

WARWICK ZONING BOARD OF REVIEW  
MINUTES OF THE JANUARY 14, 2014 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, January 14, 2014 at 6:00 P.M. in the Warwick City Council Chambers, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Donald Morash.

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

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

Alternates:           Julie Finn  
                              Paul Wyrostek

Attilio Iacobucci was absent

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

The Chairman declared a quorum. The Chair stated to let the record show that Mr. Wyrostek would be voting in place of Mr. Iacobucci.

The Chairman asked if there were any petitions to be withdrawn or continued.

Petition #10095

Ward 6

9 12<sup>th</sup> Avenue

The petition of Jeanne Pass, 9 12<sup>th</sup> Avenue, Warwick, RI, for a request for a dimensional variance to demolish existing dwelling and construct a new dwelling (approx. 50' x 50') with attached two car garage, proposed dwelling having less than required front yard and rear yard setbacks, subject property being an undersized lot, westerly side of 12<sup>th</sup> Avenue (9), Warwick, RI, Assessor's Plat 374, Lot 36, zoned Residential A-15.

Harvey Wagner, Architect, representing the petitioner, was present.

He stated that his client would like to withdraw the application. They are going to amend the plans and refile for the March 11<sup>th</sup> hearing date.

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was made by Richard Corley, seconded by Everett O'Donnell and passed unanimously by the Board that this petition be WITHDRAWN WITHOUT PREJUDICE.

Petition #10093

Ward 2

447 Warwick Avenue

The petition of Joseph Casimiro, 447 Warwick Avenue, Warwick, RI, for a request for a dimensional variance/use variance/special use permit to convert existing detached commercial building located on subject property to a single-family residence, said building having less than required side yard setbacks, subject property containing existing commercial operation with less than required off street parking, northwesterly corner of Warwick Avenue (447) and Arthur Street, Warwick, RI, Assessor's Plat 290, Lots 106 & 110, zoned General Business and Residential A-7.

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

Richard Crenca, Warwick Planning Department, stated that he would like to withdraw his comments on this petition.

Edward Pimentel, Planning and Land Use, was accepted as an expert witness by the Board. (Motion was made by Paul Wyrostek, seconded by Everett O'Donnell and passed unanimously by the Board).

Mr. Shekarchi stated that he amended the application to withdraw the request for the dimensional relief. He stated that the structure was lawfully established prior to 1957. The structure was built in 1945 and added on to in 1952. Per Section 401.1 and 403 of the Zoning Ordinance. That with the change in use there would be less parking required. Section 403.7 of the ordinance states that a conforming use in a non-conforming building may be changed to a conforming use.

Mr. Corley stated that the attorney has done his research and he sees nothing to prevent the granting of the petition. With that statement he made a motion to approve the petition. The motion was seconded by Paul Wyrostek and passed unanimously by the Board that this petition be GRANTED.

Petition #10092

Ward 8

1209 Centerville Rd.

The petition of Offshore Development, LLC., 612 Greenwich Avenue, Warwick, RI, for a request for a modification of a previously approval (#9313 – April 2009 to have ten

(10) residential dwelling units on subject property, construction of three new buildings one containing three units and one existing single-family dwelling unit), said modification is to make the new units 2 feet wider so that each new building would be 6' wider than the previously approved buildings, northwesterly side of Centerville Road (1209), Warwick, RI, Assessor's Plat 250, Lot 3, zoned Residential A-15.

John Harrington, Esq., representing the petitioner, was present.  
Joseph Catelli, petitioner, 70 Upper Farm Way, Wakefield, was also present.

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

Mr. Harrington stated that the petition was previously approved and there is a modification to the site plan proposed. He explained the previous approval to the Board and described the proposed changes. The change being each of the three proposed buildings would be 2' wider than approved.

Mr. Catelli stated that each unit would be approximately 1,600 square feet with garages. The buildings are proposed to be 32' deep and the width would change from 18' to 20' per unit for a total of 6' per building.

Mr. Harrington stated that the original approval is still in tact.

Stephanie Paolino, 60 Fishs Lane, was present in objection.

She stated that she would like to see a fence installed between her property and the subject property. She also requested that there be no work done on Sundays.

The petitioner stated that there is a natural buffer between the properties that they are not going to disturb. There is 141' from the buildings to the property line and there are dense trees between.

Gary Jarbou, 19 Fish's Lane, was also present in objection.

He was concerned about blasting during construction.

Mr. Harrington stated that this issue was brought up in 2006 and was not a stipulation.

The Chairman stated that if they were not asking for the extra 2' they would not be here tonight.

Mr. Corley stated that he sees not reason not to approve the petition. They are asking for an additional 2'. It will not take away from the parking and there is no problem with the setbacks. He stated that he would stipulate no work on Sundays. 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 this petition be GRANTED with the stipulation of no Sunday work allowed.

Petition #10091

Ward 3

2381 Post Road

The petition of Joni Auto Rentals, Inc., P.O. Box 7368, Warwick, RI, & Melvin's Tire Pro's, 2381 Post Road, Warwick, RI, for a request for a use variance to remove a 42 square foot portion of existing freestanding ground sign and construct a new 40 square foot Led digital sign, existing sign legal non-conforming, westerly side of Post Road (2381), Warwick, RI, Assessor's Plat 344, Lots 62 & 64, zoned General Business.

Richard Crenca, Warwick Planning Department read recommendations into the record and presented photograph's to the Board.

John Mancini, Esq., representing Melvin's Tire Pro's, was present.

He stated that because the Warwick Zoning Ordinance does not allow for this type of sign the requests need to be addressed on a case by case basis. This is not an unusual request. That many major retailers have this type of sign. The company is a RI based company. They have been renting the current location for a year and a half. The visibility is limited and they are unable to attract a good customer base.

He presented a photo of the existing sign that was approved in 2002. (Petitioner's Exhibit #1).

They will not be altering the size of the sign and have a landscape plan all set. They will be replacing the middle section. Petitioner's Exhibit #2 - schematic of proposed sign. The sign will be reduced by 4 square feet for a total of 42 square feet per side.

It will not be a message board and the message would change about every 20 to 30 minutes. They are trying to bring customers to the store. They are willing to stipulate any time frame that the Board sees fit an hour to two hours.

He described to the Board the style and type of sign. He also described the graphics, logos and lighting of the sign.

James Melvin, Jr., owner of Melvin's Tire Pro's, was present.

He explained the history of his business and the operation of his many locations throughout Rhode Island and Massachusetts. He stated that he is 2 years into a 5 year lease on the property. He stated that he does not have enough customers.

The petitioner and the Board discussed the need for the sign and the relief requested.

Mr. Corley stated that the customers know where the business is located. He stated that he does not make the ordinances and that he cannot see the need for the use variance other than realizing greater financial gain. He stated that the law binds the decision.

The attorney stated that his client has not other option but to seek relief from the Board that the Board has the power at their discretion. The underlying ordinance out right prohibits the type of sign.

The Chairman stated that the Board should look at and consider the individual instances and try keeping the businesses and employment in the City and the Planning Department made a concession.

Mr. Corley stated that there is a standard that the Board is must go by contrary to the ordinance. That it is safety issue.

Mr. Wyrostek made a motion to approve the petition with stipulations.

1. That the LED sign be static in nature and not change more than once an hour.
2. That the sign be for Tire Pro's only and cannot be rented/leased.
3. That the sign must not be too bright.
4. That the street # for the building must be on the sign.
5. That the landscape plan must be approved by the City Landscape Architect prior to permitting and that it must be bonded until spring. That the setback for the sign be part of the approval as needed.

Beverly Sturdahl made a second on the motion to approve. Richard Corley voted to deny the petition. Everett O'Donnell voted to deny the petition. Donald Morash voted to approve the petition. The petitioner was DENIED by a three to two vote.

Petition #10094

Ward 6

990 Buttonwoods Ave.

The petition of Peter Norquoy, 1854 Hendersonville Road, Ashville, NC for a request for a dimensional variance to demolish existing dwelling and construct a new 28' x 50' dwelling, proposed dwelling having less than required front yard and side yard setbacks, proposed dwelling being higher than allowed, subject property being an undersized non-conforming lot, northerly side of Buttonwoods Avenue (990), Warwick, RI, Assessor's Plat 373, Lot 252, zoned Residential A-40.

K. Joseph Shekarchi, Esq., representing the petitioner, was present.  
Roger Beaulieu, project manager, 1 Stephanie Drive, Coventry, was also present.

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

The attorney presented a letter from the Buttonwoods Beach Assoc. (Petitioner's Exhibit #1)

The project manager stated that he met with the neighbor's.

The attorney stated that the proposal is to demolish the existing dwelling and construct a new dwelling. The dwelling would be located 6' closer to the road. The dwelling would be constructed in the same location as the existing dwelling.

Mr. Corley stated that the pictures speak for themselves. The existing building is dated and the proposed new dwelling would improve the neighborhood. The proposed variances are not too extensive and that he sees no reason not to grant the request. With that statement he made a motion to approve the petition. The motion was seconded by Everett O'Donnell to approve the petition with the Planning Department stipulations. The motion was passed unanimously by the Board to GRANT the petition with the stipulations as presented.

Petition #10096

Ward 5

51 Harris Avenue

The petition of Christopher Levasseur, 51 Harris Avenue, Warwick, RI, for a request for a dimensional variance to legalize location of garage/shed accessory structure (portion of structure to be removed), accessory structure having less than required front yard and side yard setbacks, northerly side of Harris Avenue (51), Warwick, RI, Assessor's Plat 358, Lot 181, zoned Residential A-10.

There was no one present at the time this petition was called. The Chairman stated it will be held to the end.

Petition #10097

Ward 6

2477 West Shore Rd.

The petition of Veracruz Shabo LLC, 2477 West Shore Road, Warwick, RI, for a request for a dimensional variance and special use permit to convert existing auto service building to a car wash, to construct a 16.5' x 33' addition to building with less than required side yard setback, existing building having less than required side yard and side street setback, subject property having less than required off street parking, less than required landscaping and less than required landscape buffer, northerly side of West Shore Road (2477), Warwick, RI, Assessor's Plat 349, Lot 465, zoned Office.

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

Michael Favicchio, Attorney, was present representing the petitioner.

He stated that the petition was approved previously and that there is a slight change to the proposal to allow the petitioner to construct a more modern and state of the art carwash.

The attorney explained the changes to the Board and described the site plan and operation of the proposed car wash.

Wendy Weiss, 140 Scolly Street, was present with concerns.

She stated that she was present in 2011 when the car wash was originally approved and she is afraid she will not be able to get in her driveway.

Mr. Corley stated that the new plan would move the cars faster through the car wash and get them off the street. The 2011 stipulations are still in affect and the stipulation of the soffat on the building. With that statement he made a motion to approve the petition with the stipulations. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED with the stipulations as presented and the previous stipulations of 2011.

Petition #10098

Ward 3

1689 Post Road

The petition of WJG Realty Company. LLC, 385 Hancode Street, Quincy, MA, for a request for a dimensional variance/use variance/special use permit, to have outdoor sales (fast food) on subject property, more than one non residential use on subject property, proposed sign being larger than allowed, subject property having less than required landscaping, westerly side of Post Road (1689), Warwick, RI, Assessor's Plat 322, Lot 209, zoned General Business.

Benedetto Cirelli, Attorney for the petitioner was present.

Anthony Restivo, applicant, was also present.

The attorney stated that his client is seeking a special use permit to have outdoor sales. His client recently purchased the right to the Rocky Point Chowder House. He has a trailer and would like to sell clam cakes and chowder in the parking lot of the Ann & Hope property. It would be a seasonal operation.

The petitioner described to the Board the type of operation and the proposed layout on the subject property.

The petitioner and the board discussed access, restrooms facilities, signage and hours of operation.

John Revens, Jr., spoke in favor of the petition.

Mr. Corley made a motion to approve the petition. He stated that it is nice to see something nostalgic in the City. The property affords the petitioner the visibility and he

sees no problem with the petition. The motion was seconded Everett O'Donnell and passed unanimously by the Board to GRANT the petition.

Petition #10099

Ward 3

9 Roseland Ave.

The petition of Sherer Properties, LLC, 1059 Frenchtown Road, East Greenwich, RI for a request for a special use permit and dimensional variance to occupy existing building for vehicle service and repairs, subject property having less than required landscaping and screening, less than required aisle width for parking and size less than required for required off street parking spaces, northerly side of Roseland Avenue (9), Warwick, RI, Assessor's Plat 322, Lots 256 & 258, zoned General Business.

John Revens, Jr., Esq., representing the petitioner, was present.

He stated that the subject property is the former location of Airport Valet. His client operates and automotive repair and service operation. The change is from auto rental to auto repair and service.

Mr. Corley 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 #10096

Ward 5

51 Harris Avenue

The petition of Christopher Levasseur, 51 Harris Avenue, Warwick, RI, for a request for a dimensional variance to legalize location of garage/shed accessory structure (portion of structure to be removed), accessory structure having less than required front yard and side yard setbacks, northerly side of Harris Avenue (51), Warwick, RI, Assessor's Plat 358, Lot 181, zoned Residential A-10.

The Chairman called the petition. There was no one present. The Chairman stated to hold the petition to the next hearing date.

The Chairman entertained a motion to accept the minutes from the December 10, 2013 hearing. A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that the minutes be accepted.

The Chairman adjourned the hearing at 8:30 P.M.

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

Donald G. Morash, Jr., Chairman

