

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 SEPTEMBER 15, 2020 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, September 15, 2020 at 6:00 P.M. via Zoom Webinar. 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 Paul DePetrillo George Shuster – Alternate Julie Finn – Alternate
Absent:	Beverly Sturdahl
Also present:	Peter Clarkin Esq., City Solicitor Daniel Geagan, Warwick Planning Department Amy Cota, Secretary

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED. There being none, he called the first petition.

Petition #10669

Ward 6

9 Seminole St.

The petition of Frank Russo, 9 Seminole St., Warwick, RI, requests a dimensional variance to construct a 24' x 6' covered front porch with an 18' x 6' second story deck above. Proposed porch and deck having less than required front yard & side yard setbacks, property being an undersized non-conforming lot. Assessor's Plat 376, Lot 257, zoned Residential A-10.

Frank Russo, Petitioner, 9 Seminole St., Warwick, RI, was present and sworn in by the Chairman.

Mr. Russo stated the house previously had a front porch with a deck above it, but it was in disrepair so he removed it. He is proposing to construct a new covered front porch with a second floor deck above it. The proposed porch and deck will have a 9.1' setback. The required setback is 25'. The proposed side yard setback will be 1.5'. The required setback is 8'

The Chairman asked if the petitioner spoke with any of his neighbors. Mr. Russo stated he did speak with them, and they are all in agreement of the proposal.

Board Member, Paul DePetrillo stated he went by the property, and he complimented the owner for the work he has done bringing that house up to date.

George Shuster agreed with Paul DePetrillo.

The Chairman asked if there was anyone present in opposition or in favor 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 # 10670

Ward 3

2677 West Shore Rd.

The petition of Bay Shore, LLC, c/o Robert S. Batista, 75 Tipping Rock Dr., East Greenwich, RI, requests a use variance to replace the existing free-standing sign with a new free-standing sign, with a 3.5' x 7'-3" (21.75 sq. ft.) portion of the sign being an LED message board. Assessor's Plat 348, Lots 722-725, zoned General Business (GB).

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

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

Attorney Shekarchi stated his clients have been working with the Planning Department for several months.

The petitioner is proposing to replace the existing free-standing sign with a new free-standing sign with a portion being a 21.75 sq. ft. LED message board, which is prohibited by the Zoning Ordinance.

The free-standing sign will have a proposed front yard setback of 2' (10' required).

The Chairman asked if the Board Members had any questions or comments.

George Shuster stated he continues to have issues with these LED message board signs and continues to agree with the Planning Department that LED signs are not permitted, and feels the City Council has the only authority to approve them. Mr. Shuster also has an issue with seeing how the Board has approved these in the past, and what's become of them. In particular he would like to point out the Elks Club sign that was previously approved by this Board with stipulations on the approval. That sign continues to have flashing and animated messages, and the base of the sign has never been completed as promised. Mr. Shuster stated we are not equipped as a city to enforce whatever stipulations we put on these signs, therefore it would be appropriate for the City Council to determine where these signs should be permitted or not permitted in the City, and what rules should be imposed. It continues to be his position that this Board should deny these applications, and if they do approve them they should make sure it doesn't actually have any legal effect, that's not to say that as a principal he rejects the idea of an LED sign at this location, or certainly the improvements this applicant has put forth on this property, which has been substantial and welcome.

The Chairman stated the Zoning Ordinance needs to be brought into the 21st century, and the city need to work with these businesses for the hi-tech situation we're in today. The Building Official should be, as with any approval, following up to make sure whatever was stipulated has been completed. Whether approved by the Council or the Zoning Board someone has to follow up. These signs are cleaner, modern, and a hi-tech situations we're in today. As we are waiting for the Council to update the Ordinance.

George Shuster stated respectfully, he believes the only thing that will cause the City Council to act on this is if the Zoning Board stops acting on them. As far as enforcement, the City Council is the right body to decide what LED signs should be allowed under certain circumstances, because they also control the purse strings and the budget for enforcement. If we allow a series of LED signs in the city that need to be policed, the City Council will be responsible for finding the enforcement capacity to make sure those signs are being operated on a daily basis and accordance with the rules. It may be a decision of the City Council to limit the number of signs and the location of those signs simply because they don't feel the City can afford a broader enforcing regime. In any event, he feels he knows how this Board will ultimately rule on this petition and he doesn't need to beleaguer the point, he thinks everyone understands where he stands.

The Chairman stated George Shuster brings up a valid point, but will let the petitioner's attorney respond to your comments.

Attorney Shekarchi stated he understands Mr. Shuster's arguments, although he has a different opinion, he wants to point out he didn't represent the Elks Club, nor did his

applicant, and the factual circumstances with these signs are different. Immediately abutting this property and across the street are all businesses in general business zoning districts, not in a residential area at all. He stated his client shouldn't be penalized for the action of another applicant in a different part of the City.

The Chairman asked if there was anyone present to speak in opposition or in favor of the petition, hearing none, it's the pleasure of the Board. Everett O'Donnell stated he has spoken to the City Council members a few times about restricting the LED signs in areas that are historical, evidently they have fallen on deaf ears. He stated he has been approaching them for two years, and there doesn't seem to be any movement on the Council, but we have approved a dozen or more of these signs in the past, so I don't think it would be fair to deny this petition because others aren't adhering to the rules. I don't see any effect on traffic or households.

Julie Finn stated before they go any further, the changing of the sign every two hours is beyond what they have stipulated for other. Everett O'Donnell stated this Board set a standard of two hours. The Chairman agreed, and Everett O'Donnell made a motion, seconded by Paul DePetrillo and passed by a 4-1 vote (Donald Morash voted to approve, Everett O'Donnell voted to approve, Paul DePetrillo voted to approve, Salvatore Deluise voted to approve, and George Shuster voted to deny) that the petition be GRANTED WITH STIPULATIONS.

Petition #10671

Ward 7

1 Matteson Ave.

The petition of Jess Ferrara Glenn, 1 Matteson Avenue, Warwick, RI, requests a dimensional variance to convert the storage area above the existing garage to a bonus room/family room. Proposed bonus room having less than required front yard setback. Assessor's Plat 366, Lots 58 & 59, zoned Residential A-7.

Jessica Ferrara, Petitioner, 1 Matteson Ave., Warwick, RI, was present and sworn in by the Chairman.

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

The Chairman asked the petitioner to give a description of what she is looking to do.

Ms. Ferrara stated she recently came before this Board on March 10, 2020 for approval to construct an attached garage with storage above. She stated at that time they weren't going to finish the space, but now since Covid-19, the family needs extra space. The proposal is to convert the storage space to a family room, and a bathroom.

The Chairman asked if she spoke with the neighbors about her proposal. She stated she spoke with her one neighbor next door, but her property abuts the train tracks.

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

The Chairman entertained a motion to approve the minutes of the August 11, 2020 meeting. A motion was made by Everett O'Donnell, seconded by Paul DePetrillo and passed unanimously by the Board. The meeting was adjourned by the Chairman at 6:40 P.M.

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

Donald G. Morash, Jr., Chairman