

PAUL DEPETRILLO
CHAIRMAN



FRANK J. PICOZZI
MAYOR

CITY OF WARWICK **POSTED 1/4/2022**
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE OCTOBER 12, 2021 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, October 12, 2021 at 7:00 P.M. in the Lower Level Conference Room, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Paul DePetrillo.

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

Present: Paul DePetrillo - Chairman
Robert DeGregorio
Salvatore Deluise
Lorraine Byrne
Walter Augustyn
Constance Beck - Alternate
Julie Finn – Alternate

Also present: David Petrarca, Esq., City Solicitor
Daniel Geagan, Warwick Planning Department
Mary Ellen Hall - Stenographer
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The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.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 #10744

Ward 7

3016 Post Rd.

The petition of HCH Enterprises Holdings, LLC, 9 Old Snake Hill Rd., Glocester, RI, requests a dimensional variance to renovate the existing basement, and to construct a staircase with a canopy to provide a direct method of egress from the basement. Proposed staircase having less than required side yard setback. Subject property being a pre-existing, non-conforming lot, having less than required parking spaces. Assessor's Plat 267, Lot 263, zoned General Business (GB).

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

Attorney Revens stated the property was recently purchased by an IT company. They have over 130 employees. They purchased this building, the old "United Lock". There is some office space in the basement they must have been put in by the prior owner. It doesn't meet the code without an exit to the exterior. They are proposing a staircase with a canopy to provide a direct method of egress. The petitioner is seeking relief from the side yard setback. In that zoning district they are required to have a 15' setback. The proposed staircase will have a setback of 0.6" from the property line.

Attorney Revens stated there is quite of bit of distance between the fence and the road, which is Post Road extension.

Lorraine Byrne had some concern about the side yard setback.

Cindy Gerlach, 235 Cowesett Rd., Warwick, RI, was present and sworn in by the Chairman. She stated there is a large stormwater basin in the area between the road and the fence. Ms. Byrne pointed out that the stormwater basin is not shown on the plan, so it appears as though the building sits 0.5' from the property line.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio stated the petitioner is working with the existing footprint, it's not causing a hardship, it's the least relief necessary, and he made a motion, seconded by Salvatore Deluise, and passed unanimously by the Board that the petition be GRANTED.

Petition #10745

Ward 6

28 Tarleton St.

The petition of Craig Callen, 28 Tarleton St., Warwick, RI, and CSS Construction, 13 Bailey Ct., Providence, RI, requests a dimensional variance to construct a 24' x 30' addition to the existing dwelling for two (2) additional bedrooms on the first floor for a total of (5) bedrooms, and to convert the unfinished lower level to a storage room, a family room, a laundry room and a personal office. Subject property being an undersized non-conforming lot, having less than required frontage and lot width. Assessor's Plat 360, Lot 772, zoned Residential A-7 and Office (O).

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

Attorney Brennan stated the house is a single family home on a non-conforming lot, which lacks the required frontage and lot width. The applicant is looking to construct an addition to the back. The applicant lives in the house with his wife and his three children, who are getting older. His parents need a place to go, and will also be moving in with them.

The petitioner is looking to finish the lower level for a family room, office space. There will be no bedrooms in the lower level, which is the reason for the addition.

The applicant only needs approval because the lot is non-conforming. The property received approval years ago to construct the house and the addition they are proposing won't encroach any further than the existing house, and will meet the required setbacks.

Attorney Brennan stated in discussing the application with the Planning Department, they are in agreement with strict compliance to the plans and testimony presented to the Board and agree to stipulate that the unfinished basement will be properly permitted in accordance with all Building Code requirements.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio stated he feels the hardship is due to the unique characteristics of the subject land and structure and not the characteristics of the surrounding area, it's a small lot, and is the least relief necessary. The motion was seconded by Salvatore Deluise, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10731

Ward 3

Hallene Rd.

The petition of North Point Development, Hallene Rd., Warwick, RI, and NP Airport Road Warwick, LLC, 4825 NW 41st St. #500, Riverside, MO, requests a dimensional variance to construct a 541,000 sq. ft. warehouse/distribution facility. Proposed structure being higher than allowed, with a maximum height of 49'. Assessor's Plat 311, Lots 138 & 191, zoned Light Industrial (LI).

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

Kerin L. Browning, Esq., from the Law Firm of Moses Ryan, Ltd., was present and representing the petitioners.

Attorney Browning stated Mr. Geagan summarized the procedural history and also the request and necessary findings. Michael Johnston from NorthPoint is here tonight, as well as the project engineer and the architectural firm to answer any questions the Board has tonight.

The Chairman asked if the Board had any questions. There being none, he asked if there was anyone present to speak in opposition or in favor of the petition.

Armand Lusi, 450 Pavilion Ave., Warwick, RI, was present and sworn in by the Chairman.

Mr. Lusi stated he is in favor of this petition. He believes this will bring jobs to the area, and he supports the project.

Mr. DeGregorio made a motion. He stated the hardship is due to the unique characteristics of the land, it's not the result of any prior action by the applicant, and will not impair the intent of the Comprehensive Plan or the Zoning Ordinance. The motion was seconded by Salvatore Deluise, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10738

Ward 6

20 Beach Park Ave.

The petition of Lindsey Nardolillo, 20 Beach Park Ave., Warwick, RI, requests a dimensional variance to install a concrete pad for a new generator, and (3) three propane tanks. Proposed concrete pad & generator having less than required rear yard setback. Proposed propane tanks having less than required side and rear yard setbacks. Subject property being a pre-existing non-conforming lot. Assessor's Plat 374, Lot 20, zoned Residential A-15.

Justin Smith, Esq. was present and presenting the petitioner.

Attorney Smith stated the petitioner is seeking side yard and rear yard setback relief from the concrete pad/generator and three (3) propane tanks. The subject lot is undersized and non-conforming, like many other lots in the area. The petitioner didn't construct the home or create the hardship.

Attorney Smith stated the proposal will not alter the general characteristics, no views will be obstructed. The generator is no louder than a window air conditioner. If the applicant had to install the generator/pad to meet the setbacks, it would be in the middle of her yard, eliminating safe space for her kids.

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

Sharon Fitzgerald, 1096 Buttonwoods Ave., Warwick, RI, was present in opposition of the petition.

Ms. Fitzgerald stated her parent's property abuts the petitioner's property and they object to the petition for several reasons. They are extremely concerned with the location of the propane tanks and the generator pad, which is approximately fourteen feet from their house, the most used living space inside their home. Aside from noise levels and emissions, they are concerned the propane power source for the generator and any malfunction of the unit could cause serious risk for fire or other damage.

The petitioner stated there are approximately fifteen other properties in the area with propane tanks and generators.

Salvatore Deluise asked Ms. Fitzgerald if her parents have propane tanks and if so where are they located.

William McCarty, 7 Eleventh Ave., Warwick, RI, was present and sworn in by the Chairman.

Mr. McCarty stated his tanks are probably ten feet to the closest neighbor's property line.

Attorney Smith clarified the generator will be two feet from the property line, but fourteen feet away from their house. He stated this situation exists at 15 other properties in the area, some are even closer. They agree safety is important, and they believe Ms. Nardolillo meets the criteria of Section 906.3 (A) of the Zoning Ordinance, and they belief relief here is appropriate.

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

James O'Sullivan, 24 Beach Park Ave., Warwick, RI, was present in favor of the petition, and sworn in by the Chairman.

Mr. O'Sullivan stated he lives next door and he is in favor of the petition. He stated he doesn't see anywhere else they could put it.

A motion was made by Robert DeGregorio, who stated the hardship is due to the unique characteristics of the land and area, it won't alter the general characteristics, as many people in the area have generators. The motion was seconded by Salvatore Deluise, and passed with a 4-1 vote that the petition be GRANTED.

(Salvatore Deluise voted to approve, Robert DeGregorio voted to approve, Walter Augustyn voted to approve, Lorraine Byrne voted to deny, Paul DePetrillo voted to approve).

Petition #10741

Ward 4

600 Cole Farm Rd. Unit A-3

The petition of Paul & Julie Zito, 335 Albion Rd., Lincoln, RI, requests a special use to have more than one residential dwelling on a lot. The petitioner demolished the existing dwelling in 2016, and is proposing to construct a new 2,780 sq. ft. two-story, single family dwelling with a front porch and a rear deck. Assessor's Plat 315, Lot 136, zoned Residential A-10.

William Lavery, Project Manager from the office of Joseph Casali Engineering, 300 Post Rd., Warwick, RI, was present and sworn in by the Chairman.

Julie & Paul Zito, Petitioners, 335 Albion Rd., Lincoln, RI, were present and sworn in by the Chairman.

Mr. Lavery stated the parcel is located in Cole Farm on a 33 acre lot zoned Residential A-10 with several single family dwellings. The previous dwelling was razed prior to the petitioner purchasing the property.

The petitioner is seeking a special use permit to have more than one residential unit on a lot.

The petitioner agreed to the stipulations placed on the approval.

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

Deana Cloutier, 600 Cole Farm Rd., Unit B-24, Warwick, RI, was present in favor of the petition.

Ms. Cloutier stated they find the proposal acceptable and welcome them.

Robert DeGregorio stated based on the unique situation where it's one lot, they are constructing the dwelling in a more favorable location, and he made a motion to approve the petition, seconded by Salvatore Deluise and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10742

Ward 3

140 Bartlett Drive

The petition of Raymond King, P.O. Box 15161, Riverside, RI, requests a dimensional variance to convert the existing garage into a bedroom. Proposed bedroom having less than required side yard setback. Assessor's Plat 342, Lot 369, zoned Residential A-7.

Raymond King, 5 Mallard Cove, Barrington, RI, was present and sworn in by the Chairman.

Steven Colletta, 134 Monterey Drive, West Warwick, RI, was present and sworn in by the Chairman.

Mr. Coletta stated it's a very small house, and they want to convert the garage to living space. It does encroach into the side yard setback. They are also converting one of the bedrooms into a stairwell to the basement, so they will be losing a bedroom.

Walter Augustyn asked what the proposed use of the basement will be.

The petitioner stated they are going for a Building Board Variance for the basement to have a bonus room, a finished storage room, and an unfinished laundry area. The petitioner's testified here will be no bedrooms in the basement.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion to approve the petition, he stated the proposed work is being done within the existing dwelling, and the setbacks aren't changing. The garage is existing, and it won't alter the general characteristics of the area. The motion was seconded by Salvatore Deluise, and passed unanimously by the Board that the petition be GRANTED.

Petition #10743

Ward 8

400 Bald Hill Rd.

The petition of Warwick Mall Owner, LLC, Warwick Mall OP, LLC, & Apple Cinemas Warwick, Inc., 400 Bald Hill Rd., Warwick, RI, requests a use variance to replace the existing marquis sign with an 18' x 10'-6" Electronic Message Board Sign; Replace the existing marquis sign with a 30' x 14' Electronic Message Board Sign, and add a new 20' x 40' Electronic Message Board Sign on the wall of the existing building (movie theater). Proposed signs being prohibited by the Zoning Ordinance. Assessor's Plat 386, Lot 4 & 5, zoned General Business (GB).

Daniel K. Flaherty, Esq. was present and representing the petitioners.

Shanmugasundaram Sivakumar, Petitioner - Apple Cinema's, 400 Woo Drive, Seekonk, MA, was present and sworn in by the Chairman.

Attorney Flaherty stated they had a lengthy meeting with the Planning Department and worked everything out as agreeable and acceptable to the applicant.

Attorney Flaherty stated the Warwick Mall is very excited to welcome Apple Cinema's to the mall and to the City of Warwick. This is a very significant investment and upgrade to the vacant Showcase building.

They are proposing to change the two existing free-standing changeable copy signs with electronic message board signs, and they will be installing a new electronic message board sign on the wall of the building. The wall sign will not change during the day, it will show the movies playing the entire day, and won't change until overnight.

Attorney Flaherty stated these signs will automatically dim, and will be shut off completely when the mall closes every evening.

The existing changeable copy signs approved by this Board, are over twenty years old. The new signs will do away with a person having to climb a ladder to change the movies.

Paul DePetrillo asked if the signs will be used by Apple Cinema's only. Attorney Flaherty stated they will also be used for mall use.

Robert DeGregorio asked if there was any consideration in making the 20' wall sign smaller. Attorney Flaherty stated the sign isn't going to face any residential areas, it will face towards Not Your Average Joe's restaurant.

Attorney Flaherty stated they priced out two different signs, this is a very substantial cost and you have to order them ahead of time or the prices go up. They have priced a smaller one, but would be grateful for the larger one.

Lorraine Byrne asked how many cinemas they will have. The petitioner responded 12 cinemas.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none Robert DeGregorio made a motion to approve the petition with the stipulations set forth by the Planning Department, but with the smaller sign offered by counsel, the motion was seconded by Paul DePetrillo to discuss the matter.

Ms. Byrne pointed out that the sign isn't going to face anything except the restaurants and the mall. Both Ms. Finn & Ms. Byrne stated they don't have an issue with the larger sign.

After the motion failed with a 3-2 vote, a new motion was made by Lorraine Byrne to approve the proposed signs as originally presented, seconded by Robert DeGregorio, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

The minutes from the August 30, 2021 and August 31, 2021 meeting were approved. (Walter Augustyn and Lorraine Byrne abstained from voting as they are new members).

The regular meeting was adjourned at 7:35 p.m.

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

Paul DePetrillo, Chairman