



CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE APRIL 13, 2021 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, April 13, 2021 at 6:00 P.M. via Zoom Webinar. The meeting was called to order by Vice-Chairman Everett O'Donnell.

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

Present: Everett O'Donnell – Vice Chairman
 Salvatore Deluise
 Paul DePetrillo
 Robert DeGregorio
 George Shuster – Alternate
 Julie Finn - Alternate

Also present: David Petrarca, Esq., City Solicitor
 Daniel Geagan, Warwick Planning Department
 Mary Ellen Hall - Stenographer
 Amy Cota, Secretary

The Vice-Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED, there being none he called the first petition.

Petition #10695

Ward 4

28 Graham Ave.

The petition of Cathy King, 28 Graham Ave., Warwick, RI, requests 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. (Petition was previously approved in November 2017, but has expired).

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

Attorney McCaffrey stated the petitioner previously received approval from this Board, but the project was not started and the approval expired.

The Vice-Chairman asked if the proposal has changed.

Attorney McCaffrey stated it is the exact same. They are proposing to construct a master bedroom/bathroom addition, a Jacuzzi room and they are relocating the existing kitchen into the new addition.

The Vice-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 the petition, seconded by Salvatore Deluise, and passed unanimously by the Board that the petition be GRANTED.

Petition #10696

Ward 4

Wuddall Ave.

The petition of Florida, LLC, 35 Tripoli St., Providence, RI, requests a dimensional variance to construct a new single family dwelling. Subject property being an undersized non-conforming lot, having less than required frontage and lot width. Assessor's Plat 333, Lot 30, zoned Residential A-7.

Jeffrey Caffrey, Esq. was present and representing the petitioner.

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

The Vice-Chairman asked if they are in agreement with the stipulations. Attorney Caffrey stated yes, they are willing to abide by these stipulations.

Attorney Caffrey stated the lot is a pre-existing non-conforming lot. The petitioner can meet all dimensional setback requirements but not lot area, frontage or width. The proposal is to construct a new single family dwelling.

Edward Pimentel, 26 Avon Rd., Cranston, RI, was put under oath and recognized as an expert witness in Land Use/Planning.

Mr. Pimentel stated he did a comprehensive analysis of both the proposed and the surrounding neighborhood. The primary consideration to satisfy this Board for dimensional relief is what they are actually introducing is in character with the surrounding neighborhood. He did an extensive neighborhood analysis, which was attached as an addendum to the report.

Mr. Pimentel stated the hardship results from the long standing, pre-existing characteristics of this property. This property pre-dates zoning. Any dimensional criteria

that results from their actions of developing this property are fully compliant. The proposed dwelling will meet all setbacks, height requirements, lot coverage, etc.

Mr. Pimentel stated given the consideration for the area, they also tried to minimize building coverage and footprint to maintain as much pervious coverage as possible. He stated their primary desire here is not financial gain. The primary desire is to realize reasonable use of the property. It is the least relief necessary. The Comp plan recognizes these lots are out there, they recognize they are legally entitled to some usage, which is why he does his neighborhood analysis, to illustrate neighborhood compatibility.

Everett O'Donnell asked what the percentage of house lots in the area are the same size. Mr. Pimentel stated the number that were similar in size were over 1/3, with a number of them already being developed.

Everett O'Donnell asked if there was anyone present in opposition or in favor of the petition.

John Sykes, 344 Point Ave., Warwick, RI, was present and sworn in by the Vice-Chairman.

Mr. Sykes stated he isn't in opposition, he moved into his house one year ago, and his only concern is that his house will end up under water if the proposed house is not properly graded.

Attorney McCaffrey stated the plans show two rain guard areas for any runoff from the roof or downspouts. The driveway will also be a permeable substance so the intent is for there to be zero runoff.

Attorney McCaffrey stated he is pretty confident that any abutters will not be adversely impacted by the improvement of the property by the way the property has been designed.

George Shuster made a motion based on the petition submitted & testimony presented by Attorney Caffrey and Mr. Pimentel. He believes they have met the standards of the Zoning Ordinance for this project. The motion was seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10697

Ward 9

296 Beachwood Dr.

The petition of Patrick Monaghan, 296 Beachwood Dr., Warwick, RI, requests a dimensional variance to construct a 10' x 6' covered front porch. Proposed porch having less than required front yard setback. Assessor's Plat 203, Lot 370, zoned Residential A-10.

Patrick Monaghan, 296 Beachwood Dr., Warwick, RI, was present and sworn in by the Vice-Chairman.

Mr. Monaghan stated he is proposing to construct a covered front porch, having less than required front yard setback.

Everett O'Donnell asked the petitioner if he spoke with his neighbors. Mr. Monaghan stated he did speak with them.

Mr. O'Donnell asked if there was anyone present in opposition or in favor of the petition. There being none, a motion was made by Paul DePetrillo, and seconded by Robert DeGregorio, and passed unanimously by the Board that the petition be GRANTED.

Petition #10698

Ward 6

9 Twelfth Ave.

The petition of Loren & Stephen Stabile, L.S. Realty Trust & Loren M. Stabile, Trustee, 9 Twelfth Ave., Warwick, RI, requests a dimensional variance to modify existing attic space above existing garage. Modification consists of changing from attic space to living space (family room). Proposed living space having less than required side yard and rear yard setbacks. Assessor's Plat 374, Lot 36, zoned Residential A-15.

Kevin Prest, Designer, 84 Reynolds St., E. Greenwich, RI, was present and sworn in by the Vice-Chairman.

Mr. Prest stated the petitioners are proposing a dormer addition to modify the existing space above the garage. The proposal is to convert the attic space to a family room. The proposed family room will not meet the required front yard or rear yard setbacks.

The property is located in the Buttonwoods Beach Association, and has received approval from the Association for the proposed construction.

The Vice-Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, George Shuster made a motion based on the testimony presented, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED.

Petition #10699

Ward 4

600 Cole Farm Rd. – B8

The petition of Paul & Sarah Abatiello, 600 Cole Farm Rd.- unit B9, Warwick, RI, and Cole Farm Associates, Inc., 600 Cole Farm Rd., Warwick, RI, requests a special use to have more than one residential use on a lot. The petitioner demolished the existing dwelling and is proposing to construct a new 24' x 40' two-story single family dwelling

in the same footprint, with a 6' x 14' deck on the second floor. Assessor's Plat 315, Lot 136, zoned Residential A-10.

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

Paul Abatiello, 600 Cole Farm Rd. Unit B8, Warwick, RI, was present and sworn in by the Vice-Chairman,

Mr. Abatiello stated the one-story house had a fire a few years ago, and it has since been demolished. Under Section 403.8 of the Zoning Ordinance he can rebuild the dwelling to the same size and footprint as was previously existing. The petitioner is proposing to increase the footprint of the previous house by constructing a two-story dwelling.

Mr. Abatiello testified on the record the use of the rooms as follows:
The first floor will consist of a bedroom, bathroom, kitchen and a dining room. The second floor will consist of a bedroom, bathroom and a living room.

There were a few neighbors present in objection of the petition.

Margaret Mulvey, 59 Lockhaven Rd., Warwick, RI, was present and sworn in by the Vice-Chairman. Ms. Mulvey stated her concerns with the overdeveloped lot. She stated they have had a problem with rats; he stores his boats, jet skis, bucket, and garbage creating a nesting place for rats. He has cut trees down without permission, he always parks in the street and has parties. She stated the property is out of control and shouldn't be allowed to be expanded due to the houses being so close together.

Marcia Carroll, 49 Lockhaven Rd., Warwick RI, was present in opposition of the petition, and sworn in by the Vice-Chairman. Ms. Carroll stated that sewers weren't available, and she had concerns about the septic system overflowing.

Patricia Almonte, 39 Lockhaven Rd., Warwick, RI, was present in opposition of the petition and sworn in by the Vice-Chairman.

Ms. Almonte stated he stores all of his junk in between the two fences that separate Cole Farm Association from Lockhaven Road. She also had concerns with sewers not being available as well as water getting in her basement.

Ms. Almonte stated she doesn't object to him building to the same size and dimension as previously existed, but the house Mr. Abatiello lives at in unit 9 has gotten so much bigger.

Christopher Sheehan, 40 Lockhaven Rd., Warwick, RI, was present in opposition and sworn in by the Vice-Chairman.

Mr. Sheehan stated the petitioner installed a beautiful fence to protect his property but he throws junk on their side so they have to look at. He stated Mr. Abatiello has cut down city trees and does whatever he wants. He stated he a few years ago, he woke up one day to a newly constructed garage that wasn't there the day before, so evidently it wasn't permitted.

The Vice-Chairman Everett O'Donnell asked if they spoke with the Association. Mr. Sheehan stated his house isn't located within the Association, and different rules apply to them.

Mr. Sheehan stated on their side of the fence Mr. Abatiello has about 10 cords of wood, a green barrier, wheel barrels, recycle bins, construction stuff. This is stuff he can't see, but they all see it from their side of the fence, and they are tax payers also. He stated he has been listening to the previous petitions all night, and feels like everything just gets approved and rubber stamped and nobody takes a look at what is right.

George Shuster stated he would like to clarify that at the end of Lockhaven Road, the house look out at the fence that separates the city land from Cole Farm Association, and they have no control over what they are looking at because they can't put up a fence on City property. Mr. Shuster stated he believes it is beyond the scope of the application being heard tonight, but does agree it is a problem, and Mr. Shuster wanted to acknowledge that, and believe if the residence of Lockhaven Road bring their concerns to the Mayor, there might be a solution to the problem.

There were two neighbors present in favor of the petition:

Dina Cloutier, 600 Cole Farm Rd. B-24, Warwick, RI, was present in support of the petition, and sworn in by the Vice-Chairman and sworn in by the Vice-Chairman.

Ms. Cloutier stated she is her in support of the petition. She stated the area Ms. Mulvey is talking about is considered open space, and he asked permission from the Association to park the boat and jet skis there during the winter months. She stated that area is not Mr. Abatiello's responsibility to keep clean.

Pamela Dahlin, 600 Cole Farm Road unit C-8, Warwick, RI, was present in favor of the petition and sworn in by the Vice-Chairman.

Ms. Dahlin stated she is here in favor of the petition. She stated what is going on behind the fence is a completely separate issue, and she encourages them to send a complaint to the Association.

Robert DeGregorio stated listening to the testimony, the previous caller mentioned two different issues, both serious, and these should be taken up with the proper City department and should not be neglected.

The Vice-Chairman asked if there was anyone else to speak in opposition or in favor of the petition, there being none, George Shuster stated the process we have for hearing zoning petitions as to Cole Farm is somewhat broken. The city ordinance has a rule that exempts projects in Cole Farm from zoning approval all together the need. The way the practice has evolved is because that requirement in the city law it's self-onerous on homeowners in the Cole Farm area, they don't abide by the Code of Ordinances and instead come to the Zoning Board for approval that is an alternative that's appropriate under the circumstances. The problem is that when they come to the Zoning Board we don't have a set of rules that can be applied to this parcel of land in Cole Farm. It doesn't lend itself to our normal rules for setbacks and other requirements because this is a very large parcel of land with a bunch of houses on it as opposed to the traditional one house lots that we see across the city.

This is certainly not the fault of these applicants, and I don't state it as a reason why this petition should be denied. Instead I am going to move that the application be approved because of the precedence we have been following to date.

Mr. Shuster stated he doesn't think this is the right process to be followed here, and he does think the Ordinance needs to be amended or the Ordinance process that is set out under city law needs to be followed in the future.

Based on the testimony that we heard from the applicant and the objectors on the basis the petition that has been submitted, and the comments from the Planning Department, he would move to approve this application because it is essentially replacing a house that was already there and burned down. Mr. Shuster stated the approval does come with the stipulations that have been stated into the record, with the exception that this dwelling be used as a two-bedroom dwelling only, any additional bedrooms would require a new septic to be approved by Rhode Island Department of Environmental Management. The motion was seconded by Robert DeGregorio, and passed by a 4 to 1 vote that the petition be GRANTED WITH STIPULATIONS.

(Paul DePetrillo voted to approve, Robert DeGregorio voted to approve, George Shuster voted to approve, Salvatore Deluise voted to deny, and Everett O'Donnell voted to approve).

The Vice-Chairman entertained a motion to approve the March 9, 2021 meeting minutes. A motion was made by Paul DePetrillo, seconded by Salvatore Deluise and passed unanimously by the Board that the minutes be approved.

The meeting was adjourned at 7:10 p.m.

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

Everett O'Donnell, Vice-Chairman