

PAUL DEPETRILLO  
CHAIRMAN



FRANK J. PICOZZI  
MAYOR

**POSTED 7/14/2022**

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

**MINUTES OF THE JUNE 14, 2022 MEETING**

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, June 14, 2022 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 Paul DePetrillo.

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

Present: Paul DePetrillo - Chairman  
Robert DeGregorio – Vice-Chairman  
Salvatore DeLuise  
Walter Augustyn  
Constance Beck – Alternate  
Julie Finn – Alternate

Absent: Lorraine Caruso Byrne

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

A motion was made by Robert DeGregorio to approve the May 10, 2022 Regular Meeting Minutes, seconded by Salvatore DeLuise, and passed unanimously by the Board.

The Chairman asked if there were any petitions to be withdrawn or continued.

A letter was submitted for 26 Metcalf Street, Petition #10797 requesting to withdraw this petition. A motion was made by Robert DeGregorio, seconded by Salvatore DeLuise, and passed unanimously by the Board that this petition be withdrawn.

A letter was submitted for 14 Lippitt Avenue, Petition #10794 requesting a one month continuance for this petition. A motion was made by Robert DeGregorio, seconded by Paul DePetrillo, and passed unanimously by the Board to continue this petition until the July 12, 2022 meeting.

A letter was submitted for 25 Slater Avenue, Petition #10811 requesting a one month continuance for this petition. A motion was made by Robert DeGregorio, seconded by Salvatore DeLuise, and passed unanimously by the Board to continue this petition until the July 12, 2022 meeting.

A motion was made by Salvatore DeLuise, seconded by Julie Finn, and passed unanimously by the Board to sit as the Zoning Board of Appeals.

Appeal #10815

Ward 3

Hallene Rd.

The appeal of Richard Cascella, 25 Passeonquis Dr., Warwick, RI, appealing the decision of the Planning Board, dated March 14, 2022, approving the Final Major Land Development, heard by the Warwick Planning Board at the regularly scheduled Planning Board meeting held on March 9, 2022, for the property located on Hallene Road, Assessor's Plat 311, Lots 138 & 191, zoned Light Industrial (LI).

Robert DeGregorio, Vice-Chairman, recused himself from this petition. Alternate Julie Finn voted in place of Mr. DeGregorio.

Tenessa Azar, Esq. was present and representing the appellee, NorthPoint Development.

The Solicitor, David Petrarca, Esq. explained we received a request for a continuance. We will send out new notices and this appeal will be re-advertised. He stated the Board can make the determination to continue the appeal to a special hearing or until the next regular meeting.

Attorney Azar stated out of an abundance of caution, and to be sure everyone gets proper notice, they agree to continue. She stated looking at the calendar with the 4<sup>th</sup> of July holiday, they are okay with this being heard at the next regular meeting on July 12, 2022.

A motion was made by Salvatore DeLuise, seconded by Julie Finn, and passed unanimously by the Board to continue this petition until the July 12, 2022 meeting.

A motion was made by Salvatore DeLuise, seconded by Constance Beck and passed unanimously by the Board to adjourn the Zoning Board of Appeals meeting.

The Chairman called the first petition for the regular meeting.

Petition #10809

Ward 5

252 Longmeadow Ave.

The petition of Caren & Robert Colombi, 252 Longmeadow Ave., Warwick, RI, requests a dimensional variance to remove existing family room to construct a new 21' x 21' family room addition to an existing non-conforming single family dwelling. Proposed addition having a front yard (along Riverside Ave.) setback of 11.8' (25' required). Assessor's Plat 355, Lot 112, zoned Residential A-7.

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

Attorney Brennan stated the petitioner's won't be demolishing the existing family room, they will be adding on to it. They are proposing to construct an 11' x 22' addition in line with the existing family room.

Attorney Brennan stated the current house abuts two streets, and the proposed family room addition will have a front yard setback of 11.8' from Riverside Avenue.

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

Richard Langseth, 170 Budlong Farm Rd., Warwick, RI, was present in opposition, and sworn in by the Chairman.

Mr. Langseth stated this meeting was not properly posted. It wasn't posted at the library, which is the second site, and it was posted at the first site until after the building had closed for the day. He asked if this meeting was viable. He stated he doesn't believe it is, so he suggests the Board continue this whole meeting.

Michelle Komar, 80 Audubon Road, Warwick, RI, was present in opposition, and sworn in by the Chairman.

Ms. Komar stated she was at the Annex Building on Friday, June 10<sup>th</sup>, she was there to pay her water bill, and the meeting was not posted there. She then went over to the Warwick Public Library just before it closed, and there was no posting there on the bulletin board. If the posting occurred it was after the closing of these buildings. She feels the weekend shouldn't count as hours when the posting was done after business hours.

Salvatore DeLuise asked if the meeting wasn't posted, how are all of these people here tonight.

Mr. Langseth said he certainly agrees he knew about the meeting beforehand, but there are other people who don't know about the meeting. He stated he agrees he does not

have standing before the Attorney General to present this issue, however he can ask the Attorney General to represent the people in the State of Rhode Island, and the Attorney General does have a standing to question that. He stated we need to have a culture where the staff posts the meetings. It was posted on the Secretary of State website days before it had to be posted at City Hall and the Library. There are people who don't use the internet, and this is a statute, and we really need to follow the statute. He stated again he doesn't have standing personally on this, however this is a major issue for the City, and it needs to be addressed.

David Petrarca, Esq. stated it is the City's position that this meeting was advertised and posted correctly.

Attorney Brennan stated he is aware of the possible notice issue, and he agrees with the City's position. He also knows that notice goes out to the individual abutters within a 200' radius, and that was done properly, so we believe any party interested in our petition would be here tonight, and they are comfortable moving forward with their application.

The Chairman asked if there was anyone else present in favor or in opposition of the petition. There being none, Salvatore DeLuise made a motion to approve the petition, seconded by Walter Augustyn, and passed unanimously by the Board that the petition be GRANTED.

Petition #10795

Ward 7

311 Buttonwoods Ave.

The petition of Christian Brethren of Warwick, Inc., 311 Buttonwoods Ave., Warwick, RI, requests a dimensional variance to replace the existing free-standing sign with a new 6' x 6' free-standing sign. Proposed sign being larger than allowed @ 36 sq. ft. (1.5 sq. ft. allowed). Also seeking a use variance for the proposed free-standing sign containing a bulletin/notice board. Assessor's Plat 363, Lot 46, zoned Residential A-7.

Maryanne Sheryka, 33 Heights Ave., Warwick, RI, was present and sworn in by the Chairman.

Ms. Sheryka stated they are proposing to replace the existing free-standing sign, and they need a variance for the sign being larger than allowed, and also to have a notice/bulletin board as part of the new sign.

The Chairman stated he drove by the existing sign, which is old and in need of being replaced.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the existing signs needs to be replaced, and the new sign won't alter the general characteristics of the area.

The motion was seconded by Julie Finn, and passed unanimously by the Board that the petition be GRANTED.

Petition #10807Ward 6105 Lorna Ave.

The petition of Jennifer Marsella, 105 Lorna Ave., Warwick, RI, requests a dimensional variance to remove the existing rear porch to construct a 176 sq. ft. addition to expand the existing kitchen, having less than required rear yard setback of 12' (30' required), and a side yard setback of 25.8' (30'). Constructing a 384 sq. ft. garage addition having less than required front yard setback of 20.7' (30' required), and constructing a 412 sq. ft. addition for a master bedroom, bathroom and walk-in closet having less than required side yard setback of 15.8' (20' required). Assessor's Plat 373, Lot 144, zoned Residential A-15.

Romeo Marsella, 110 Amore Rd., Warwick, RI, was present and sworn in by the Chairman.

Mr. Marsella stated he is here representing his daughter who is out of state. She is proposing to construct a garage addition, enclose an existing porch to expand the existing kitchen, and constructing a master bedroom/bathroom addition.

Mr. Marsella stated most of the lots are between 7,000 -10,000 square feet in size. He submitted four (4) letters in support of the proposed construction. The letters were marked as Petitioner's Exhibits 1-4.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the hardship is due to the unique characteristics of the subject property, the lots are small, which is not the result of any prior action of the applicant. The motion was seconded by Salvatore DeLuise, and passed unanimously by the Board that the petition be GRANTED.

Petition #10808Ward 472 Shawomet Ave.

The petition of Brad & Catherine Turchetta, 72 Shawomet Ave., Warwick, RI, request a dimensional variance to demolish the existing shed and garage to construct a new 24' x 27' detached garage. Proposed garage having a front yard setback of 5' (30' required), and a front/corner side yard setback of 24' (30' required). Assessor's Plat 331, Lot 231, zoned Residential A-15.

John Shekarchi, Esq. was present and representing the petitioner.

Attorney Shekarchi stated the proposal is to remove the existing shed and garage to construct a new 24' x 27' detached garage. The subject property is located on a corner

lot, one street being a paper street which requires a front yard setback of 30'. The proposed garage will have a front yard setback of 5'.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the proposed garage will be in line with the neighborhood, and the hardship is not due to any prior action of the applicant. The motion was seconded by Salvatore DeLuise and passed unanimously by the Board that the petition be GRANTED.

Petition #10810

Ward 1

233 Monroe St.

The petition of Mae Auger, 233 Monroe St., Warwick, RI, requests a dimensional variance to replace the existing pool, with a new 22' above ground pool. Proposed pool having a front yard setback of 6.9' (25' required) along Monroe Street, and a front yard setback of 5.7' (25' required) along No. Country Club Drive. Assessor's Plat 301, Lot 272, zoned Residential A-7.

Christine Engustian, Esq. was present and representing the petitioner.

Attorney Engustian stated the petitioner is proposing to replace her existing pool. She recently became aware that the existing pool that was installed twenty years ago was installed without a permit. She wants to correct this and is here before the Board to seek relief for the location of the proposed pool. The property is located on a corner lot, and the new pool will be within both front yard setbacks.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated there has been no issue with the existing pool being in the same location for twenty years. The hardship is due to the unique characteristics of the subject property. The motion was seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED.

Petition #10812

Ward 8

23 Tingley St.

The petition of David Freitas, 23 Tingley St., Warwick, RI, requests a dimensional variance for the single family dwelling being constructed to have a height higher than allowed. Proposed dwelling will have a height of 41' (35' allowed). Assessor's Plat 273, Lot 508, zoned Residential A-7.

This petition needs approval from the Historical District Commission prior to seeking Zoning Board. A motion was made by Robert DeGregorio, and seconded by Salvatore DeLuise to continue this petition until Historical approval has been obtained.

Petition #10813

Ward 7

3159 Post Rd.

The petition of Robert Monahan & Linda Jezak, 105 Church Ave., Warwick, RI, requests a dimensional variance to construct a second floor addition to the existing commercial structure. Proposed addition to be utilized as a one-bedroom apartment to be utilized by one of the owner's, and the first floor will be utilized for the owner's real estate/remodeling business. Subject property having less than required lot area of 2,890 sq. ft. (6,000 sq. ft. required). Assessor's Plat 245, Lot 363, zoned Village (V).

John Shekarchi, Esq. was present and representing the petitioners.

Attorney Shekarchi stated this property is located in a Village zoning district. The petitioner is proposing to construct an addition to the existing structure. The petitioner will utilize the first floor for his business office, and the addition will be utilized as a one bedroom apartment. There will be no sales or walk-in business at the subject property. The apartment will be limited to one person. The area in the back of the property will be paved for parking, and the Engineer will design the stormwater management with zero runoff.

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

Kim & Michael Costa, 94 Spruce St., Warwick, RI, were present in opposition and sworn in by the Chairman.

They had concerns with the small lot size, the addition being close to both side yard property lines, and felt the proposed addition would change the feel of the neighborhood.

Scott Allstrom, 121 Pleasant St., Warwick, RI, was present in opposition and sworn in by the Chairman.

Mr. Allstrom stated this property meets less than 50% of the required 6,000 sq. ft. lot area. This lot has 2,890 sq. ft. He stated this may improve the property values at 3159 Post Road, but not the others. This is a small, small lot. The proposed addition will also greatly change the view.

The Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated he has listened to both sides but the Board needs to look at the facts. The proposed use is allowed by right in the Village zoning district. The proposed addition is not for financial gain, and is the least relief necessary. The motion was seconded by Julie Finn, and passed with a 4-1 vote that the petition be GRANTED W/STIPULATIONS.

Petition #10814

Ward 4

134 Shawomet Ave.

The petition of Tribbie & Edward Zarra, 134 Shawomet Ave., Warwick, RI, requests a dimensional variance to construct a 10' x 11' three season room addition to the existing non-conforming single family dwelling. Proposed addition having less than required side yard setback of 8.8' (20' required). Assessor's Plat 333, Lot 97, zoned Residential A-15.

Edward Zarra, 134 Shawomet Ave., Warwick, RI, was present and sworn in by the Chairman.

Salvatore DeLuise recused himself from this petition. Connie Beck voted in place of Mr. DeLuise.

Christopher Ducharme, Designer from CD Home Vision, 17 Haliburton Rd, Rumford, RI, was present and sworn in by the Chairman.

Mr. Ducharme stated the petitioners are seeking relief for the proposed three-season room having less than required side yard setback.

Mr. Ducharme stated the petitioner's did apply for and were granted CRMC approval on June 2, 2022.

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

Jeffrey & Nancy Burke, 125 Shawomet Ave., Warwick, RI, were present in opposition and sworn in by the Chairman.

Mr. & Mrs. Burke stated the seawall has been in disrepair and should be addressed before anything else. They said when the construction started, the plans showed a cement patio, but the patio has been turned into an addition that is bigger than the existing house. They don't understand how all of this construction has been approved.

Mrs. Burke submitted eight (8) photos, marked as Objector's Exhibit 1-8.

Thomas & Joanne Kiley, 135 Shawomet Ave., Warwick, RI was present in opposition and sworn in by the Chairman.

Mr. Kiley stated the petitioners have depreciated the value of his lot by blocking his view. He stated his lot is always flooded, and any addition would only make it worse. He tried talking with Mr. Zarra, but was told to get off the property.

Sean Hennessey, 121 Shawomet Ave., Warwick, RI, was present in opposition and sworn in by the Chairman.



Mr. Hennessey stated the house is in a flood zone. He called Washington, DC, and they have no record of this property. This property is within the coastal shoreline and they have special requirements. He stated you can see the erosion in the area.

Mr. Ducharme stated he will try to respond to all concerns. He stated the existing house conforms to all federal requirements. The clients purchased the property knowing the seawall was in disrepair. The petitioners were granted both CRMC approval and a Building Permit for the addition currently under construction.

Mr. Ducharme stated they are not here tonight to debate, they are here to rebuild a portion of the house that they were already being taxed on. They've gone through all the proper channels.

Mr. DeGregorio asked if the petitioner's were issued a violation for the seawall. Mr. Ducharme stated they have not received a violation, and they do recognize the wall is in disrepair.

The Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated they can't take the view into consideration, they are here tonight to square off that corner of the house with a three-season room. He stated the proposed addition won't alter the general characteristics of the surrounding area, and it's the least relief necessary. The motion was seconded by Constance Beck and passed with a 4-1 vote that the petition be GRANTED.

A motion was made by Robert DeGregorio, seconded by Paul DePetrillo, and passed unanimously by the Board to adjourn the meeting at 7:51 P.M.

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

Paul DePetrillo, Chairman