

DONALD G. MORASH, JR.
CHAIRMAN



JOSEPH J. SOLOMON
MAYOR

CITY OF WARWICK
ZONING BOARD OF REVIEW
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE JANUARY 14, 2020 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, January 14, 2020 at 6:00 P.M. in the City Council Chambers, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Donald Morash, Jr.

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

Present:	Donald G. Morash, Jr. – Chairman Everett O'Donnell – Vice-Chairman Salvatore Deluise Beverly Sturdahl Paul DePetrillo
Absent:	Julie Finn – Alternate George Shuster - Alternate
Also present:	Peter Clarkin Esq., City Solicitor Daniel Geagan, Warwick Planning Department Amy Cota, Secretary Mary Ellen Hall, Stenographer

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED. There being none, the Chairman entertained a motion to approve the minutes from the December 10, 2019 hearing. A motion was made by Everett O'Donnell, seconded by Paul DePetrillo and passed unanimously by the Board that the minutes be accepted.

The Chairman called the first petition.

EXTENSION OF GRANT

Petition #10519

Ward 9

5790 Post Road

The petition of Town Line Properties, LLC, 946 Centerville Rd., Warwick, RI, request a dimensional variance to construct a new 21,025 sq. ft. retail commercial building. Proposed commercial building having less than required rear yard setback, less than required parking, and less than required aisle width in the parking area. Also seeking a use variance to install a free-standing sign containing an electronic message board, proposed sign being larger than allowed by Ordinance. Assessor's Plat 214, Lots 44 & 50, zoned General Business (GB). (SECOND REQUEST)

*** (Please note that this is a request for an extension only. No additional testimony will be taken.)*

John C. Revens, Jr. Esq., was present and representing the petitioner. Mr. Revens stated they are still working on an easement prior to starting construction.

Mr. Revens requested an extension for one additional year.

The Chairman asked if there was anyone there in opposition or in favor of this petition. There being none Everett O'Donnell made a motion to continue the approval for one year, seconded by Paul DePetrillo and passed unanimously by the Board that the extension be GRANTED.

REGULAR AGENDA

Petition #10636

Ward 9

4654 Post Rd.

The petition of IAG Realty, LLC, 4614 Post Rd., East Greenwich, RI, requests a dimensional variance to construct an 11' x 8' shed and a 6' x 5' outdoor walk-in cooler. Proposed cooler and shed having less than required side yard and rear yard setbacks. Subject property being an existing non-conforming lot. Assessor's Plat 220, Lot 162, zoned General Business (GB).

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

Mr. Revens stated the petitioners were previously before this Board to convert the garage on the subject property to a restaurant.

The petitioners stated there is not enough storage space within the restaurant so they installed a 6' x 5' outdoor walk-in cooler and an 11' x 8' shed to store supplies needed for the restaurant. They stated both the cooler and shed are located in the rear of the structure, and screened by the existing fence and arborvitaes.

The Chairman asked if there was anyone present in objection or in favor of the petition. There being none, Everett O'Donnell stated the petitioner is seeking a small amount of relief, there has been no complaints or objection from the neighbors, and made a motion to approve the petition, seconded by Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED.

Petition #10637

Ward 9

11 Bradford Ave.

The petition of Christopher & Ellen Van Haaren, 11 Bradford Ave., Warwick, RI, requests a dimensional variance to construct a 10' x 20' addition to the rear of the existing single family dwelling; Construct a second floor addition over the existing and proposed first floor; Construct a deck and covered entrance to the front of the dwelling; Construct a one story 22' x 22' detached garage. Subject property being a pre-existing nonconforming lot. Proposed front deck and covered front entrance having less than required front yard and side yard setbacks. Proposed rear addition having less than required side yard setback. Proposed second floor addition having less than required front and side yard setbacks. Proposed detached garage having less than required side yard and rear yard setbacks. Assessor's Plat 202, Lot 6, zoned Residential A-40.

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

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

Mr. Revens stated the petitioners recently acquired the property, and they are proposing to expand the home, which is inadequately sized to today's standards. There are many similar properties in this portion of Potowomut.

The proposal is to construct a 10' x 20' addition to portion of rear, a deck in the rear and a covered entrance to the front. They are also constructing a second floor addition over the existing and proposed first floor. The existing setback will remain the same down the entire length of the side. The proposed front setback will be 19.2', with a rear setback of 40.7'

The petitioner is also proposing to construct a 22' x 22' detached garage. Seeking less than required area, and less than required rear and side setbacks with a proposed setback of 2' from both.

The petitioner will obtain a permit for the OWTS for the septic system.

Mr. Revens stated the existing deck will be removed entirely, changing the dimension from the proposed garage to the edge of the dwelling. There is also a driveway on the

other side that will be eliminated as part of this project. The driveway will be using pavers rather than pavement, so the sand can percolate into the ground. The neighbor to the right has a small building that they use as storage on a pre-existing non-conforming lot.

Mr. Revens stated his client would have no objection to any of his neighbors building on their own undersized non-conforming lots.

The Chairman suggested moving the garage to the other side of the property. The petitioner stated there isn't enough room on that side of the lot.

Mr. Revens stated 2' was ideal enough to paint or maintain the accessory structure.

Mr. Revens presented Robert DeGregorio as an expert witness in Real Estate.

Robert DeGregorio, 333 Centerville Rd., Warwick, RI, was sworn in.

Everett O'Donnell made a motion to accept Mr. DeGregorio as an expert witness, seconded by Paul DePetrillo as passed unanimously by the Board that he be accepted as an expert witness.

Mr. DeGregorio testified there are a number of lots that have less than 5,000 sq.ft. per lot. A number of these lots have pre-existing dwellings on them. He stated there would be no negative impact on the neighborhood should this petition get approved, they are modernizing the obsolete one-bedroom home, which would improve the value of the neighborhood.

The petitioner submitted a letter from an abutting neighbor in opposition of the petition.

The petitioner submitted a copy of the Tax Assessor's map that highlights other undersized lots in the area, marked as Petitioner's Exhibit #1.

The petitioner also submitted a Petition of Support with signatures from (6) of his neighbors, marked as Petitioner's Exhibit #2.

The existing dwelling not in conformance with that neighborhood, but the new house will be. This a one bedroom home, and in Mr. DeGregorio's opinion, the dwelling is obsolete on a lot that is clearly buildable. He stated this is the least relief necessary.

Chris Van Haaren, petitioner, 11 Bradford Ave., Warwick, RI, was present and sworn in by the Chairman.

The Chairman asked the petitioner if this house was purchased with the speculation of renovating.

Mr. Van Haaren stated it was part of a down-size he and his wife decided on. Once the kids moved out they wanted to down size. As it is right now, it is too small for their family. They did buy it with the intention of renovating it and the house will be their principal residence.

Daniel Geagan stated the Planning Department clarification on the distance they provided, the dimension from the garage to the addition is 16' based on the site plan, to the actual addition. Their concern is that car backing out of the garage being able to make that turn. Mr. Geagan added, should the Board approve this petition, the applicant shall update the site plan to show the proposed deck.

Salvatore Deluise asked if the garage has to be 22' x 22' or if they could reduce the size of the garage by 2' on both sides to make it a 20' x 20'.

The petitioner stated they intend to use the accessory structure as a two car garage.

The Chairman asked if there was anyone present in favor or in objection of the petition.

Carol Wall, 34 Mercy St., Cranston, RI, was present and sworn in by the Chairman.

Ms. Wall stated they are not here to speak in opposition. She stated she has a small existing accessory structure on the abutting lot that has been there since 1972. They didn't have an issue with this garage being built, but she wasn't sure if the garage will impact her property in any way.

Daniel Geagan stated the garage will be two feet off the stakes that are out on the property. One of the City's concerns is always the ability to maintain a garage that close to the property line. Our other concern was their turn radius ability.

Ms. Wall asked if they will be required to get septic approval from DEM. The Board replied yes.

Albert Sabella, 34 Marcy St., Cranston, RI, was present and sworn in by the Chairman.

Mr. Sabella stated he doesn't have any real questions, he just wanted to verify the garage will be 2' from the stakes? The Board responded yes. Mr. Sabella stated they have no objection to the petition.

The Chairman asked if there was anyone else present in favor or objection of the petition.

Gerald Zarella, Jr., 815 South Rd., East Greenwich, RI, was present and sworn in by the Chairman.

Mr. Zarella stated he came out to speak in favor of the petition. He has seen the plans and believes what they are proposing is well in line what he considers to be future housing. What they are doing should be the model for all housing trends as you see.

The Chairman asked if there was anyone else present to speak in favor or objection of the petition. There being none, Everett O'Donnell stated the petitioners agreed to update the site plan, and to the stipulations and made a motion to approve the petition, seconded by

Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10638

Ward 1

400 Warwick Ave.

The petition of Everyday Medicinals, LLC, 400 Warwick Ave., Unit #13, Warwick, RI, requests a special use permit to have more than one non-residential use on a lot. Petitioner is proposing to occupy unit #13 for an ambulatory care facility/medicinal clinic. Assessor's Plat 290, Lot 323, zoned General Business (GB).

Dante Giammarco, Esq., was present and representing the petitioner.

Mr. Giammarco stated the property is a mixed use strip mall. The petitioner is proposing to rent unit #13 for an ambulatory care facility as regulated by the Department of Health. ACF provides the public an outpatient treatment center. He stated they will be changing the use from a deli. There will be no changes to the exterior of the structure. They are here before the Board for the mixed use. They have adequate parking.

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

Petition #10639

Ward 5

1915 West Shore Rd.

The petition of Mark Eaton, P.O. Box 9300, Warwick, RI, and Elk's Lodge No. 2196 PBC, P.O. Box 9300, Warwick, RI, requests a use variance to install a 28" x 8' (18.66 sq. ft.) LED message board on a new 46.5" x 8' stone masonry base with non-illuminated raised plate letters, and an internally illuminated 3 sq. ft. Elks logo disc above the message board. Also seeking a dimensional variance for the proposed sign having less than required front yard setback.

Mark Eaton, Petitioner, 5 Orms St., Warwick, RI, Director for the Elk's Lodge, was present and sworn in by the Chairman.

George Daubmann, President of AA Thrifty Sign Company, was present and sworn in by the Chairman.

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

The Chairman stated they are trying to control these LED signs in certain areas, there are no clear cut instructions. He had concerns with the Elk's Lodge being surrounded by all residential neighbors.

The petitioners agreed to the stipulations placed on the approval and agreed to shut the sign off at 11:00 P.M., seven (7) days a week.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell stated the petitioners agreed to the stipulations, and made a motion to approve the petition, seconded by Beverly Sturdahl, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

A motion was made by Salvatore Deluise, seconded by Beverly Sturdahl and 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