

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, December 12, 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
Mark McKenney
Everett O'Donnell
Beverly Sturdahl
Fred Sarno
Julie Finn
Paul Wyrostek

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

The Chairman declared a quorum.

The Chairman asked for a motion to approve the minutes from the November 14, 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The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.

Attorney K. Joseph Shekarchi, Esq. requested Petition #10514, of Colbea Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI, proposing to demolish existing service station with gas pumps and convenience store, and is requesting a use variance to construct a new 3,600 sq. ft. convenience store, fueling pumps, and a fast food restaurant use with a drive-thru. Also seeking a dimensional variance for having internally illuminated signage, less than required landscaping, and less than required interior landscaping. Assessor's Plat 323, Lots 370, 373 & 377, zoned Intermodal (IM) be continued until the January 2018 hearing. Everett O'Donnell made a motion to continue the petition, seconded by Mark McKenney, and passed unanimously by the Board that the petition be continued.

The Chairman called the first petition.

Petition #10513

Ward 6

2171 West Shore Rd.

The petition of Justo Family Investment, LLC, 499 Warren Ave., East Providence, RI, and Caren Grantmeyer, 5 Whispering Lane, Warwick, RI, request a special use permit to construct a 110' x 50' storage warehouse to store personal vehicles. Also requesting a dimensional variance for having less than required front yard & side yard setbacks, less than required parking, and a larger than allowed driveway entrance. Assessor's Plat 350, Lot 295, (2171 West Shore Rd.), zoned General Business (GB).

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

Susan Baker from the Warwick Planning Department read her recommendations into the record.

Mr. Shekarchi stated the subject property has been vacant and is zoned General Business. The petitioner has a hobby of collecting classic cars. He is proposing to construct a storage facility for his collection of classic cars. The storage facility will house approximately twelve (12) cars. He stated the petitioner will paint, polish and repair these cars, occasionally buying and selling privately to add to his collection. He will not be a car dealership, he doesn't have car dealer plates. This facility will not be open to the public

Mr. Shekarchi stated this property has been vacant for a long time. The Planning Department has requested, and my client has complied with their design request. We believe this will enhance the neighborhood and the tax base, it will not be a nuisance in anyway. There will be no cars stored outside and there will not be any cars displayed indoors.

The petitioner has reached out to his neighbors, and heard no objections from the neighbors he did speak with.

The Chairman asked if this was the former location of the gas station. Mr. Shekarchi responded it was, many years ago.

Mr. Shekarchi submitted two (2) photos of the proposed building, marked as Petitioner's Exhibit #1 & #2.

Fred Sarno asked if this was the petition that had strict compliance in the stipulations, and asked the petitioner if he was in agreement with strict compliance. Mr. Shekarchi stated they would prefer substantial compliance. It was agreed upon by the Board, that it would be changed to substantial compliance.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell stated it would be a great addition to the neighborhood, there were no objectors to the petition, and made a motion to approve petition, seconded by Fred Sarno, and passed unanimously by the Board that the petition be GRANTED WITH AMENDED STIPULATIONS.

Petition #10510

Ward 7

31 Melbourn Rd.

The petition of Kathleen Cosgrove, 31 Melbourn Rd., Warwick, RI, request for a dimensional variance to construct a stair-hall addition, and an open second floor deck. Proposed stair-hall addition having less than required front yard & side yard setbacks. Proposed deck having less than required front yard & front corner/side street setbacks (from Juniper Ave.). Subject property being an undersized non-conforming lot. Assessor's Plat 367, Lot 582, zoned Residential A-7.

Kathleen Cosgrove, petitioner, 31 Melbourn Rd., Warwick, RI, was present and sworn in by the Chairman/

Harvey Wagner, Design Architect, was present and sworn in by the Chairman.

Mr. Wagner stated the existing house has no interior access to the basement. He stated they would like to construct an interior side stairhall, with access from the kitchen down to the basement. They will be relocating the existing bulkhead where the stairhall will be located.

The Chairman asked if they were also adding a deck. Mr. Wagner stated they are also proposing a deck on the East side of the dwelling to help keep snow off the petitioner's vehicle. He stated one of the owners is disabled veteran, and this will make it easier for them, not to have to shovel snow. The deck will not be enclosed.

Everett O'Donnell asked what the side setback will be from the stairhall. Mark McKenney responded it will be 5.6'.

Mr. Wagner stated the access from the house to the deck will be from the bedroom.

The Chairman asked if they spoke with the neighbors.

Mrs. Cosgrove stated she spoke with the neighbor on the side near the proposed stairhall and she didn't have a problem with that. They spoke with the neighbor behind them regarding the deck, who had no problem with the deck.

The Chairman asked if there was anyone present 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 #10511

Ward 8

650 Bald Hill Rd.

The petition of Raymour & Flanigan Properties, LLC, its successors and/or assigns, 7248 Morgan Rd., Liverpool, NY 13088; Seritage SRC Finance, LLC, 489 5th Ave., 18th Floor, New York, NY 10017; and Raymours Furniture Company, Inc., 7248 Morgan Rd., Liverpool, NY 13088, request for a dimensional variance to install six (6) wall signs, larger than allowed. Assessor's Plat 264, Lot 1, zoned General Business (GB).

Joseph Brennan, Esq. was present and representing the petitioner.

Christopher Lloyd, 2393 Glover Rd., Marcellis, NY, of Raymour & Flanigan, was present and sworn in by the Chairman.

Mr. Brennan stated they are seeking relief for wall signs, with the proposed square footage being greater than what is allowed. The location is the old location of Sears. Sears occupied two floors, Raymour & Flanigan will be occupying the first floor only. The frontage for that space faces Route 295 and Bald Hill Road. They have no frontage on East Avenue, and therefore there will be no signs on that side of the building.

They will have four (4) signs located on the wall facing Route 295. One will be their main sign, a 300 sq. ft. sign that says "Raymour & Flanigan", a 100 sq. ft. sign that says "furniture" and another 100 sq. ft. sign that says "mattresses". There will also be a 200 sq. ft. sign, that will be left vacant for a tenant that is yet to be determined, as they will be sub-leasing an area of their space out.

Mr. Brennan stated they have been in contact with the Planning Department, and they recognize whatever tenant does go there, the Planning Department will have final

approval on the aesthetics of the sign. He stated they did work with the Planning Department on the proposed signs for Raymour & Flanigan.

Mr. Brennan stated along Bald Hill Road, they will have two (2) signs, one will be their main sign, which will match the 300 sq. ft. sign that says "Raymour & Flanigan", and the with a 100 sq. ft. sign below, left vacant, for same said tenant "A".

They are proposing a total of 1100 sq. ft. of signs, and the relief requested is for 385 sq. ft.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Mark McKenney moved to approve the petition, seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED.

Petition #10512

Ward 1

Lansdowne Rd.

The petition of Warwick Sewer Authority, 125 Arthur Devine Blvd., Warwick, RI, and Spring Green Corporation, 459 Namquid Dr., Warwick, RI, request a special use permit to construct a pump station. Subject property having pre-existing non-conforming frontage. Assessor's Plat 307, Lot 421, zoned Residential A-10.

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

Todd Ravenelle of Gordan Archambault, Inc., Consulting Engineer, was present and sworn in by the Chairman.

Susan Baker from the Planning Department read her recommendations into the record.

Mr. Revens asked Mr. Ravenelle what his profession was. Mr. Ravenelle responded he is a Professional Engineer, and has been for approximately 24 years.

Mr. Revens asked if he was responsible for preparing plans for the proposed pump station. Mr. Ravenelle responded yes.

Mr. Revens asked Mr. Ravenelle to describe the service area of the proposed pump. Mr. Ravenelle stated this is the Governor Francis Phase III area. This is the third and last portion of the project, and it will service approximately 270 homes. He stated it will be a gravity sewer service, collected by gravity from the homes down to the end of Lansdowne street to be collected at the pump station, from there it will be pumped Northerly to an interceptor line.

Mr. Revens asked how they determine the location of the pump station. Mr. Ravenelle stated after reviewing the topography of the area, they look for a low point, and

Lansdowne Rd. was the low point of the service area. He stated due to the gravity service they want to keep the pipe as shallow as possible.

Mr. Revens asked if this location was available for sale. Mr. Ravenelle replied, not at the time the initial design was done. He stated they worked with the property owner, it was established that this location would be available. Mr. Revens stated the owner of the property has agreed and signed a contract to sell the land, subject to this application being approved by the Zoning Board of Review.

Mr. Revens asked Mr. Ravenelle to describe the operation and the dimensions of the pump.

Mr. Ravenelle stated the proposed pump station will be 23' x 16' in size. It will be placed in the center of the lot, located 51' back from Lansdowne Rd., 30' from the East side, 32' from the South side. The placing of the pump station was not just centered on the lot, to the West there is a Wetland perimeter. The pump station will be outside of the 50' wetland perimeter. There will also be a driveway on the side, so they can access the pump station.

Mr. Ravenelle stated the general function of the pump station will be for the sewage to flow into a wet well, and when it is full, where it is pumped to an existing interceptor line, and then goes by gravity to the treatment plant.

Mr. Revens asked how often in a 24 hour period the station pumps out. Mr. Ravenelle stated that depends on flow. At the beginning there will be very few people tied in, so the amount of pumping will be limited. He stated as more people tie in, it will pump more frequently. Mr. Revens asked what level of tie-in would you need to get the maximum efficiency. Mr. Ravenelle responded 50% is preferable.

Fred Sarno asked if only 30% of the people connect, what the downside to that is. Mr. Ravenelle stated the downside to that is you have minimal flow, so the pumps would flow less often, and you do sometimes have odor issues.

The Chairman asked how often does it expel odor. Mr. Ravenelle stated the wet well would fill and the odor can come from that, but the station is designed with an odor control system so it douces it with a chemical to prevent that smell and the Sewer Authority also installs a charcoal filter on the vents to help control odor.

Mr. Revens asked if Mr. Ravenelle designed the odor control portion of this pump station. Mr. Ravenelle stated there is an odor control system that is a standard in these systems.

Everett O'Donnell asked if this pump station was a sealed unit. Mr. Ravenelle stated the wet well has a vent, and it has to, because of the gases.

The Chairman asked if the station makes noise.

Mr. Ravenelle stated these pump stations are relatively quiet. The emergency generator is on the inside of the building. The emergency generator will run if there is no power, but also for regular maintenance.

Everett O'Donnell asked how this lot was impacted from the flood in 2010, and if there was an impact study done around the neighborhood, and if there are any effects on the properties from this pumping station. Mr. Ravenelle stated they did not perform an impact study.

Everett O'Donnell asked Mr. Revens why an impact study was not done. Mr. Revens stated they haven't done one for fifty years. He stated there are 48 pump stations in the City, and to his knowledge there is only one pump station in the City that has an odor issue in the last twenty years. He also stated the pump station is not in the flood zone.

Mr. Revens stated many of the neighbors in this area want to connect to sewers. If they don't construct the pump station, they can't connect. This is an older, very well established neighborhood. Most of the septic/cesspool systems, if they haven't been replaced are very old. So the likelihood of getting a fairly high connection rate in the first eighteen months, is pretty strong, and that is what the Sewer Authority anticipates, but the only way to know that with certainty is to build it.

Mr. Revens stated Ms. Janine Burke-Wells from the Water Sewer Authority was present.

Janine Burke-Wells, Executive Director of the Water Sewer Authority, was present and sworn in by the Chairman.

Mr. Revens asked Ms. Burke-Wells if she was a Registered Professional Engineer. She stated she has an undergraduate in Chemical Engineering from the University of Rhode Island. Mr. Revens asked how long she has been the Executive Director in the Sewer Authority. She replied 9 ½ years.

Mr. Revens asked Ms. Burke-Wells if she is familiar with the plans and the surrounding area. She stated she is familiar with them. He asked in her opinion if this is the best and most cost effective location for the pump station to service this neighborhood. Ms. Burke-Wells stated they did look at a few other lots in the area, but they were not available. She stated they do have eminent domain authority, but they did not go that route, so they kept looking and they found this lot and the owner was amenable to dividing it up to sell the lot to the City. She stated this is the ideal location for the pump station because it's at the end of a constructed road, it's at the lowest point of all the lots, and it is on a dead end road.

Mr. Revens asked Ms. Burke-Wells how often they get complaints of odors from any of their pumping stations. She responded other than the Cedar Swamp one, they will get

complaints from time to time. There is usually something wrong if there is an odor, because they are designed with odor control systems, they can also adjust how often the pumping occurs.

The Chairman asked if the filters are changeable, and if so, how often are they changed. Ms. Burke-Wells stated they have to replace the media's every so often. She stated they do station checks once a week, and test the generator once a month, but other than that they pretty much run themselves.

The Chairman asked if there was anyone there in opposition of the petition.

Vicki Poulons, 329 Lansdowne Rd., Warwick, RI, was present in objection of the petition, and sworn in by the Chairman.

Nathan Stein, 319 Lansdowne Rd., Warwick, RI, was present, in objection of the petition and sworn in by the Chairman.

Edith Kagan, 322 Lansdowne Rd., Warwick, RI, was present, in objection of the petition, and sworn in by the Chairman.

The Chairman asked Ms. Poulos if the state was requiring her to connect to the sewers once they are in. Ms. Poulos replied, not that she knows of. Ms. Poulos stated her concerns were the noise, odor, traffic. She doesn't want her property values going down.

The Chairman stated they have discussed how little noise there will be, because the system is mainly underground. He stated the pump house needs to go somewhere, and they do have the right as an authority to take the property by eminent domain, but they are here to try to resolve some of these issues, try to get all the questions on the table. I understand your concerns, and don't understand how it would affect the value of your house. But in any event, I appreciate your comments.

Nathan Stein asked if they could find out what happened to the property values around the other pumping stations in the City.

The Chairman stated he can't testify to that, but he is a realtor, and he can't see where it's as much of a negative as it is a positive to have sewers, and with that, comes pumping stations, at this point they tried to identify other locations, and the testimony that has been given shows this is the most desirable place to put it. It will be secluded to some degree. The traffic to the pump station will only be initially, until they get the bugs out, and then it's just normal maintenance after that.

Nathan Stein also had a concern about the odor.

The Chairman stated the petitioner's testified it doesn't on a regular basis, initially there may be some issues, but once they get all the kinks out. Mr. Stein suggested taking a survey to find out how many people would connect to the sewers.

Mr. Revens stated they are either going to build it or they aren't. There are people who aren't present tonight who have to pump out a few times a year, and there is no evidence to show that sewers de-value a property, if anything it would increase the value. If you have a 35 year old septic, and you go to sell your house, your buyer can't get a mortgage. If you sell your house, by law, the new owner has one year to connect to sewers. Fred Sarno stated with all due respect to Mr. Revens, if Mr. Stein was going to sell his house two years from now and someone asks how many times did you have an odor, and he says 20 times, it obviously has an effect on him.

Mr. Revens stated there is no evidence any of these pump stations are malfunctioning.

Ms. Burke-Wells has told the Board there are people in that area who have been complaining for a long time about sewers and we're trying with the funds we have available to address that.

Everett O'Donnell suggested the Board listen to the opposition of the people who came forward.

Nathan Stein stated they say a certain number of people want these sewers, but he would just like to know how many.

The Chairman asked the Executive Director Janine Burke-Wells, how they find the connection rate in other neighborhoods.

Ms. Burke-Wells stated it varies with need, she sees a need in this neighborhood as extreme and believes at least half of the systems in this neighborhood are cesspool.

Fred Sarno asked Ms. Burke-Wells if a survey was ever done on these 275 homes to see if they would hook up, even though half of them have cesspools.

Ms. Burke-Wells responded not to her knowledge.

Ms. Kagan had concerns with flooding.

Mr. Revens stated this system is designed with the latest technology, the highest standards, and the best that engineering and science can do. These pumps are designed to operate even in a flood because all the electrical components above any possibility of flooding, so those pumps would continue working even if they were submerged.

Mr. Revens stated the two real concerns the neighbors have are odor and property values. He stated the only way this might become an issue is if there are continued odors that are a nuisance to the people who live nearby, and if there is, she would have a lawsuit against for nuisance against the Sewer Authority, for odors they can't control. Mr. Revens stated the Engineer and the Executive Director, in their testimony stated this system is designed to work properly and to omit odors in the neighborhood.

Ms. Kagan also had questions about the cost of the sewers. The Chairman stating the Board is here to decide if the location of the pump station is the best situation.

The Chairman asked if there was anyone else there to speak in opposition of the petition. There being none, Mark McKenney stated the task before them tonight is to determine if a special use permit is appropriate, and that requires them to look at what the criteria is for granting a special use permit. The objection is certainly understandable for the possibility of odor, the noise and quite frankly the fact that no one really wants a pumping station next to them. He stated that's all understandable but not within their purview. If they were to deny the special use permit, when in fact all the appropriate criteria has been met, they would set themselves up for it to be overturned. The evidence has been set forth, their have been expert witnesses to the criteria the Board has to consider. Mark McKenney moved to approve the petition, seconded by Everett O'Donnell. (Fred Sarno voted to Deny, Everett O'Donnell voted to approve, Mark McKenny voted to approve, Beverly Sturdahl voted to approve, and Donald Morash, Jr. voted to approve).

The Chairman adjourned the meeting, passed unanimously by the Board that the meeting be adjourned at 7:45 P.M.

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

Donald G. Morash, Jr., Chairman

