

A meeting of the Cranston Zoning Board of Review was called to order in Cranston High School East Auditorium by Chairperson Christopher E. Buonanno on **Wednesday April 10, 2024, at 6:35 pm**. Also present were Joy Montanaro, Dean Perdikakis, and 3rd alternate Frank Corrao III. Ivy Swinski, and Carlos Zambrano were unable to attend.

The following matters were heard before the Board:

OLD BUSINESS

Ward 6

DOMAIN REALTY, LLC (OWN/APP) has applied to the Board to construct a new free-standing sign within the required setbacks from the street(s) and within the area required as to not impede corner visibility; and to waive the required Development Review Process for the site at **846 Oaklawn Avenue**, A.P. 15, lot 361; area 15,490 s.f. zoned C3. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.100(A)- Corner Visibility; 17.72.010- Signs; 17.84, et seq- Development Plan Review. Application filed 7/06/2023. Joseph P. Carnevale, Esq.

On a motion made by Mr. Perdikakis and seconded by Mr. Corrao, this matter was unanimously voted on to be tabled by the Board without prejudice. Should the applicant wish to be placed back on the docket, they must re-notice the abutters.

APPEAL OF THE DECISION OF THE BUILDING OFFICIAL

AN APPEAL HAS BEEN TAKEN IN ACCORDANCE WITH THE CITY OF CRANSTON MUNICIPAL CODE TITLE 17, SECTION 17.116.010- APPEAL POWERS FOR THE SUBJECT PROPERTY LOCATED AT **846 Oaklawn Avenue**, A.P 15, lot 361. The Building Official has determined that a proposed sign does not meet the required setbacks, height, or area for the C3 zone as required by 17.72.010 (4)- Signs. The sign base constructed without benefit of permit has been determined to encroach into the required corner visibility area and impede vision as indicated in 17.20.100 (A)- Corner visibility Application filed 9/13/2023. Joseph P. Carnevale, Esq.

On a motion made by Mr. Perdikakis and seconded by Mr. Corrao, this matter was unanimously voted on to be tabled by the Board without prejudice. Should the applicant wish to be placed back on the docket, they must re-notice the abutters.

Ward 5

495 INVESTMENTS, LLC (OWN/APP) has filed an application to request permission to allow barber shop, beauty salon / body art / day spa uses in an existing building zoned industrial at **495 Atwood Avenue**, A.P. 12, lot 3116; area 13,300 sf. zoned M1. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.030- Schedule of Uses. Application filed 2/14/2024. Joseph Shekarchi, Esq.

On a motion made by Mr. Corrao and seconded by Mr. Perdikakis, this matter was unanimously voted on to be continued to the June 12, 2024 meeting at the request of the applicant.

NEW BUSINESS

Ward 5

FLAGSHIP PROPERTIES, LLC. (OWN) and JOHN TURCHETTA (APP) have filed an application to request permission to convert an existing single-family home into a two-family home on an under-sized lot at **763 Atwood Avenue**, A.P. 12, lot 555, area 6,250 sf; zoned C2. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations. Application filed 2/20/2024. Alfred A. Russo Jr., Esq.

On a motion made by Mr. Corrao and seconded by Ms. Montanaro, this matter was unanimously approved as presented to the Board on April 10, 2024.

After hearing the testimony, the Board made their decision based on the following findings of fact:

Findings of Fact:

- The Applicant has requested specific relief in their Application, namely:
 - 17.20.120 – Schedule of Intensity Regulations
 - 17.92.010 – Variances (Dimensional)
 - 17.20.090 – Specific Requirements
- The Board found that the application does not contradict the general character of the surrounding area and the request does not impose undue nuisances and is not out of character beyond any other uses on this site or within the surrounding area.
 - Two-family residential development is a use by-right in the C-2 zoning district.
 - The C-2 zoning district is the last district in which residential as a principal use is allowed, indicating a transition to non-residential as a principal use.
 - The property and the surrounding area are a mix of low-intensity commercial and residential (single- and two-family) and the request does not propose or encourage incompatible uses that would be disruptive to the surrounding area.
 - Most residential uses in this area have dual frontage on Atwood Avenue as well as a neighboring residential street, many of which are accessed from the residential street and not Atwood Avenue. Development in the area appears to have followed a trend where commercial uses access Atwood Avenue, and residential uses access off the neighboring streets.
- The Future Land Use Map (FLUM) designates the subject property as “*Highway Commercial / Services*.”
 - The Board found that while that designation is appropriate for a majority of Atwood Avenue, the “Neighborhood Commercial” designation appears to be a more appropriate for this particular stretch, given the mixture of residential and smaller, less-intense commercial uses.
- The Comprehensive Plan outlines goals, policies, and action items pertaining to residential development which Staff find support the approval of this Application, specifically:
 - Housing Goal 2: Permit a variety of residential development types to achieve multiple community objectives.
 - Housing Goal 4: Promote housing opportunity for a wide range of household types and income levels.
 - Housing Policy 4.1: Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.
 - Housing Policy 4.3: Promote regulations that facilitate the development of affordable housing.
 - Housing Policy 4.6: Promote the development of new housing that is affordable to average first-time buyers living in the City.
 - Housing Goal 5: Conserve housing resources, especially affordable housing units, to preserve the base housing stock, as the costs of locating and constructing new housing units are significant.
 - Housing Policy -5.2: Review zoning for existing residential neighborhoods to ensure the zoning matches, as closely as possible, the dimensions and unit types of what has already been built.

The applicant and his attorney put forth a brief presentation and there was no testimony by any abutters either for or against the project.

In this case, the Board voted to accept the staff finding of fact and applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is not due to a physical or economic disability of the applicant, and the applicant would suffer more than a mere inconvenience if the variance were denied. The relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted and will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan. In granting a variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Section 17.20.120 - Schedule of Intensity Regulations.

Ward 3

AA&E PROPERTIES, LLC. (OWN/APP) has applied to the Board to request permission to sub-divide four existing lots and create two lots with reduced frontage to construct a new two-family dwelling at **0 Pavillion Avenue**, A.P. 7, lots 3363,3366,3644, & 3814 (A.K.A. Parcel A, A.P.7, Lot 3644), area 13,237 sf; zoned B1. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations. Application filed 2/29/2024. Julissa Arce, Esq.

On a motion to approve made by Mr. Corrao and seconded by Mr. Perdikakis both voted in favor but two members voted in opposition and as such, this matter did not get a majority vote and was Denied. Chairman Buonanno and Ms. Montanaro voted nay with their reasoning detailed below.

The following Testimony was heard by the Board and were accepted within the Motion to approve but not part of the final decision due to the 2-2 vote

Findings of Fact:

- The Applicant has requested specific relief in their Application, namely:
 - 17.20.120 – Schedule of Intensity Regulations

- 17.92.010 – Variances (Dimensional)
- The City Plan Commission granted Preliminary Plan approval related to this Application, and the recorded Decision, (Book 6753, Page 80) dated February 8, 2024 is included in the submittal documents. A number of conditions relating to the site were imposed, which the City Plan Commission included in their Recommendation to the Zoning Board of Review and be imposed at zoning.
- At the Hearing before the zoning board, the attorney for the applicant gave an oral narrative of the project and introduced a memorandum concerning the project and how it complies with the applicable standards
- The applicant did not address the suggests conditions by the planning commission concerning the moving the utility poles to the property line of the elimination of the fencing and trash and garbage
- There were numerous questions by the Board concerning the issues of access, the encroachment of the wall on one of the lots and also the structure in the rear that was right on the property line with no setback.
- The applicant chose not to present any expert testimony concerning the project on the applicable standards but chose to stand on its memorandum
- Neither the applicant nor any members of the Limited Liability company chose to testify before the Board.
- The Board heard extensive testimony from an abutter who lives adjacent to the project. She testified about the use of the property and the multiple violations concerning the use of the property
- She testified that the project did not conform with the comprehensive plan and the potential issues concerning trash pickup and snow plowing with 2 two families and limited frontage.
- There was an additional abutter who testified in opposition to the project.
- When making the motion to approve, Board member Correa stated that all the Board was reviewing was the relief from frontage and accepted the recommendation of the Planning Commission and the narrative of the attorney for the applicant concerning the standards. Board member Perdikakis voted in favor of this motion.
- In voting against the motion, Board members Montanaro and Chairman Buonanno cited the testimony by the abutter about the issues and concerns with the property and the limited frontage and that the application did not comply with the comprehensive plan and would alter the general character of the neighborhood.
- Given the fact that there were only 4 members present and the vote was 2-2, there were no further motions made and the application was denied for failing to receive the necessary 3 positive votes.

Ward 3

AA&E PROPERTIES, LLC. (OWN/APP) has applied to the Board to request permission to sub-divide four existing lots and create two lots with reduced frontage to construct a new two-family dwelling at **0 Pavillion Avenue, A.P. 7**, lots 3363,3366,3644, & 3814 (A.K.A. Parcel B, A.P.7, Lot 3644), area 13,237 sf; zoned B1. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations. Application filed 2/29/2024. Julissa Arce, Esq.

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Findings of Fact:

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 - 17.20.120 – Schedule of Intensity Regulations
 - 17.92.010 – Variances (Dimensional)
- The City Plan Commission granted Preliminary Plan approval related to this Application, and the recorded Decision, (Book 6753, Page 80) dated February 8, 2024 is included in the submittal documents. A number of conditions relating to the site were imposed, which the City Plan Commission recommended to the Zoning Board of Review that those conditions be imposed at zoning.
- At the Hearing before the zoning board, the attorney for the applicant gave an oral narrative of the project and introduced a memorandum concerning the project and how it complies with the applicable standards
- The applicant did not address the proposed conditions concerning the moving the utility poles to the property line of the elimination of the fencing and trash and garbage
- There were numerous questions by the Board concerning the issues of access, the encroachment of the wall on one of the lots and also the structure in the rear that was right on the property line with no setback.
- The applicant chose not to present any expert testimony concerning the project or the applicable standards but chose to stand on its memorandum
- Neither the applicant nor any members of the Limited Liability company chose to testify before the Board.
- The Board heard extensive testimony from an abutter who lives adjacent to the project. She testified about the use of the property and the multiple violations concerning the use of the property
- She testified that the project did not conform with the comprehensive plan and the potential issues concerning trash pickup and snow plowing with 2 two families and limited frontage.
- There was an additional abutter who testified in opposition to the project.

- When making the motion to approve, Board member Correa stated that all the Board was reviewing was the relief from frontage and accepted the recommendation of the Planning Commission and the narrative of the attorney for the applicant concerning the standards. Board member Perdikakis voted in favor of this motion.
- In voting against the motion, Board members Montanaro and Chairman Buonanno cited the testimony by the abutter about the issues and concerns with the property and the limited frontage and that the application did not comply with the comprehensive plan and would alter the general character of the neighborhood.
- Given the fact that there were only 4 members present and the vote was 2-2, there were no further motions made and the application was denied for failing to receive the necessary 3 positive votes.

Ward 6

ARVEE, LLC. (OWN) and MAINELY TUBS (APP) have applied to the Board to request permission to install signage greater than which is allowed by regulations at **1 New London Avenue**, A.P.10, lot 713, area 87,120 sf.; zoned C4. Applicant seeks relief per Section 17.92.010- Variances; Section 17.72.010- Signs. Application filed 3/8/2024. Robert D. Murray, Esq.

On a motion made by Ms. Montanaro and seconded by Mr. Corrao, this matter was unanimously approved as presented to the Board on April 10, 2024.

Findings of Fact:

- The Board found that the application was compatible with the general character of the surrounding neighborhood and the request does not impose undue nuisances and is not out of character beyond any other uses on this site or within the surrounding area.
 - The property and the immediate surrounding area along New London and Reservoir Avenues are commercial (retail) in nature and the request does not propose or encourage incompatible uses that would be disruptive to the surrounding area.
 - The Proposal is related to redevelopment / reinvestment of an existing commercial retail plaza.
 - Staff finds that the Application is generally compatible with the general character of the surrounding neighborhood.
- The Future Land Use Map (FLUM) designates the subject property as "*Highway Commercial / Services.*"
 - Per the Comprehensive Plan, the C-4 zoning district is an appropriate zoning classification for commercial retail development.
 - Highway commercial / services is oriented towards providing services to citywide and regional markets where signage plays a greater role in location and direction.
 - The Proposal is related to redevelopment / reinvestment of an existing commercial retail plaza.
 - Staff finds that the Application is directly consistent with the Future Land Use Map designation.
- The Comprehensive Plan outlines goals, policies, and action items pertaining to commercial (re)development which Staff find support the approval of this Application, specifically:
 - Economic Development Goal 4: Revitalize underused areas of the City for uses that are in keeping with the needs and values of the community.
 - Economic Development Goal 11: Target sites for industrial and commercial projects.
 - Economic Development Policy 11.1: (i.e. former Trolley Barn site, **Route 2 corridor**), may support additional retailers seeking entry to the market.
- The attorney for the applicant gave a presentation on the branding of the company and the need for the type and size of sign.
- There was no testimony by abutters either for or against the project

In this case, the Board voted to accept the staffs finding of fact and applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is not due to a physical or economic disability of the applicant, and the applicant would suffer more than a mere inconvenience if the variance were denied. The relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted and will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan. In granting a variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Section 17.72.010 – Signs.

Ward 1

RUSSO FAMILY TRUST (OWN) and JENNIFER MINUTO (APP) have applied to the Board to expand an existing tavern/pub/neighborhood bar use with a reduced number of parking spaces at **2197 Broad Street**, A.P. 1, lot 432; area 4,102 sf.; zoned C3. Applicant seeks relief per Section

17.92.010- Variances; Section 17.64.010- Off-Street Parking. Application filed 3/12/2024. Jennifer Minuto, Esq.

On a motion made by Mr. Corrao and seconded by Ms. Montanaro, this matter was withdrawn without prejudice as requested by the applicant and unanimously accepted by the Board.

Stanley Pikul
Secretary, Zoning Boards

The meeting was adjourned at 9:40 PM
