

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, February 15, 2007 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:30 P.M. by the Chair.

Present: Council Vice-President Paula McFarland, Chair
Councilman John E. Lanni, Jr., Vice-Chair
Councilman Richard D. Santamaria, Jr.
Council Member Maria A. Bucci (left at 8:05 P.M.)
Councilman Jeffrey P. Barone
Council President Aram G. Garabedian

Also Present: Councilman Anthony J. Lupino
Councilman Emilio L. Navarro
Aubrey Lombardo, Assistant City Solicitor
Steve Woerner, City Council Internal Auditor
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Ron Ronzio, Stenographer

On motion by Councilman Barone, seconded by Councilman Santamaria, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded.

CORRESPONDENCE:

OLD BUSINESS:

10-06-2 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Richland Road – Domestic Bank). Cont. from 12/7/2006.

Councilman Barone motioned to approve this Ordinance. Council Vice-President McFarland seconded the motion for discussion purposes.

Under Discussion:

Timothy Dodd, Esq., 215 Broadway, Providence, appeared to represent Domestic Bank. He stated that after the last meeting, Council President Garabedian's suggestions were taken back to Garofalo Engineering and the spaces issue could not be complied with, since there was not enough room. There is an agreement on placement of the curb cuts and spaces agreed to last with a slightly different configuration. As to the bank's position, we have an agreement. What has not happened and what was agreed on in November was the Council would recommend to the Building Official that the cease and desist be removed on the parking lot use. This has not been done. He is asking again, for the Council to recommend this to the Building Official. According to Council President Garabedian, an Ordinance to permit stack parking for employees needs to be passed. This will hold up everything until this Ordinance is passed.

Council President Garabedian stated that he believes there is frustration on the residents, but the remedy for the parking is before this Committee and should be acted on.

Councilman Lanni asked Attorney Dodd if his client has filed an application for the curb cuts. Attorney Dodd stated, no, not until there is a deal in place. If the Council does not approve the Ordinance, it would be premature to apply for the curb cuts. Councilman Lanni stated that the Council and the City is looking for good faith on the bank part because this Council and previous Councils have acted in good faith. He is not looking for curb cuts, he is just asking they apply for curb cuts.

Council Vice-President McFarland stated that we are back again this evening and no site plans have been done, no permits have been pulled. She stated that in regards to the Ordinance for stack parking, if this Ordinance is being passed for the bank only, you would be opening up Pandora's box and she is not in favor of it. Council President Garabedian stated that if any other business want stack parking, they would have to apply and submit a plan and get it approved.

Jared Rhodes, former City Planning Director, appeared to speak and stated that this applicant would not be able to apply for curb cuts until he starts site plan review process.

Councilman Barone questioned if the bank used the parking lot yesterday, since there was a snow storm. Attorney Dodd stated that the bank did use the parking lot. Councilman Barone stated that even though there is an Order, the bank violated that Order and used the lot. Attorney Dodd stated that this was a safety decision the bank made. Councilman Barone stated that this is a big slap in the face to the City when there is a Cease and Desist Order not to use that parking lot.

Councilman Navarro stated that he was very positive that something was going to happen in December and January, but nothing has happened. Everyone knew there was going to come a day when there was going to be bad weather and knowing that there was going to be bad weather on Wednesday, the bank did not make any attempt to make any accommodations for the employees to park. He feels that it is time that the residents in that area get their street back.

Councilman Lanni stated that he can understand that the bank wanted to get the cars off the streets so the City could plow or sand the roads yesterday, and he does not condemn what the bank did by using the parking lot and does not feel it was a slap in the face to the City.

Councilman Santamaria stated that he is not condemning the bank, but the antics yesterday was a slap in the face.

Council Member Bucci asked why has the site plan review application not been submitted. Attorney Dodd stated that if there is a commitment to the plans, he will submit them to Site Plan Review.

Council Member Bucci asked that by the next Committee meeting, those plans be submitted to Site Plan Review.

Councilman Lupino recommended that any plans that are submitted to Site Plan Review should have some provision addressing what happens in an emergency, such as the parking ban the City had in place yesterday and this plan should be tied into the number of employees.

Edward Angilly, 28 Richland Rd., appeared to speak and stated that the employees park illegally every day. The bank should have closed yesterday or they should have had a contingency plan. They do not follow the law. The Ordinance on the agenda this evening needs to be passed and by passing this Ordinance, it would show that the Council supports the neighbors. It can always be repealed when the work gets done. The bank makes plans, they make promises and nothing follows through.

Cynthia Fogarty, Esq., 400 Reservoir Ave., Cranston, appeared to represent some of the residents of the area. She stated that as to the number of hours Council President Garabedian has stated that he spent on this, where we have gotten is the same place we are today. The plans on the table today are the exact same plans that were before Site Plan Review in the past. Some action needs to be taken now. This is a safety concern.

Mark Lucas, 28 Riverfarm Rd., appeared to speak and presented photos he took yesterday showing cars parked in the parking lot. He urged the Council to change the parameters of this discussion and do something.

On motion by Council Member Bucci, seconded by Councilman Santamaria, it was voted to recommend approval of this Ordinance. Roll call was taken and motion passed on a vote of 3-2. The following being recorded as voting "aye": Council Vice-President McFarland, Councilmen Santamaria and Barone -3. The following being recorded as voting "nay": Councilmen Lanni and Council President Garabedian -2.

10-06-8 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone-Atwood Ave. Police Station). Cont. 12/7/2006.

On motion by Councilman Barone, seconded by Councilman Santamaria, it was voted to recommend approval of this Ordinance.

Under Discussion:

Jared Rhodes, former City Planning Director, appeared to speak and stated that at the last meeting, the Committee asked that he attend this meeting and make a full presentation regarding this Zone Change. He gave a slide presentation to the Committee members. He stated that when the property was surveyed by the City's Engineering Division, it was discovered that a portion of the parking lot is on the lot of the recreational area. As to the Police Station parcel, Engineering has designed a new parking plan for this facility, which would require separate curb cuts to Atwood Ave. The Planning Commission felt this Zone Change would allow for retail/mix use, which you could have retail on first floor and office or residential on the second floor and a certain percentage of the units to be dedicated to affordable housing. He also presented a handout.

Councilman Barone asked if this plan would include the field nearby. Council President Garabedian stated that we should examine the ball field to be included and we could look at other areas in the City for another ball field. Councilman Barone asked where else could you move a ball field in the City and how marketable would this property be, since the ball field is in a wetland.

Councilman Lanni stated that we need to look at this as a revenue enhancer for the taxpayers of the City. We need to look at this and take our time rather than hurry and make a mistake and regret it afterwards.

Mr. Rhodes stated that this will take some time. There are a lot of issues here. As to the recreational site, it is not good property, since it is in a flood zone. This property is not a prime piece of property for development. His suggestion is, if the City is looking for revenues in selling City property to help the taxpayers, don't just look at Atwood Ave., look at all the other properties the City owns and see which have the least natural constraints and which ones have the least use.

Councilman Santamaria stated that he is not convinced there will be enough parking for this facility for both the development and the ball field. Mr. Rhodes stated that sixty parking spaces would be what is required for this Zone. As to the ball field, Engineering is working on a design for the parking and Traffic Engineer told him there is funding for the City to do this. As to the parking for the facility, the building would most likely be demolished and in starting from scratch, the developer would have to conform with the City Zoning Code. Councilman Santamaria asked if there would be a requirement of frontage to Atwood Ave. Mr. Rhodes stated that any alteration to the existing site would require physical alteration from D.O.T. According to the Administration, Dunkin Donuts, next to the Police Station, may be asking to purchase approximately 10' from this property to address their problems with the drive thru. Councilman Lanni stated that when this Ordinance was first presented at the last meeting, it was stated that this sale would be sold as one piece, now he is hearing that we will be selling 10' to Dunkin Donuts. This is why he feels we should not rush to pass this Ordinance this evening. Mr. Rhodes stated that as he stated earlier, he was told that Dunkin Donuts may ask to purchase 10' of the property. He indicated to the Council, that they as a Council, have the opportunity to take advantage that a developer may not provide on his own, such as requiring affordable housing.

Councilman Lupino asked who owns the ball field, because he hears that it generates revenues from fees the leagues pay to use it. He has also heard that most of the people that play there are not residents of the City. Mr. Rhodes stated that the City owns the field and he does not know who uses it, but he does know it is a very highly used field. Councilman Lupino asked if any one knows if the utilities would support a project like this. Mr. Rhodes stated that he does not know, but the utilities are probably not going to be an issue, but you would not know until the development is before you.

Councilman Lanni stated that he played at this field years ago and he knows that most of the leagues are from Cranston or nearby communities. As to the fees, the City is probably paying more for electric for the lights. He is sure the expenses outweighs the revenues taken in.

Mario Carlino, former Councilman, 45 Traymore St., appeared to speak and stated that he owns property nearby and is attending this evening to hear the presentation. He questions who would want to live on Atwood Ave. As to the plan of a possibility of having a village type development they would be great for the Knightsville area for residents to walk to and go to the restaurants and shops.

Lou Ricci, 39 Marlow St., appeared to speak and stated that he heard rumors that this area was a landfill at one time. If you start to dig that area, what would the environmental impact to the area be, as far as dust. There may be asbestos there. We don't know. There are children that attend the school behind the Police Station building. Before anything is done, this should be looked into. Council Vice-President McFarland stated that the City and the State would take all precautions to do that and all State and Federal regulations would have to be followed by the City and the developer. Mr. Rhodes stated that a boring has already been done on this.

On motion by Councilman Lanni, seconded by Councilman Santamaria, it was voted to continue this Ordinance to the July 12, 2007 meeting. Motion passed on a vote of 4-1. The following being recorded as voting "aye": Council Vice-President McFarland, Councilmen Lanni, Santamaria and Council President Garabedian -4. The following being recorded as voting "nay": Councilman Barone -1.

The meeting adjourned at 9:30 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees