

DONALD G. MORASH, JR.
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CHAIRMAN
MAYOR



CITY OF WARWICK
ZONING BOARD OF REVIEW
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE NOVEMBER 14, 2017 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, November 14, 2017 at 6:00 P.M. in the Apponaug Conference Room, Warwick City Hall, Annex Building - 2nd floor, 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
Fred Sarno
Everett O'Donnell
Paul Wyrostek
Beverly Sturdahl
Mark McKenney

Also present: Diana Pearson, Asst. City Solicitor
Daniel Geagan, Warwick Planning Department
Amy Cota, Secretary
Mary Ellen Hall, Stenographer

Absent: Julie Finn

The Chairman declared a quorum.

The Chairman asked for a motion to approve the minutes from the October 10, 2017 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The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.

The Chairman stated that Petition #10499, of Justo Family, LLC, 190 Briarcliff Ave., Warwick, RI, and Caren Grantmeyer, 5 Whispering Lane, Warwick, RI, for a special use permit to construct a 110' x 50' storage warehouse to store personal vehicles. Assessor's Plat 350, Lot 295, (2171 West Shore Rd.), zoned General Business (GB) was being continued. Paul Wyrostek made a motion to continue the petition, seconded by Fred Sarno, and passed unanimously by the Board that the petition be continued.

Due to Mark McKenney arriving late, Paul Wyrostek was the voting member on the withdrawal of petition #10499.

Mark McKenney arrived, and became the voting member.

The Chairman called the first petition.

Petition #10498

Ward 4

28 Graham Ave.

The petition of Cathy A. King, 28 Graham Ave., Warwick, RI, request a dimensional variance to construct an addition for a master bedroom/bathroom, a Jacuzzi room, and to relocate existing kitchen. Proposed addition having less than required corner/side street setback (Alpine Street). Assessor's Plat 337, Lot 315, zoned Residential A-7.

Cathy King, petitioner, 28 Graham Ave., Warwick, RI, was sworn in by the Chairman.

Michael McCaffrey, Esq., was present and representing the petitioner.

Mr. McCaffrey stated the petitioner is asking for side and front/corner side yard setback relief for a master bedroom/bathroom addition.

The Chairman asked if the petitioner spoke with her neighbors.

Mr. McCaffrey responded the petitioner owns the abutting lot on the side the addition will be constructed.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition. There being none, Everett O'Donnell made a motion to approve the petition, seconded by Fred Sarno, and passed unanimously by the Board that the petition be GRANTED.

Petition #10500

Ward 5

20 Westview St.

The petition of Steven & Erin Archer, 20 Westview St., Warwick, RI, request a dimensional variance to construct a 10' x 12' shed. Proposed shed having less than

required rear yard setback. Subject property being a legal non-conforming lot. Assessor's Plat 377, Lot 62, zoned Residential A-7.

Steven Archer, petitioner, 20 Westview St., Warwick, RI, was sworn in by the Chairman.

Erin Archer, petitioner, 20 Westview St., Warwick, RI, was sworn in by the Chairman.

Steven Archer stated they are looking to install a new shed up and they need relief to place the shed five feet (5') from the rear property line.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition. There being none, Everett O'Donnell stated they were asking for minimal relief and made a motion to approve the petition, seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED.

Petition #10501

Ward 6

292 Sea View Dr.

The petition of Angela Stamoulos, 9 Grant Ave., Belmont, MA, request a dimensional variance to raise house at 292 Sea View Drive to meet flood elevation, enclose existing porch, construct an L-shaped deck with stairs, construct a second floor addition over a portion of the first floor. Proposed additions & existing dwelling having less than required front yard setback. Subject property being a legal non-conforming lot, having two single family dwellings on one lot. Assessor's Plat 375, Lot 131, zoned Residential A-40 (formerly A-7).

Angela Stamoulos, petitioner, 9 Grant Ave., Belmont, MA, was sworn in by the Chairman.

Jim Desrochiers, 9 Grant Ave., Belmont, MA, was sworn in by the Chairman.

Ms. Stamoulos stated they recently purchased the property, which has two existing single family dwellings on one lot. She stated one of the dwellings on the lot is habitable and will be occupied by her mom. They are looking to raise the other dwelling out of the flood zone and would like to enclose the existing porch and extend the dormer.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition. There being none, Fred Sarno made a motion to approve the petition, seconded by Everett O'Donnell, and passed unanimously by the Board that the petition be GRANTED.

Petition #10502

Ward 1

58 Osceola Ave.

The petition of Mary Asay, 58 Osceola Ave., Warwick, RI, request a dimensional variance to demolish existing garage and construct a new detached single car garage. Proposed garage having less than required side yard & rear yard setback. Subject property being an undersized non-conforming lot. Assessor's Plat 303, Lot 205, zoned Residential A-7.

Mary Asay, Petitioner, 58 Osceola Ave., Warwick, RI, was sworn in by the Chairman.

David D'Allesandro, 11 Clarion St., Cranston, RI, was sworn in by the Chairman.

David D'Allesandro stated the petitioner would like to have the existing garage removed and have a new garage constructed, but stated the proposed location where the garage will be constructed is very close to the property line.

Mark McKenney asked if the new garage will be the same footprint as the existing. Mr. D'Allesandro responded it will be a little bit bigger, but it will not be any closer than the existing setback of 2.4'.

The Chairman asked if they spoke to their neighbors.

Ms. Asay stated she did speak to the neighbors.

Everett O'Donnell asked if there will be any living space or a loft above the garage. Mr. D'Allesandro responded no, there will not be.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition. There being none, Mark McKenney stated they were asking for minimal relief and moved to approve the petition, seconded by Fred Sarno, and passed unanimously by the Board that the petition be GRANTED.

Petition #10503

Ward 6

99 Lloyd Ave.

The petition of Shane Brodeur, 99 Lloyd Ave., Warwick, RI, request a dimensional variance to construct a front porch. Proposed porch having less than required front yard setback. Assessor's Plat 361, Lot 514, zoned Residential A-7.

Ian Olson, General Contractor, 559 Fall River Ave., Seekonk, MA, was sworn in by the Chairman.

Mr. Olson stated he is the general contractor for the owner, who is away for work. He stated he is constructing a front porch for the petitioner, and is seeking relief from the front yard setback.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition. There being none, Everett O'Donnell stated there were no objectors, it is a minor request and moved to approve the petition, seconded by Fred Sarno, and passed unanimously by the Board that the petition be GRANTED.

Petition #10504

Ward 7

15 Darrow Dr.

The petition of Charles Johnson, 40 Melbourn Rd., Warwick, RI, request a dimensional variance to demolish existing dwelling and construct a new 27' x 33'-11" single family dwelling with a 10' x 12' rear deck. Subject property having less than required lot area and frontage. Assessor's Plat 364, Lot 68, zoned Residential A-7.

Charles Johnson, Petitioner, 40 Melbourn Rd., Warwick, RI, was sworn in by the Chairman.

Mr. Johnson stated the existing house has no value, it has termite & water damage, and is located three feet (3') from the side yard.

Daniel Geagan from the Planning Department read his recommendations into the record.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition. There being none, Mark McKenney stated they are moving the house to be more in keeping with the general characteristics of the neighborhood, and moved to approve the petition, seconded by Fred Sarno and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10506

Ward 9

441 Old Forge Rd., Unit #10

The petition of Victoria Moutahir, 14 Belair Ave. Providence, RI, request a use variance to occupy existing space for a massage therapy office. Subject property being a commercial condominium. Assessor's Plat 210, Lot 1, zoned Office (O).

Victoria Moutahir, 14 Belair Ave., Providence, RI, was sworn in by the Chairman.

Ms. Moutahir stated she has operated a therapeutic massage office for the past eighteen years and would like to open a second location at the subject property.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition. There being none, Fred Sarno made a motion to approve the petition, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10507

Ward 3

30 Coronado Rd.

The petition of Peak Performance Sports Training, 25 Coronado Rd., Warwick, RI & Coronado Realty, Inc., P.O. Box 8788, Cranston, RI, request a dimensional variance to have a sports training facility located on the subject property (30 Coronado Road) with less than required parking & landscaping and a special use permit to have off-site parking on lot 516 (60 Alhambra Road). Assessor's Plat 323, Lot 393, zoned Intermodal (IM).

Chairman Donald Morash recused himself on this petition. Paul Wyrostek became the voting member on the petition.

Tom Chea, petitioner, 25 Coronado Rd., Warwick, RI, was sworn in by the Chairman.

Guy Settipane, Esq., was present and representing the petitioner.

Daniel Geagan from the Planning Department read his recommendations into the record.

Mr. Settipane stated Mr. Geagan has done most of the work for him. He stated they are excited to be part of this upgrade in the City of Warwick.

Mr. Settipane stated the petitioner will be occupying the building across the street from where his business is currently located.

The petitioner is seeking dimensional relief for having less than required landscaping & parking, and a special use permit for the off-site parking at 60 Alhambra Road.

Mr. Settipane also stated the petitioner has worked with the Planning Department to come into conformance with what they are looking for.

Mark McKenney asked if they are in agreement with the stipulations. Mr. Settipane responded they are in agreement with them.

Everett O'Donnell asked if there is a crosswalk to the parking lot across the street. Mr. Settipane stated there is a crosswalk that was put it during the renovation of the road.

Mark McKenney asked if there was anyone present to speak in opposition of the petition.

Michael Macchioni, owner of New England Sports Training, was present in opposition of the petition. He had concerns with the parking issues in the area, and how it would impact his business when this new business has tournaments.

Mark McKenney stated it appears what the petitioner is proposing will alleviate some of that issue.

Mr. Settipane stated the petitioner has only two tournaments a year. He stated there is some angst between the petitioner and Mr. Macchioni. Mr. Settipane stated most of the parking spaces for Mr. Macchioni's building are non-conforming and use the sidewalks along Coronado Road and Alhambra Road. What his client is proposing will alleviate the situation, and they will now have legal parking for their own operation.

Everett O'Donnell suggested using the airport parking garage when they have tournaments.

Mark McKenney asked if there was anyone else present to speak in opposition or in favor of the petition.

Gary Pearson, a homeowner in the City of Warwick, whose son is also a client at the petitioner's sports training facility. He stated most of the clientele drop their kids off a Tae Kwon Do and then return to pick them up. He stated he has never had an issue finding parking when he returns to pick up his child. He also stated that what the petitioner is doing, is good for the community and the City of Warwick.

Everett O'Donnell stated the petitioner has agreed to the stipulations, he will be improving the landscaping and the design of the building. He stated the Board always welcomes new business to the City and they try to help them along, and he thinks it will be a great addition to the City, and he moved to approve the petition, seconded by Fred Sarno and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10509

Ward 6

53 Sea View Drive

The petition of Carley Construction Co., 40 Wilson St., West Warwick, RI, and Jeffery Kingston, 53 Sea View Drive, Warwick, RI, request a dimensional variance to construct a one story 26' x 26' detached two car garage. Proposed garage having less than required front yard setback and less than required setback to the coastal feature. Assessor's Plat 360, Lot 435, zoned Residential A-40 (formerly A-7).

Jeffery Kingston, petitioner, 53 Sea View Dr., Warwick, RI, was sworn in by the Chairman.

Everett O'Donnell recused himself. Paul Wprostek became the voting member on this petition.

Thomas Carley, contractor, 40 Wilson St., West Warwick, RI, was sworn in by the Chairman.

The contractor stated they are proposing to construct a two bay garage.

Mark McKenney asked if CRMC is okay with this. The petitioner stated CRMC will be coming out to the property. He stated they found out the property is out of the flood elevation because of this project, and the petitioner no longer requires flood insurance.

The Chairman asked if the petitioner spoke with the neighbors.

Mr. Kingston responded yes.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition. There being none, Fred Sarno made a motion to approve the petition, seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED.

Everett O'Donnell became the voting member.

Petition #10508

Ward 4

380 Shawomet Ave.

The petition of John Marinatto, 380 Shawomet Ave., Warwick, RI, request a dimensional variance to construct an addition to the front of the dwelling to expand two existing bedrooms. Proposed addition having less than required side yard setback. Assessor's Plat 334, Lot 285, zoned Residential A-40 (formerly A-7).

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

Mr. Shekarchi stated the petitioner is asking for 18" of relief from the side yard setback. He stated the petitioner is present if the Board has any questions for him.

The Chairman asked if the petitioner spoke with his neighbors.

Mr. Shekarchi stated there was one neighbor present, but he himself is a neighbor, and he doesn't have an issue with it. He stated the property has been a summer home owned by the petitioner's family for over fifty years, and he would just like to expand the front portion of the house towards Shawomet Avenue.

The Chairman noted the addition will not be infringing any further than the existing dwelling.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition.

Everett O'Donnell stated he drives by that house every day notice how small it is. It's a beautiful spot on the water, and moved to approve the petition, seconded by Fred Sarno and passed unanimously by the Board that the petition be GRANTED.

Petition #10505

Ward 8

650 Bald Hill Rd.

The petition of Dane Ridenour, 1000 Civic Circle, Lewisville, TX, Seritage SRC Financial, LLC, 489 5th Ave., New York, NY, and At Home Stores, LLC, 1600 E. Plano Parkway, Plano, TX, request a dimensional variance to remove existing entryways and canopies and construct a new front entry element. Proposed entryway being higher than allowed. Assessor's Plat 264, Lot 1, zoned General Business.

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

Mr. Shekarchi stated the Board may remember he represented At Home Stores, LLC, two years ago when they moved into the old Sam's Club and the Board approved a large portico and entrance, which is part of their corporate structure. Unfortunately an internal attorney for At Home Stores failed to do their due diligence, and they signed the lease, moved in to that property but they failed to review the covenants, which restricts the amount and certain types of goods they can sell. Another owner in the condominium development sued to enforce those covenants and that was Home Depot and consequently to that At Home has to either close up shop or stop selling those good. These goods they sell are paramount to their business practice, so we in the City of Warwick are fortunate enough to have them relocate to the RI Mall which is vacant and does not have all those restrictions.

Mr. Shekarchi stated the entrance they are asking for is consistent with other entryways in the mall.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition.

Mark McKenney stated the relief sought is minimal, and moved to approve the petition, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

A motion was made by Everett O'Donnell to adjourn the meeting, seconded by Fred Sarno and passed unanimously by the Board that the meeting be adjourned at 7:00 P.M.

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

Donald G. Morash, Jr., Chairman