Estates Preliminary Plat
(Major Subdivision w/street extension)
Brookfield Street
AP 18, Lot 1023**

Public Hearing

Attorney John DiBona, representing owners Leonard and Carol Reali, stated that this proposal to divide this 2.3 acre parcel into six single family house lots and one detention pond received Master Plan approval in August, 2004. The owners are aware that Kent County Water Authority requires an easement with the abutting owner, however, that owner sold the property. The new owner is in agreement and is closing on the property on April 15, 2005. Mr. DiBona requested that the final approval be handled administratively.

Mr. DeLuca gave a brief overview of the Planning Department staff findings. He stated the tree preservation plan has been accepted by the Conservation Commission. A Physical Alteration Permit is required from RIDOT for drainage tie-ins and curb cuts.

Mr. Devine asked if the proposed Daniel Ct. cul-de-sac is temporary. Mr. DeLuca explained the cul-de-sac is temporary and the easement would dissolve upon the extension of Daniel Ct.

Upon motion made by Councilwoman McFarland, seconded by Mr. Schiappa, the Commission unanimously voted to accept the Planning Department staff findings as their own and APPROVE this Preliminary Plan subject to the following conditions:

1. Approval of final water system design by Kent County Water Authority prior to final plat approval.
2. Approval of sewer system revisions by Veolia Water prior to final plat approval.
3. Applicant shall adhere to the approved tree preservation plan during roadway and residential construction.
4. Granting of requested roadway width and length waiver subject to provision of sidewalk on one side of the street and planting of street trees.
5. Applicant shall revise plans to address technical comments of the Public Works Director as noted in his March 28 memo.
6. Revise maintenance access to detention pond per DPW Director.
7. Performance Guarantee of \$413,790.00. This figure may be revised prior to final plat approval if final utility designs result in significant changes.
8. 2% Administrative fee of \$8,275.00
9. Capital Facilities Impact Fee of \$6,947.50.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

**Replat of Apple Hill Estates – Preliminary Plat
Minor Subdivision with no street extension
Wilbur Avenue
AP 21/1, Lot 173**

Mr. Harry Miller, registered land surveyor, gave a brief overview of the owner's proposal to divide this 54,375 sq. ft. parcel into two buildable lots in an A-12 Zone. The existing dwelling would remain on a 42,375 square foot lot, and a new 12,000 sq. ft. lot would be created for a new single family dwelling.

Area resident Gary Viera, 11 Apple Hill Drive, expressed concern with the existing drainage pipe that crosses Wilbur Avenue to Conley Street. He stated there are problems with stormdrains that the Public Works Department addresses several times a year.

Mr. Everett Heath, 516 Wilbur Avenue, explained there is an easement, a 16 inch pipe, that extends from Sweet Fern Drive to Wilbur Avenue. Neighbors are concerned with backflow from the drainage easement and want assurance that a new home foundation will not obstruct this pipe.

Area resident Victor Ahern stated that his French drain ties into the easement and is concerned that another dwelling would obstruct the drainage pipe.

Many residents stated they were not aware there was a sewer tie-in option. However, Mr. Schiappa explained that the Florida Power & Light (FPLE) sewer line's intent is to carry sewer flow. He explained that this is a high pressure line that allows tie-in in certain areas only. The newly created lot proposed by Mr. Miller can tie into it. He advised

other residents who are on Wilbur Avenue to contact the Public Works Department for possible connection.

Mr. Miller was not aware of the easement but will investigate further.

Mr. Heath also expressed concern that runoff may impact his property. Mr. Miller explained there typically is not a great deal of runoff from one home, however, he will investigate the soil content further.

Another area resident asked who would be liable if the pipe is compromised; the City, the homeowner or the developer. Vito Sciolto, Assistant City Solicitor, responded that there could be burden on the City. At this time Chairman Guglietta stated that, at this time, we cannot speculate about damages that may occur or who would be liable.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Commission unanimously voted to accept the Planning Department staff recommendation as their own and APPROVE this Preliminary plat subject to the following conditions:

1. Capital Facilities Impact Fee of \$1,389.50 (1 additional dwelling).
2. Affirm the existence of a drainage easement between this property and its neighbor to the south and show its location on the final plat.
3. No disruption/alteration of the property within the drainage easement and not within 10 ft. of the southern side property line.
4. Follow through on application to Veolia Water for sewer connection.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

**Stamas/Baptista Preliminary Plat
(Minor Subdivision w/no street extension)
Dover Street
AP 7/4, Lots 2269, 2271, 2272, 2273, 2988 & 3864**

Attorney John DiBona explained the proposal to merge and divide six record lots into three development parcels. The total land area of the site is 50,083 sq. ft. in a B-1/C-3 Zone. Parcels 2 and 3 currently support existing dwellings and would be left on 8,000 sq. ft. and 22,581 sq. ft. in area, respectively. Parcel 1 would be 19,502 sq. ft. and is intended for a new 4-family dwelling structure.

Area resident Dave Capuano, 1618 Dover Street, expressed concern with on-street parking. He stated that Dover Street is a dead-end street that already is crowded with parked cars from the Senior Services Center and questions whether there is sufficient parking space for a 4-unit dwelling.

Mr. DiBona responded that eight parking spaces are proposed for this site; only four are required. When the garage is removed, there will be significantly more parking.

Mr. Capuano proposed making at least one side of Dover Street 'No Parking'. Mr. Guglietta responded that the Baptista property proposal, based on the area provided for parking, would not further exacerbate the on-street parking.

Mr. DeLuca presented the staff's findings that the proposed subdivision would not be appropriate in design and construction for the area. The proposed density is greater than both the zoning allowance and the neighborhood average. A subdivision of fewer units would be more appropriate. The staff suggests relocation of the proposed property line between parcels 1 & 2 by four feet to the west in order to eliminate the need for a side yard variance in parcel 2.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to accept the Planning Department staff recommendation as their own and APPROVE this Preliminary subdivision subject to the following conditions:

1. Limitation to a single or two family dwelling structure.
2. Receipt of all necessary zoning variances prior to final plat application.
3. Capital Facilities Impact Fee of \$593.46 for each additional dwelling unit.
4. Revise plans to retain lot line between lots 2269 and 3864 or receipt of zoning board approval to remove specific conditions placed on this site in 1997.
5. Relocate lot line between parcels 1 & 2 to eliminate the need for a side setback variance.
6. Coordinate with PWSB and Veolia Water staff to determine appropriate location of water and sewer laterals respectively.

After the vote was taken, Councilwoman McFarland questioned who is responsible for providing curbing. She was informed that it is the responsibility of the developer to provide curbing on all new street frontage.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to reconsider the previous vote taken to require a duplex proposal be reviewed and referred by the Zoning Board to the Site Plan Review Committee.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to APPROVE this Preliminary subdivision subject to the above stated requirements.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

ZONING BOARD OF REVIEW ITEMS

BELVOIR PLACE LLC, C/O BELVOIR PROPERTIES, SUITE 100, 222 RICHMOND STREET PROVIDENCE RI 02903 (OWN/APP) has filed an application for permission to build an additional two stories to an existing 3 story multi-family residential building and add a structured parking canopy for 36 vehicles and a new parking canopy for 24 vehicles at **1180 Narragansett Blvd.** AP 2/3, Lot 1912, area 2.78+/- acres, zoned B-2. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-4.2 Flood Hazard Districts, 30-42 Zoning Board of Review.

Findings of Fact

1. The existing building was constructed in 1939 and is in seriously deteriorated condition.
2. It is not located in a local historic district nor is it on the National Register of Historic Places. It is however listed in the statewide historical survey and therefore may be eligible for inclusion on the national register of historic places. The survey notes the building as a “restrained example of the art-deco style” and particular mention is made of its aluminum door hoods, glass block panels and stepped parapets. These features are proposed for removal.
3. The building currently contains 34 residential units and due to the subject lot’s lack of sufficient land area to support those units in accordance with 17.20.090 and its common ownership with A.P. 2 Lot 3898 between 1946 and 1993 the two lots are currently considered merged in accordance with 17.88.010.
4. The proposal represents a “substantial improvement,” would add 28,000 S.F. of floor area in two new stories under a 12:12 pitch roof, a new 38 bay vehicular parking structure with canopy, reconfigure an existing parking facility to accommodate 24 vehicles under new canopies, include fire and safety code updates and reduce the number of residential units from 34 to 32.
5. The proposed reduction in residential units from 34 to 32 will place the subject lot in conformance with 17.20.090 and effectively unmerge the two and allow lot 3898 to be independently developed. Lot 3898 is currently in separate ownership.
6. The project will work within the existing building footprint and will “floodproof” the existing residential floor space located within the floodplain. As such, flood heights are not anticipated to increase over that which has been in existence since 1939, will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, and therefore will not conflict with existing local laws or ordinances.
7. The proposed structure would be 72.67’ high from average grade making it 37.67’ higher than allowed. Based on information reviewed, it appears that even with the proposed increase in height the proposal will not impair water views of neighboring properties.
8. The project received Pre-application Approval from the City of Cranston Site Plan Review Committee on March 23, 2005.

9. The proposal will require additional review and approval by the Rhode Island Coastal Resource Management Council and the Rhode Island Historic Preservation and Heritage Commission.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to recommend APPROVAL of this application as the height relief requested is reasonable and in scale with the area given the nearly adjacent Johnson and Wales dormitory facility (former Hilton hotel). The applicants desire to work within the existing building footprint preserves the character of the site. The additional height of the structure will have minimal impact on neighboring water views.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. No Nay votes.)

NANCY A. AND GENEROSO CARNEVALE JR (OWN/APP) have filed an application for permission to build a 16' x 16'+/- family room on an existing legal non-conforming single-family dwelling with restricted frontage and side-yard setback on an undersized lot at **40 Euston Avenue**. AP 5/4, Lot 2032, area 4,000+/- SF, zoned A-6. Applicant seeks relief from Sections 17.92.010 Variance, 17.20.020 Schedule of Intensity.

Findings of Fact

- 1 The structure on the subject property was built in 1938.
- 2 The existing structure is 5' short of the required front yard setback and 2.5' short of the required side yard setback but is considered legal nonconforming since it was in existence in 1966.
- 3 The proposed addition has been constructed.
- 4 According to the plan the addition conforms to the current A-6 side and rear yard requirements.
- 5 According to the plan the addition has a 20.2' rear yard setback whereas 20' is required and has a 9.5' and 13.7' side yard setbacks whereas 8' is required.

Upon motion made by Councilwoman McFarland, seconded by Mr. Petit, the Commission unanimously voted to recommend APPROVAL of this application as the addition conforms to current setback requirements and will not alter the character of the neighborhood.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

SUZANNE BAPTISTA, 1422 VICTORY HIGHWAY, BURRILLVILLE RI 02830 (PLAT 7, LOTS 2271, 2272, 2273, 2988) AND LEON G. AND LEON N. STAMAS, 1045 CRANSTON STREET, CRANSTON RI 02920 (PLAT 7, LOT 3864) AND LNS REALTY INC, 1045 CRANSTON STREET, CRANSTON RI 02920 (OWN) AND LEON G. AND LEON N. STAMAS, 1045 CRANSTON STREET CRANSTON RI 02920 (APP) have filed an application for permission, pending minor subdivision, to leave an existing single family dwelling on a proposed 8000+/- SF lot with restricted side yard setback (parcel 2) and build a new 26' x 94' two-story four unit residential building on the proposed remaining 19,502+/- SF lot (parcel 1) with restricted frontage on an undersized lot at **25 Dover Street**. AP 7, Lots 2269, 2271, 2272, 2273, 2988, 3864, area 32,902.39+/- SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-8 Schedule of Uses.

Findings of Fact

1. Multi-family structures (greater than two units) are not permitted in a B-1 zone.
2. Construction of the proposed multifamily structure (4 units) would result in an onsite density of 4,875 S.F. per unit. Existing average residential density for properties on Dover St. is 7,447 S.F. per residential dwelling unit. Therefore the proposal would result in a condition 34 % denser than currently exists (analysis excludes A.P. 7 lot 2281 which fronts on Cranston St. and appears to be an illegal 5 unit multifamily structure).
3. The applicants are currently making reasonable use of the property in question and are not requesting the least amount of relief necessary in order to receive additional benefit.
4. Additional benefit could be realized while conforming to the use requirements of the B-1 zone and the existing character of the street by constructing a single two family structure on proposed lot 1 as opposed to the 4 unit structure requested.
5. The current application proposes to leave the existing single family home on proposed lot 2 with a 4' sideyard setback whereas 8' is required and could be provided while still leaving sufficient room for vehicular access to proposed lot 1.
6. The Baptista properties (A.P. 2271-2273 and 2988) are currently advertised as being for sale.
7. Mr. John DiBona, attorney for the applicant, noted that the survey plan's proposal to merge the property fronting on 19 Dover St. (A.P. 7 lot 2269) with a portion of A.P. 7 lot 3864 was in error, would be in conflict with a November 12, 1997 decision of the Zoning Board of Review that allowed what is now A.P. 7 lot 3864 to be used for auto sales and will be corrected prior to final.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Commission unanimously voted to recommend APPROVAL, subject to:

1. Reduction in the number of proposed units from 4 to 2 in order to balance the desire of the applicants to receive additional benefit with the requirements of the law and the character of the street;
2. Provision of an 8' side yard setback on proposed lot 2 in order to provide future residents of the existing home with reasonable separation from proposed lot 1.

3. Conformance with the subdivision requirements placed on A.P. 7 lots 3864 and 2269 by the Zoning Board of review on November 12, 1997.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

ANTONIO CASSISI, 367 WOONASQUATUCKET AVENUE NORTH PROVIDENCE RI 02911 (OWN/APP) AND JOSH JENKINS, 706 FRONT STREET WOONSOCKET RI 02895 (LESSEE) have filed an application for permission to operate a hair salon from an existing legal non-conforming building with restricted frontage on an undersized lot at **628 Dyer Avenue**. AP 8/3, Lot 1456, area 3,992+/- SF, zoned B-1. Applicant seeks relief from Sections 17.92.010 Variance, 17.20.020 Schedule of Intensity, 17.20.030 Schedule of Uses, 17.72.010 Signs.

Findings of Fact

1. The structure was built on the nonconforming lot in 1940.
2. The property was used for commercial purposes in 1966.
3. Tax Assessor's office indicates that the property has been commercially taxed since that time.
4. Planning Department records indicate that no other variances have ever been requested.
5. According to the Tax Assessor's Office, the last tenant on site was Teaze, Hair, Nails and Face which relocated to 828 Atwood Ave. at some point in 2004.
6. The beauty salon currently proposed for the site will occupy the same 819 S.F. building.
7. The off-street parking standard for service establishments requires the provision of 3 parking spaces. The proposal shows five but it is unclear as to whether the spaces are legal and whether the area will be sufficiently surfaced.

Upon motion made by Councilwoman McFarland, seconded by Mr. Petit, the Commission unanimously voted to recommend APPROVAL of this application subject to the City Safety Traffic Officers review and approval of the parking plan and proposed surface treatment. The application will not alter the character of the neighborhood.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

848 PARK AVENUE ASSOCIATES LLC, 50 EXCHANGE TERRACE, SUITE 320 PROVIDENCE RI 02903 (OWN/APP) AND PARK THEATRE, 50 EXCHANGE TERRACE, SUITE 320 PROVIDENCE RI (LESSEE) have filed an application for permission to convert an existing movie theatre into a dinner theatre with restaurant, café and motion pictures and build an addition, including a second story with restricted off-street parking, side and rear yard setback at **848 Park Avenue**. AP 9/5, Lot 152 and 160, area 22,000+/- SF, zoned C-3. Applicant seeks relief from Section 17.20.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact

1. Mr. John DiBona, attorney for the applicant, requested a continuance on the applicants behalf.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to Continue, at the applicants request.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

ORLANDO B. AND VICI L. ROSA, 1 NELSON ROAD CRANSTON RI 02921 (OWN/APP) have filed an application for permission to legalize an existing legal non-conforming two-family dwelling with restricted side-yard setback at **86 Fletcher Avenue**. AP 12, Lot 2846, area 3,992+/- SF, zoned B-1. Applicant seeks relief from Sections 17.92.010 Variance, 17.20.020 Schedule of Intensity.

Findings of Fact

1. The subject parcel is comprised of 9,300 S.F of area as opposed to the 3,992 S.F. stated on the Zoning Board of Review Docket.
2. With 9,300 S.F. the lot exceeds the minimum area requirement for two family homes in B1 zones by 1,300 S.F.
3. The subject property also meets the minimum B1 frontage requirement of 60', the front yard setback requirement of 25' and the rear yard setback requirement of 20'.
4. The applicant is only insufficient in regards to the side yard setbacks for the existing house and garage which are each 1' short of the required setbacks.
5. The house in question and the insufficient side yard setback have existed since 1941.
6. The property has been taxed as a two family since 1983.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to recommend APPROVAL; the proposal will not alter the character of the neighborhood.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

ANTHONY CICCARONE, 1191 CENTERVILLE ROAD WARWICK RI 02886 (OWN) AND RICHARD CARLUCCI, 1 GOVERNORS HILL ROAD WEST WARWICK RI 02893 (APP) have filed an application for permission to build a new 26' x 30' two story single-family dwelling and 12' x 12' deck with restricted frontage on an undersized lot on **Hillside Avenue**. AP 15, Lots 244 and 256, area 5,000+/- SF, zoned A-6. Applicant seeks relief from Sections 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact

Correspondence from the applicant's attorney, Mr. John Mancini, To Joy Montanaro, Chairwoman, City of Cranston Zoning Board Of Review, indicates that the applicant is requesting a continuance.

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Commission unanimously voted to recommend a CONTINUANCE, at the applicant's request.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no Nay votes.)

PERFORMANCE GUARANTEES

Cranston Commons 3B & 3C – Bond Reduction

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to reduce the bond amount for Cranston Commons 3B by \$222,000; leaving a balance of \$102,000.

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to reduce the bond amount for Cranston Commons 3C by \$211,000; leaving a balance of \$73,000.

MISCELLANEOUS ITEMS

Comprehensive Plan Update

Mr. Flynn informed the Commission that The Cecil Group submitted a new draft plan last week, however, this has yet to be reviewed by Planning Department staff. The next public meeting to discuss the Comprehensive Plan will most likely be in May.

Mr. Flynn announced the Mayor has re-appointed Chairman Guglietta for another four (4) year term.

DATE AND TIME OF NEXT MEETING

Tuesday, May 3, 2005 at 7 p.m.

ADJOURNMENT

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Commission unanimously voted to adjourn at 11 p.m.

Respectfully submitted,

Michael J. DeLuca
Secretary