



CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
(401) 921-9534

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE JUNE 8, 2021 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, June 8, 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The Vice-Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.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 #10706

Ward 1

15 Shadbush Rd.

The petition of Heather McCain, 15 Shadbush Rd., Warwick, RI, requests a dimensional variance to install a 12' x 24' in-ground pool. Proposed pool having less than required rear yard setback on a pre-existing undersized lot. Assessor's Lot 305, Lot 46, zoned Residential A-10.

Heather McCain, Petitioner, 15 Shadbush Rd., Warwick, RI, was present and sworn in by the Vice-Chairman.

Ms. McCain stated she would like to install a 12' x 24' in-ground pool. The pool will have a rear yard setback of 5' (10' required).

Everett O'Donnell, the Vice-Chairman asked if she spoke with her neighbors. She replied yes.

Mr. O'Donnell 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 Robert DeGregorio and passed unanimously by the Board that the petition be GRANTED.

Petition #10707

Ward 5

55 Harborview Dr.

The petition of James & Mary Simao, 55 Harborview Dr., Warwick, RI, requests dimensional variance to construct an attached two-garage with a personal craft room above. Proposed garage having less than required side yard setback. Assessor's Plat, 356, Lot 372. Zoned Residential A-10.

Mary & James Simao, Petitioners, 55 Harborview Dr., Warwick, RI, were present and sworn in by the Vice-Chairman.

Mr. Simao stated the proposal is to construct an addition to extend the existing kitchen, construct a two-car attached garage with a bonus craft/game room above.

Mr. O'Donnell asked if there was anyone present in opposition or in favor of the petition. There being none, George Shuster stated based on the application meeting the requirements and the testimony presented tonight, a motion was made, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED.

Petition #10708

Ward 1

4 Canonchet Lane

The petition of Cathryn Moskow, 4 Canonchet Ave., Warwick, RI requests a dimensional variance to construct a concrete slab for a generator. Proposed slab having less than required front/corner side yard setback. Subject property being an existing undersized non-conforming lot. Assessor's Plat 292, Lot 196, zoned Residential A-10.

Ms. Moskow stated they would like to install a permanent generator on a concrete pad.

Mr. O'Donnell 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 Robert DeGregorio, and passed unanimously by the Board that the petition be GRANTED.

Petition #10709

Ward 8

Tingley Street

The petition of David Freitas, 2 Cala Drive, Pawtucket, RI, requests a dimensional variance to construct a new single family dwelling. Petitioner received approval to subdivide one lot with an existing single family dwelling to create two (2) lots. One (1) new conforming 9,192 sq. ft. lot with an existing single family dwelling and one (1) new 9,250 sq. ft. lot. Proposed new lot having less than required improved roadway frontage. Assessor's Plat 273, Lot 508 (vacant lot behind 39 Greenwich Ave), zoned Residential A-7/Historic.

David Freitas, Petitioner, 2 Cala Drive, Pawtucket, RI, was present and sworn in by the Vice-Chairman.

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

Mr. Freitas agreed to the stipulations placed on the approval. He stated he is before the Board to ask for relief from an unimproved roadway frontage. The petitioner is proposing to construct a new single family dwelling on the subject property. The required frontage is 70', the subject property will have 50'.

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 and site review, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED W/STIPULATIONS.

Petition #10710

Ward 3

90 Uphill Ave.

The petition of Danielle Croce, 90 Uphill Ave., Warwick, RI, and Melissa Croce, 98 Woonasquatucket, No. Providence, RI, requests a dimensional variance to construct a 20' x 16' family room addition. Proposed addition having less than required front corner/side yard setback. Assessor's Plat 342, Lot 88, zoned Residential A-7.

Danielle Croce, Petitioner, 90 Uphill Ave., Warwick, RI, and Melissa Croce, Petitioner, 98 Woonasquatucket, No. Providence, RI, were sworn in by the Vice-Chairman.

Daniel Geagan read the recommendations into the record.

Mr. O'Donnell asked the petitioners if they agree with the stipulations. The petitioners responded yes.

The proposal is to construct a 20' x 16' family room addition.

Daniel Croce stated they agree to remove the fence that encroaches on City property prior to their permit being issued.

Mr. Shuster pointed out, that in addition to the fence encroaching on city property, the petitioner's shed also encroaches onto city property, and will need to be moved to meet the required setbacks.

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, to include the stipulations, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED W/STIPULATIONS.

Petition #10711

Ward 4

West Shore Rd.

The petition of Sprague Covington, LLC, P.O. Box 7537, Warwick, RI, requests a dimensional variance. Petitioner received Planning Board approval to subdivide two lots into three lots for the development of a single family dwelling on each lot, with a ten-foot easement to the proposed 2.4 acres of city open space over parcel B. Proposed lots having less than required frontage and lot width. Assessor's Plat 336, Lots 199 & 200, zoned Residential A-10.

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

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

The petitioner agreed to the stipulations placed on the approval.

Attorney Brennan stated the application was summarized perfectly by Mr. Geagan. He has discussed a small 3' along that property line with the owner of the property, and they are in agreement with that stipulation.

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

Jeremy Brousseau, 1162 West Shore Rd., Warwick, RI, was present and sworn in by the Vice-Chairman.

Mr. Brousseau stated he is not necessarily in opposition of the petition, but he doesn't know how to read construction plans, he just purchased his property recently, and wanted to know where the house being built on Parcel D will be in relation to his house.

Attorney Brennan stated the required side yard setback is 15', and the petitioner is not going any closer, than what is allowed. The petitioner is not seeking side yard setback relief.

The Vice-Chairman asked if there were any other concerns. Mr. Brousseau responded no.

George Shuster stated this property was vacant for a long time, but the petitioner has done a great job cleaning up the property.

A motion was made by Paul DePetrillo, seconded by George Shuster, and passed unanimously by the Board that the petition be GRANTED W/STIPULATIONS.

Petition #10712

Ward 9

1149 Division St.

The petition of JT Development Partners, LLC, 1149 Division St., E. Greenwich, RI, and TPG Dev. Con. 1140 Reservoir Ave., Cranston, RI, requests a special use permit to demolish the existing structure and construct a new 5,500 sq. ft. retail gas station with a convenience store and a fast food restaurant with a drive-thru window. Petitioner is also seeking a dimensional variance for having less than required setback from an abutting residential zoning districts. Assessor's Plat 215, Lot 8, 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.

Mr. O'Donnell asked if the petitioner agrees to the stipulations. Attorney Shekarchi replied yes, they do agree to the stipulations.

Attorney Shekarchi stated the petitioners are seeking a special use permit to demolish the existing commercial structure, and to construct a new 5,500 sq. ft. retail gas station with a convenience store, and a fast-food restaurant with a drive-thru window.

They are also seeking dimensional relief for having less than required setback from the abutting residential zoning district.

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

John C. Revens, Jr., Esq. was present in favor of the petition. He stated he is a member of Smithfield Properties and he supports the application.

George Shuster asked Attorney Revens what will happen to his lot. He stated it will be a re-use, and depending on what goes there, they could be back before this Board.

Mr. O'Donnell asked if there was anyone else to speak in opposition or in favor of the petition. There being none, George Shuster made a motion based on the testimony presented to the Board, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED W/STIPULATIONS.

Petition #10713

Ward 8

555 Greenwich Ave.

The petition of Lowe's Home Centers, LLC, 1000 Lowe's Blvd., Mooresville, NC, and Five-One Thirteen, LLC, 1414 Atwood Ave., Johnston, RI, requests a special use permit to have more than 25% of the lot devoted to outdoor storage. Petitioner is proposing to construct a 3,182 sq. ft. addition to be utilized as a tool rental center, and an adjacent 1,284 sq. ft. fenced outdoor storage area. Subject property being a pre-existing non-conforming lot, having less than required parking spaces. Assessor's Plat 271, Lot 1, zoned General Business (GB).

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

Attorney Shekarchi stated he is representing this application as well as:

Petition #10714

Ward 9

510 Quaker Lane

The petition of Lowe's Home Centers, LLC, 1000 Lowe's Blvd., Mooresville, NC, and Warwick Musical Theatre, Inc., P.O. Box 1111, North Wilkesboro, NC, requests a special use permit to have more than 25% of the lot devoted to outdoor storage. Petitioner is proposing to construct a 3,182 sq. ft. addition to be utilized as a tool rental center, and an adjacent 1,284 sq. ft. fenced outdoor storage area. Subject property being a pre-existing non-conforming lot, having less than required parking spaces. Assessor's Plat 271, Lot 1, zoned General Business (GB).

Attorney Shekarchi stated both petitions are for the same exact thing. They are proposing to construct an addition at both locations to be utilized as a tool rental center with a fenced outdoor storage area. The dimensional relief being sought is for having less than required parking.

Robert DeGregorio asked how outdoor display area will be shielded from Greenwich Ave.

Casey Burch, Project Manager for Solli Engineering, was present and sworn in. A motion was made by Paul DePetrillo to accept Mr. Burch as an expert witness, seconded by Robert DeGregorio, and passed unanimously by the Board.

Mr. Burch stated the space is more of an outdoor area like a garden center with more mesh screen.

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

A motion to adjourn was made by Paul DePetrillo, seconded by Robert DeGregorio, 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

Everett O'Donnell, Vice-Chairman