

WARWICK ZONING BOARD OF REVIEW  
MINUTES OF THE JANUARY 13, 2015 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, January 13, 2015 at 6:00 P.M. at Warwick City Hall, in the Warwick City Council Chambers, 3275 Post Road, Warwick, Rhode Island. Donald Morash, Chairman, called the meeting to order.

The Secretary called the roll and noted the following members present:

Donald Morash, Chairman  
Richard Corley, Vice Chairman  
Everett O'Donnell  
Attilio Iacobucci  
Beverly Sturdahl

Alternates: Paul Wyrostek  
Julie Finn

Also present: Robert Sgroi, Esq., Assistant City Solicitor  
Richard Crenca, Warwick Planning Department  
Carol Chevalier, Secretary  
Mary Ellen Hall, Stenographer

The Chairman declared a quorum. The roll was called.

The Chairman entertained a motion to accept the minutes from the November 18, 2014 hearing. A motion was made by Attilio Iacobucci, seconded by Beverly Sturdahl and passed unanimously by the Board that the minutes be accepted.

Petition #10178

Ward 1

72 Benedict Road

The petition of Jeffrey St. Germain, 72 Benedict Road, Warwick, RI, for a request for a dimensional variance legalize front porch enclosure and construction of new stairs and landing

having less than required front yard and side yard setback, southerly side of Benedict Road (72), Warwick, RI, Assessor's Plat 293, Lot 629, zoned Residential A-7.

Ed Pimentel, expert planning and land use (Motion was made By Richard Corley, seconded by Everett O'Donnell and passed unanimously by the Board that he be accepted as an expert witness)

Jeffrey St. Germain, 72 Benedict Road, petitioner, was also present.

The petitioner stated that he started to enclose his porch and construct a new front entrance and did not apply for the necessary permits. The porch does not meet the front yard and side yard setback requirements.

Mr. Pimentel stated that the homes in the area were built in the 60's and the house is more in character now with the surrounding homes.

Mr. Corley stated that the petitioner is squaring off the house by enclosing the porch. It does not cause concern. It is at the same setback. With that statement he made a motion to approve the petition. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10179

Ward 1

99 Beechcrest Street

The petition of Amy Walker and Frederic Rounds, 99&101 Beechcrest Street, Warwick, RI, for a request for a dimensional variance to legalize location of existing shed and attached lean to, having less than required side and rear yard setbacks, northerly side of Beechcrest Street (99 & 101) Warwick, RI, Assessor's Plat 301, Lot 22, zoned Residential A-7.

Amy Walker & Frederic Rounds, petitioners, were present.

The petitioner stated the he constructed a lean to on an existing shed located in the backyard. The shed was already built when he purchased the property. He built the lean to so that he could cover lawn furniture. He stated that he did not obtain a building permit.

Mr. O'Donnell asked if the lean to had a gutter on it.

The petitioner stated that the lean to did not have a gutter. The petitioner stated that there is no other area in the yard they have existing gardens.

Mr. Corley stated that he would make a motion to approve the petition with the stipulation that the petitioner put gutters on the lean to. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that the petition be GRANTED with the stipulation that the gutters be placed on the lean to.

Petition #10180

Ward 7

15 Eldridge Avenue

The petition of Ralph Matteson, 15 Eldridge Avenue, Warwick, RI, for a request for a dimensional variance to have a fence higher than allowed (8') along back property line, westerly side of Eldridge Avenue (15), Warwick, RI, Assessor's Plat 364, Lot 133, zoned Residential A-7.

Ralph Matteson, 15 Eldridge Avenue, petitioner, was present.

Lori Jones, 27 Arbor Way, North Kingstown, RI, daughter of petitioner, was also present.

The petitioner stated that he would like to construct an 8' fence around the pool for safety reasons. There are many children in the area.

Ms. Jones stated that there are privacy issues there is a new house behind her fathers' home and the deck off the back of the new house.

The Chairman stated that an arborvitae could go higher than the fence he is proposing. That he feels that this would be opening the door for eight foot fences around the City.

Ms. Jones stated that she had suggested trees and did not want to encroach on the neighbors property.

There was discussion between the Board and the petitioner and his daughter.

The petitioner decided to withdraw his petition without prejudice.

A motion was made by Richard Corley, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be WITHDRAWN WITHOUT PREJUDICE.

Petition #10182

Ward 6

257 Promenade Avenue & 96 Claflin Rd.

The petition of John Conforti and Lori Ann Morse, 76 Colonial Avenue, Warwick, RI, for a request for a dimensional variance to construct a 25' x 25' two car garage with living space above on existing dwelling (257 Promenade Avenue), to construct a porch on the westerly side and to close in porch on the southerly side and to construct new front exterior stairs and to construct a porch measuring 9' x 6' on the northeasterly side of the dwelling with less than required front yard and corner side yard setbacks, subject property containing second legal non-conforming dwelling, northeasterly corner Promenade Avenue (257) and Claflin Road (96), Warwick, RI, Assessor's Plat 373, Lots 182 & 183, zoned Residential A-15.

Richard Crenca, Warwick Planning Department read recommendations into the record.

Andrew Sholes, Esq., representing the petitioner, was present.

John Conforti and Lori Ann Morse, petitioners, were present.

Mary Brewster, Architect, was also present.

Mr. Crenca stated that his stipulation #6 was made due to the fact that there were no floor plans and he was not sure of the connection.

Mary Brewster described the plan to the Board. She stated that there is no basement for the main dwelling and the area above the garage would be utilized for storage. There would be no stairwell all access to the second level would be through the main dwelling.

Mr. Crenca stated that he would be fine with the elimination of stipulation #6 of his recommendations.

Mary Brewster stated that there is a second dwelling on the property that would remain and not be changed. She explained to the Board the need for the type of materials presented and the relief requested from the petitioner.

There were neighbors present in opposition.

Frances Wentworth, 271 Promenade Avenue and George Claflin of the same address were present in opposition.

They stated that the garage would be better being behind the house. It appears to be a continuous wall with the garage directly next to the dwelling. It only leaves a 6' gap between the second dwelling and the garage addition. If the second house were removed there would be no issue at all. She also stated that the breeze towards her house would be altered.

The Chairman and the Board discussed with the objector the issues presented.

Mr. Corley made a motion to approve the petition with the provision that all storm water runoff be contained on the property. The question of stone versus wood, everyone has their own taste and he feels that stone would be better. The setback would not change. That the wind issue there are open lots along Promenade up to Claflin. That stipulation #6 be eliminated and the opening be changed from six feet to three feet. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10181

Ward 9

487 Diamond Hill Road

The petition of Shashikant Mehta & Rekha Mehta, 487 Diamond Hill Road, Warwick, RI, for a request for a dimensional variance to construct a 22' x 26' garage addition with living space above, proposed garage/addition having less than required side yard setback, westerly side of Diamond Hill Road (487), Warwick, RI, Assessor's Plat 238, Lot 69, zoned Residential A-10.

Richard Crenca, Warwick Planning Department read recommendations into the record.

Joseph Brennan, Esq., Shekarchi Law Office, 33 College Hill Road, representing the petitioner, was present.

Armando Morado, contractor, was also present.

Rekha Mehta, petitioner, was also present.

The attorney for the petitioner stated that his client proposes to construct a 22; x 26' two car garage with a family room above. The required setback is 15' from the property line and his client proposes 11.3' from the property line. There would be a deck constructed off the back of the proposed addition from the second level. There would be no stairs from the deck to the ground level and there would be no stairs in the garage accessing the second level. He stated that the proposal would not alter the character of the property and his client has been living on the property for sixteen years. The addition would enhance the enjoyment of the property.

The Chairman stated that the proposed plan is the least the petitioner could go to the neighbor.

Mr. Corley made a motion to approve the petition. He stated that the plans were drawn to fit the unique character of the subject property. The land is not large. The garage needs to be constructed to accommodate two cars. The petitioner agreed with the Planning Department stipulations. The area above the garage would be living space and would not be an accessory apartment and would never be a living unit. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10183

Ward 9

219 Charlotte Drive

The petition of Universal Realty, LLC, 5390 Post Road, Warwick, RI, for a request for a dimensional variance to demolish existing single-family dwelling and construct a new 2,560 square foot dwelling with an attached garage (approx.. 50' x 69'), proposed dwelling having less than required side yard setback and setback from coastal feature, subject property with less than required frontage and width, northerly side of Charlotte Drive (219), Warwick, RI, Assessor's Plat 201, Lot 20, zoned Residential A-15.

Richard Crenca, Warwick Planning Department read recommendations into the record.

Joseph Brennan, Esq., Shekarchi Law Office, 33 College Hill Road, representing the petitioner, was present.

Rudolph Proccianti, petitioner, was present.

Mr. Brennan stated that Harry Miller the petitioner's surveyor and Ketti Perrenti his clients architect were also present if the Board had any questions. He stated that the petitioner is trying to stay within the same footprint as closely as possible. He testified that his client spoke to the neighbors.

Edward Stuart, 16 Sawyer Avenue, was present.

He stated that the bulkhead was on the property line and that would be moved further back. He asked if the garage would be demolished.

The attorney for the petitioner stated that the existing garage would be removed.

Fonnie Soderstrom, 220 Charlotte Drive, was present in objection.

She stated that the height of the dwelling being constructed in the area is changing the character of the area. It is putting 10 pounds in five pound bag. The proposed house is not nearly the same as the houses in the area. There are different style houses that could be constructed. She stated that there is no parking on Charlotte Drive it is a very narrow road. She had concerns of vehicles and equipment in the roadway during construction.

Drew Chaleski, 55 Hopkins Avenue, was present in objection.

He had concerns over the environmental effects the construction would have on the bay. He asked if there was an environmental engineer involved in the design of the plans.

Mr. Corley stated that the existing house would have more problems than the new house. The existing bulkhead is on the neighboring property and it would be removed. The plan was designed to make sure the issues for the Bay were addressed. There would be a new septic system installed. The petitioner agreed with all of the stipulations from the Planning Department. The petitioner has to receive approval from DEM and ISDS. The house is not too high and is under what is allowed. With that statement he made a motion to approve the petition. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10184

Ward 8

271 Tollgate Road

The petition of Mutual Properties 275 Tollgate, LLC, One James P. Murphy highway, Ste. 200, West Warwick, RI and Senior Housing Development LLC, c/o Kaplan Development Group, 30 Jericho Plaza, Ste. 400E, Jericho, NY for a request for a special use permit to construct a 54,000 square foot two story Assisted Living Facility with 58 units and 112 beds, northerly side of Tollgate Road (271), Warwick, RI, Assessor's Plat 247, Lot 20, zoned Office.

Richard Crenca, Warwick Planning Department read recommendations into the record.

K. Joseph Shekarchi, Esq., representing the petitioner, was present.

Stephen Soscia, petitioner, was also present.

The attorney stated that the petitioner has not objections to the comments from Planning and agrees to all of the stipulations presented. He stated the petitioner has had 10 meetings with the City regarding the proposed project. The petitioner is requesting a special use permit for the assisted living facility. All of the dimensional requirements are met. There would also be offices constructed on the property that do not require approval. The property is in close proximity with Kent County Hospital. This is a private investor. There are other hearings and approvals that the petitioner must obtain.

The Chairman stated that it is an appropriate use of the property and is adjacent to Route 95.

The attorney stated that it would not be interfering with the Narragansett Electric easement.

Dr. Jo-Ann MacMillan, 300 Tollgate Road, was present with concerns.

She was concerned with flooding in the area. She stated that the property floods.

The Chairman stated that the plan is designed by an engineer and that the flooding would be addressed during the building permit process.

Derek Anderson, 2 Gilbert Street, was present.

He stated that he is an abutting land owner and he is also President of the Apponaug Improvement Assoc. He stated that it would be an improvement to the property. The property is presently overgrown and the developer has been cleaning the property. The diminishing buildings located on the property are a fire hazard. The proposal would enhance the area.

Mr. Corley made a motion to grant the petition with the Planning Department stipulations. He stated that the property is an eyesore and the petitioner is making a large investment. The proposal is to develop the property in a way in conjunction with the power lines. Not all projects would fit in with the power lines. Assisted Living Services are a much needed service. It is close to the hospital and perfect spot for access to the highway. It would be an economic infusion for the City. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10185

Ward 8

1 Home Loan Plaza

The petition of One Home Loan Plaza, LLC, 2 Altieri Way, Warwick, RI and Home Loan Investment Bank, 1 Home Loan Plaza, Warwick, RI, for a use variance and dimensional variance

to construct a 20' x 20' electronic LED message center sign on the subject property, proposed sign being higher and larger than allowed, northerly side of Home Loan Plaza (1), Warwick, RI, Assessor's Plat 276, Lot 18, zoned General Industrial.

Richard Crenca, Warwick Planning Department read recommendations into the record.

James Briden, Esq., representing the applicant was present.

The attorney stated that he met with the City prior to filing and was told that he would receive stipulations from the City that would be incorporated into the petition. He did not receive them. He business is an established business he reached out prior to filing to address any concerns.

The Chairman stated that the proposed sign is as large as a billboard. The City is trying to get on board with the digital signs. There is a place for them. There is nothing in place to monitor them.

Richard Crenca stated that he met with the petitioner and the sign company and did express concerns over the size of the sign and the LED element. He has consistently objected to this type of sign.

The attorney stated that there was no approval guide given.

Edward Pimental stated that the LED style sign is important to businesses.

There was discussion between the Board, Mr. Pimentel, Richard Crenca and the attorney for the petitioner.

Brian Murphy, President and CEO of Home Loan Bank, was present.

He explained to the Board the necessity for this style sign. He described to the Board the hardships that the Bank has endured over the last few years.

Mr. Briden stated that the building is setback and that visibility is necessary for the Banks success.

Edward Pimentel made a statement to the Board regarding the aesthetics of the proposed sign he presented a report to the Board (Petitioner's Exhibit #1)

Jeffrey Carter, 18 Fieldstone Road, Dion signs, was present.

He stated that the petitioner would be willing to reduce the size of the sign to 15' x 20' to make it in compliance with the square footage.

Benjamin Barr, 42 High Street, Gilmingon, NH, sign manufacturer, was present.

He stated that he was from the sign manufacturing company. He described the type of sign proposed and other ways to regulate the sign and the message conveyed.

After a lengthy discussion with the Board the attorney requested that the petition be CONTINUED for 60 days.

A motion was made by Richard Corley, seconded by Everett O'Donnell and passed unanimously by the Board that this petition be CONTINUED FOR 60 DAYS.

Petition #10186

Ward 6

875 Oakland Beach Ave.

The petition of James Rengigas, 9 Mathew Drive, Johnston, RI, for a request for a dimensional variance to demolish existing structures on subject property and construct a 32' x 42' one story building (with 4' x 32' overhang) to be occupied for fast food restaurant operation, proposed building having less than required front yard and side yard setbacks, subject property having less than required off street parking and less than required landscaping, westerly side of Oakland Beach Avenue (875), Warwick, RI, Assessor's Plat 375, Lot 437, zoned General Business.

Richard Crenca, Warwick Planning Department read recommendations into the record.

Robert Flaherty, Esq., representing the petitioner, was present.  
James Rengigas, petitioner, was also present.

He stated that the property back in the 1930's was the original Gus's doughboys. The property has been in the family for 90 years. The petitioner would like to construct a 32' x 42' building on the property. The building would be a single level building. There would be four interior stools and 20 outside seats.

James Rengigas stated that the business would be seasonal for the summer months only. It would be Mrs. Gus's doughboys, donut and coffee shop.

Mr. Flaherty stated that all of the stipulations from Planning would be acceptable. He stated that he and his client have met with the City.

John DeSimone, was present representing SG Associates, objector's to the petition.

Steven Cabral was presented as an expert witness in engineering (Motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that he be accepted.)

He presented a report to the Board that was marked as Petitioner's Exhibit #1. There were older photographs presented to the Board Objector's Exhibit #2.

Mr. Flaherty objected to the introduction of the photographs.

Mr. Cabral stated that he petitioner did not seek relief from the 40' setback requirement for the off street parking. He stated that there are other reasonable uses for the property.

Mr. Flaherty stated that the stipulations address the deficiencies.

Mr. Cabral stated that the petitioner did not seek the proper variances. There are other variances that need to be obtained.

Mr. Flaherty stated that his opinion was a legal opinion and not an engineering opinion.

Joseph Lonardo, was accepted as an expert in planning (Motion was made by Everett O'Donnell and seconded by Attilio Iacobucci and passed unanimously by the Board)

He presented a report to the Board that was marked as Objector's Exhibit #3. He described the findings of his report to the Board.

William Coyle, was presented as an expert witness as an appraiser (Motion was made by Everett O'Donnell, seconded by Attilio Iacobucci and passed unanimously by the Board)

He presented a report to the Board that was marked as Objector's Exhibit #4.

He described the findings of his report to the Board.

Peter Carnevale, was present, the attorney asked that the be accepted as an expert in Zoning and Building Code. Mr. Corley made a motion to accept him as an expert. The Board did not second the motion and he was not accepted as an expert witness.

David Gravino, 41 RI Avenue, the owner of Iggy's doughboys was present in objection.

He described to the Board the history of his property and the surrounding properties. He stated that he owns other properties within the 200 radius that he utilizes for parking for his business. He explained his concerns and objections to the Board and the current parking situation for the area.

Joseph Halligan, 38 Hewett Street, and owner of lots abutting 58 Suburban Parkway.

He stated that he owns the two lots abutting the old Carousel restaurant. He cleaned his property and it is one of the largest pieces of land in the midway. He was the Vice Chairman of the Planning Board in Franklin MA and did his homework. He was aware of the buffer zone between the midway properties and the residential to the west. He lost interest in developing the property and put it up for sale. He does not want to see a precedent set for parking in the buffer zone. He was concerned about future development.

Mr. Flaherty stated that he waved closing.

Sam Khouri, owner of Top of the Bay, 326 Strawberry Field Road, was present in favor.

He stated that more businesses would bring more people to Oakland Beach. It is a benefit to all.

Mr. Corley stated to Mr. Crenca that there are deficiencies on the application and the site plan needs to be modified and the stipulations were done before tonight.

He spoke of the buffer zone and the parking and that some adjustments need to be made for the parking away from the building. He suggested that the petitioner continue the petition modify the site plan and amend the application to seek the proper relief.

Mr. Corley made a motion to continue the petition. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be CONTINUED.

The Chairman adjourned the hearing at 10:30 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Donald G. Morash, Jr., Chairman