

PAUL DEPETRILLO
CHAIRMAN



FRANK J. PICOZZI
MAYOR

POSTED 2/3/2023

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

MINUTES OF THE NOVEMBER 14, 2022 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Monday, November 14, 2022 at 6:00 P.M. in the 1st Floor Conference Room, Warwick City Hall Annex, 65 Centerville 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
Walter Augustyn
Salvatore DeLuise
Lorraine Caruso Byrne
Julie Finn – Alternate

Absent: Constance Beck – Alternate

Also present: David Petrarca, Esq., City Solicitor
Sean Henry, 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The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.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, the Chairman called the first petition.

Petition #10847

Ward 6

Sea View Dr.

The petition of Marilyn Manzi, 32 Becker St., Warwick, RI, and Zarrella Development Corp., 20 Gerald's Farm Dr., Exeter, RI, requests a dimensional variance to construct a new single-family dwelling on a 3,849 sq. ft. lot (40,000 sq. ft. required), having a frontage & lot width of 48.30' (150' required). Proposed dwelling having a front yard setback of 17.7' (40' required), a side yard setback of 8' on both sides (30' required) and a rear yard setback of 32.9' (40' required). Assessor's Plat 360, Lot 358, zoned Residential A-40.

Sanford Resnick, Esq. was present and representing the petitioners.

Attorney Resnick stated this property is zoned Residential A-40. The lot has been owned by the Manzi family for 79 years. It's never been in common ownership. He stated there have been some comments made about encroachments. All encroachments have been removed. The only thing that will remain is a shed, by an easement agreed to between all parties.

Sean Henry from the Planning Department read the recommendations into the record.

Attorney Resnick stated the petitioners will comply with all recommendations.

Attorney Resnick presented Edward Pimentel, Land Use Consultant as an expert witness. A motion was made by Robert DeGregorio, and seconded by Paul DePetrillo to accept Mr. Pimentel as an expert witness.

Mr. Pimentel stated this is a sub-standard lot of record entitled to reasonable usage of the property. He stated no parcels in the area comply with the A-40 requirements. Presently 71% don't comply with the A-7 zoning requirements. The lot has been platted for over 100 years, and a denial extinguishes all reasonable use of this lot. He stated the subject property will meet all current engineering standards.

Gerald Zarrella, Vice-President of Zarrella Development was present and sworn in by the Chairman.

Mr. Zarrella stated the property is on a corner lot and the Zoning Board approved the same house in February 2022 right down the street from this lot. They are proposing a three-bedroom house. They plan on having a crushed stone driveway.

Lorraine Caruso Byrne asked the petitioner what the height of the proposed dwelling would be, as it wasn't shown on the plan. Mr. Pimentel stated the height from average grade is approximately 26' in the front, and from the rear it will be approximately 33 ½'.

Ms. Byrne stated her other concern is the rain garden not being maintained, and it being located right next to the play area in the neighbor's yard.

Attorney Resnick stated one of the people most affected is the neighbor next door. They took the time to send a letter in support, and residential lots are needed. The Court has been very clear this is a pre-existing, non-conforming lot. Realistically the only use is a house.

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

James Stevens, 27 Wuddall Ave., Warwick, RI, was present in opposition and sworn in by the Chairman.

Mr. Stevens stated the attorney's comment about needing more housing is incorrect. The town doesn't need more \$500,000 houses, these houses are not affordable to Warwick residents.

Ms. Byrne stated a smaller home would be cheaper and more reasonable for this lot.

A motion was made by Robert DeGregorio, seconded by Paul DePetrillo, and passed with a 4-1 vote that the petition be GRANTED WITH STIPULATIONS.

Petition #10850

Ward 4

Wuddall Ave.

The petition of Hyatt Street Investments, LLC, 35 Tripoli St., Providence, RI, requests a dimensional variance to construct a new 36' x 26' single family dwelling with a garage on the first floor, and living space on the second and third floor. Subject property having a lot area of 5,000 sq. ft. (7,000 sq. ft. required), and 50' of frontage and lot width (70' required). Assessor's Plat 333, Lot 31, zoned Residential A-7 & Residential A-40.

Sanford Resnick, Esq., was present and representing the petitioner.

Attorney Resnick requested this petition be continued until the January 10, 2023 Zoning Board meeting.

A motion was made by Robert DeGregorio, seconded by Paul DePetrillo, and passed unanimously by the Board to CONTINUE THIS PETITION.

Petition #10851

Ward 8

125 Arthur Devine Blvd.

The petition of Lamar Advertising Company, 360 Warren Ave., E. Providence, RI, and the City of Warwick, 3275 Post Rd., Warwick, RI, requests a use variance to replace the existing billboard sign with a new 14 x 48' LED message board. Proposed sign being larger than allowed & prohibited by Section 804.4 of the Warwick Zoning Ordinance. Assessor's Plat 280, Lot 3, zoned General Industrial (GI).

Dylan Conley, Esq., was present and representing the petitioner.

Attorney Conley submitted two pictures, with a summary on the back, marked as Petitioner's Exhibit #1.

Attorney Conley stated the applicant is looking to upgrade the billboard to a digital board. It's a unique piece of property. It's functionally an island between the river and Route 95, but it's on the same property as the City's sewer plant.

Sean Henry from the Planning Department asked what types of messages will be displayed, as the City wants to be sure there won't be any videos, animations or anything that would be a distraction to drivers as they drive down Route 95.

Mike Murphy, 360 Warren Ave., E. Providence, RI, was present and sworn in by the Chairman.

Mr. Murphy stated they have to adhere to the State DOT off-premise regulations. If you're not familiar with it, it's a 10 second static message, there's no video or movement legal. Every digital board they have is 10 seconds. He stated they will require an additional permit with the DOT for the LED board.

Mr. Murphy stated they have six advertisers. The State of RI allows the messages to change every 10 seconds, there's no scrolling, and no video allowed. The State monitors it, and if they don't adhere to the regulations they lose their permit.

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

Eric Peikan, 73 Mystic Dr., Warwick, RI, was present in opposition and sworn in by the Chairman.

Mr. Peikan stated he drives by that sign frequently, and billboards in general make it look very industrial. He sees the benefits of PSA messages, but in his opinion the billboard is a little Las Vegas.

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, with the stipulation of no animation. The motion was seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10852

Ward 6

19 Fourteenth Ave.

The petition of Virginia & Jeffrey Goldstein, 19 Fourteenth Ave., Warwick, RI, requests a dimensional variance to construct an enclosed porch to the existing non-conforming single family dwelling. Proposed porch having a side yard setback of 3' (20' required). Assessor's Plat 374, Lot 56, zoned Residential A-15.

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

Attorney Brennan stated the applicant is looking to build a porch. Due to the layout of the property the proposed porch will have a side yard setback of 3', where 20' is required.

Attorney Brennan stated the applicants have received letters of support from the abutting neighbors, as well as the Buttonwoods Beach Association.

Walter Augustyn stated the site plan shows four trees right next to the property line. He asked if the trees were new or existing.

Jeffrey Goldstein, Petitioner, 19 Fourteenth Ave., Warwick, RI was present and sworn in by the Chairman.

Mr. Goldstein stated the one tree to the right has been removed but the rest have been there for twenty years.

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, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED.

Petition #10853

Ward 8

21 Solar Dr.

The petition of Daniel Gauthier, 21 Solar Dr., Warwick, RI, requests a dimensional variance to construct a 12' x 16' two-story addition, for an office/study on the lower level, and a great room on the upper level. Proposed addition having a rear yard setback of 9.5' (20' required). Existing dwelling having less than required front yard setback. Assessor's Plat 270, Lot 453, zoned Residential A-7.

Daniel Gauthier, Petitioner, 21 Solar Dr., Warwick, RI, was present and sworn in by the Chairman.

Mr. Gauthier stated he is proposing to construct a 12' x 16' two story addition on the back side of the home. Due to the shape of the lot he is very limited on where the addition can go. He stated the setback is 20' and he is requesting 9.5'.

The Chairman asked if the Board Members had any questions.

Lorraine Caruso Byrne stated this house is listed as being two bedroom with one bath, and it has a septic system. She stated there should be no intention of using the addition for another bedroom. Mr. Gauthier stated there is no intention of using the addition as a bedroom.

Robert DeGregorio asked the petitioner if he would agree to stipulate the space won't be used for additional bedrooms.

Mr. Gauthier agreed to that stipulation.

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 stipulation agreed to by the petitioner. The motion was seconded by Lorraine Caruso Byrne and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10854

Ward 1

60 Dahlia St.

The petition of Thomas Sullivan, 60 Dahlia St., Warwick, RI, requests a dimensional variance to construct a 13' x 17' addition for a master bedroom. Proposed addition having a side yard setback of 9.5' (15' required). Assessor's Plat 307, Lot 382, zoned Residential A-10.

Thomas Sullivan, Petitioner, 60 Dahlia St., Warwick, RI, was present and sworn in by the Chairman.

Mr. Sullivan stated he would like to construct an addition for a master bedroom for his wife to help make it easier for her. She is a Veteran and is 100% disabled.

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, seconded by Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED.

Petition #10855

Ward 7

111 Villa Ave.

The petition of Matthew Cianci, 111 Villa Ave., Warwick, RI, requests a dimensional variance to construct a new 15' x 10' covered porch to the left side of the existing non-conforming dwelling. Proposed porch having a front yard setback of 17.6' (25' required). Assessor's Plat 346, Lot 155, zoned Residential A-7.

Matthew Cianci, Petitioner, 111 Villa Ave., Warwick, RI, was present and sworn in by the Chairman.

Mr. Cianci stated he is seeking a variance for a 10' x 15' covered porch. He stated the porch won't meet the front yard setback requirement as his lot is long and narrow.

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, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED.

Petition #10857

Ward 8

189 Toll Gate Rd.

The petition of Gina Mahoney, 189 Toll Gate Rd., Warwick, RI, requests a dimensional variance to construct a 7' x 15' storage shed. Proposed shed having a 5' side yard setback (40' required). Assessor's Plat 246, Lot 330, zoned Office (O).

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

Attorney Brennan stated the petitioner is seeking a variance from the side yard setback requirement. The petitioners ordered a shed but didn't realize a permit was needed, and the shed had to meet required setbacks. The shed will be used to store outdoor items for the daycare, and the proposed location is the most accessible for the staff.

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, seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be GRANTED.

Petition #10858

Ward 6

73 Mystic Dr.

The petition of Eric Peikin, 73 Mystic Dr., Warwick, RI, requests a dimensional variance to construct a two-story addition between the existing detached garage and the existing single family dwelling for a garage on the first floor, and a master bedroom/bath on the second floor. Petitioner is also proposing to demolish the existing breezeway, construct a new front porch, replace front dormers, and create a new entryway with a setback of 18.3' to the front property line along Lemac Street (25' required). Proposed garage/master bedroom addition having a setback of 18' to the front property line along Lemac Street (25' required), and having a 6.8' side yard setback (8' required). Proposed porch having a 14' setback to the front property line along Mystic Drive, and an 18.3' setback to the front property line along Lemac Street (25' required for both). Assessor's Plat 363, Lot 134, zoned Residential A-7.

Eric Peikin, Petitioner, 73 Mystic Dr., Warwick, RI, was present and sworn in by the Chairman.

Mr. Peikin stated there is currently a single family dwelling and a detached garage on the subject property. He stated he is basically trying to box off the structure. He stated he sympathizes with his neighbors that his house has been under construction for so long. He said he is trying to beautify a house that was neglected for years.

The Chairman asked the Board Members if they had any questions.

Robert DeGregorio stated he drove by a few times and there is a lot of stuff out there that is not normal outdoor stuff. It almost looks like he is running a business.

The petitioner stated he owns a construction business, but he's not running the business out of his house. He does have some materials at his house but he has property in Maine that he is doing construction at. He was paying \$3,000 a year for boat storage and the guy raised it to \$6,000 so he had the boats moved to his property. He has been dealing with a lot of health issues.

Mr. DeGregorio stated he sympathizes with him, but he has been in the real estate business for 35 years and he has never seen a house with that much debris/material in a residential neighborhood.

Julie Finn asked the petitioner what the thing in front of the garage was.

Mr. Peikin stated it's a shed. It's under 200 sq. ft. and he will be moving it to his property in Maine.

Lorraine Caruso Byrne stated the petitioner recently built a very large detached garage. She asked if he wasn't running a business, why he would need all that garage space.

Mr. Peikin stated he has a sailboat. Ms. Byrne stated the sailboat is in the front yard. He stated he has two boats, one is in the garage, and the other one he just had moved back recently. These are both personal projects.

The Chairman stated he thinks the petitioner needs to make a conscious effort for himself and for his neighbors to clean the property up.

Mr. Peikin stated there are other neighbors with boats in their yard that are in far worse condition, neighbors with equipment far more unsightly. He stated all he is trying to do is create a space so all that stuff can go away.

The Chairman asked if the Board had any more questions.

Sean Henry from the Planning Department had a few questions based on the application materials the petitioner submitted. There were floor plans submitted but only for the second floor of the proposed addition. There were no floor plans for the existing house, and the existing garage. It looks like you're calling the second floor of the existing garage dry storage. He asked Mr. Peikin to clarify what that space will be used for.

Mr. Peikin stated that space will be converted into a potential closet and maybe a small gym. Mr. Henry asked if the closet would be the whole second floor. Mr. Peikin stated a portion of it would be.

Mr. Henry stated his plans are unclear and without knowing the layout of what the petitioner is trying to do to the house, it's unclear what you will be using it for. With so much space unaccounted for, he has concerns with it becoming a second housing unit.

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

Michael Burton, 44 Keystone Dr., Warwick, RI, was present in opposition and sworn in by the Chairman.

Mr. Burton stated he has lived in his house for 36 years. He isn't concerned with people beautifying their homes, but what the Board Members saw piled up out there is ongoing. There are a dozen to two dozen raw stacked logs that are stacked eight or ten feet high. God forbid those things fall down and crush a child. He leaves cutting equipment unattended in the driveway. Mr. Burton stated he himself is a bit of a home repair guy, but someone who does things like this should have an industrial space with certain safety guidelines. His concern is someone is going to get hurt. Mr. Burton agreed with the Board Member who said the garage is bigger than the house. He stated it belongs on a farm. He doesn't just work on his boats he has different boats coming in, whether he works on them for a hobby or a way of earning money, but there have been numerous boats.

Mr. Burton stated he does believe Eric is trying to beautify his home but he is leaving out all the dangerous stuff that kids or neighbors can get hurt on. He stated in a neighborhood like this with small lots, you have a responsibility to your neighbors to create a safe environment.

Mr. Burton thanked the Board Members for listening to his comments.

Nadine Marchetti, 85 Mystic Drive, Warwick, RI was present in opposition and sworn in by the Chairman.

Ms. Marchetti stated they like Eric very much, and they have been tolerant over the years, they haven't complained about anything, but they do oppose this variance for another oversized garage on the property. They feel he would use the two oversized garages for commercial use more than he already seems to be. She stated it's noisy, messy, and he doesn't ever seem to pick up. He has a big boat that they don't believe is even sea worthy. There are rusted saw blades, it's just a safety issue. He is a nice person, and she's sorry to have to complain but it's terrible to live like this.

Ms. Marchetti submitted two pages of signatures from neighbors who oppose the proposed addition, marked as Objector's Exhibit #1. She also submitted 11 pictures of the petitioner's property, marked as Objector's Exhibits 2-12.

Beverly Hughes, 8 Lemac St., Warwick, RI was present in opposition and sworn in by the Chairman.

Ms. Hughes stated she agrees with Nadine, Eric is a nice guy, but this is a residential area and he has it looking like commercial property. He's always building something and it's

always a mess. No one wants to start trouble because everyone likes him, but what he wants to build is off the wall and doesn't belong there.

Cynthia Arnold, 91 Mystic Dr., Warwick, RI was present in opposition and sworn in by the Chairman.

Ms. Arnold stated her main concern is safety. She stated there are always vehicles parked out there on the corner that block visibility when you drive down the street.

Denise Mair, 257 West Shore Rd., Warwick, RI was present in opposition and sworn in by the Chairman.

Ms. Mair stated she is one of the owners of the property located at 61 Mystic Drive. She is often at the house and sees the debris on this property, and her concern is coming around the corner and seeing a log splitter or some sort of industrial contraption in the street. The property is already very constricted and she's having a tough time imagining the size of this addition.

Kenneth Colbeck, 104 Mystic Dr., Warwick, RI was present in opposition and sworn in by the Chairman.

Mr. Colbeck stated his house was built in 1945, they bought the house in 1982. He just wants to say he agrees with what everyone has said here. He also has safety concerns, and he said just the look of the house doesn't go with the other houses in the area. Some houses have single car garages, and some don't. This would be four garages, and with less land for all his trees and stuff he has delivered, there will be more out in the road than there is now. Mr. Colbeck stated the reason he parks his truck in the street is because he can't fit it in the driveway with all the material.

The Chairman stated before the Board votes on this petition he would like Mr. Peikin to realize the impact the condition of his property is having on his neighbors, and that the safety issue is a concern.

Mr. Peikin said he didn't realize it was this flaring. He is going to address the issue head first as he has in the past. He stated he is feeling beat up by his neighbors, and he wishes his neighbors picked up the phone and called him instead of attacking him here. He stated the boat will be gone tomorrow.

The Chairman stated the pictures really don't lie and he doesn't believe any of the neighbors are misrepresenting the situation. Mr. Peikin stated they aren't telling the whole picture, they have also constructed additions and installed pools without permits, and people in glass houses shouldn't throw rocks.

Sean Henry from the Planning Department stated he had a question and maybe a suggestion. Earlier he mentioned there is a lack of clarity on the floor plans that were submitted. The application didn't include the setbacks for living area above the existing garage, so he wasn't sure if Mr. Peikin intended on using that area as living space. Mr. Henry suggested it may be best to continue this petition to allow the petitioner to get the City some clarity on the floor plans for what is existing and what is being proposed.

The Chairman stated if they do vote to continue this petition he would suggest that the petitioner make a concerted effort to tidy up the property or when the petitioner comes back before the Board, he will go through the same thing he's going through tonight.

Sean Henry stated the next Zoning Board meeting is December 13th. He asked the petitioner if that was enough time for him to get us the information.

Mr. Peikin stated if his neighbors don't want a structure at his house, he isn't going to build a structure. He stated he doesn't want to upset his neighbors.

Attorney David Petrarca, Solicitor to the Zoning Board stated the Board could continue the petition until the January 10, 2023 meeting if the petitioner wants, or in listening to some of the representations made by the petitioner, they can allow him to withdraw the petition without prejudice and he could come back if he wants to redesign it.

The petitioner stated he wanted to withdraw his petition.

A motion was made by Robert DeGregorio, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be WITHDRAWN WITHOUT PREJUDICE.

Petition #10859

Ward 3

1689 Post Rd.

The petition of Crossroads Capital Fund VI, LLC, c/o Saletin Real Estate, Suite #203, 95 Sockanosset Crossroad, Cranston, RI; Mims Realty, LLC, c/o Ann & Hope Inc., 1 Ann & Hope Way, Cumberland, RI; and Amerco Real Estate Company, 2727 N. Central Ave., Suite #500, Phoenix, AZ, requests a special use permit from Table 1 Use Regulations #419, #422, #509, #807 and #810 to construct a 23,800 sq. ft. self-storage facility with uses ancillary thereto, such as truck and equipment rentals, with outdoor display/storage of vehicles, retail of storage supplies, mini-storage and mini-warehousing facility/storage warehouse, and a service area performing preventative maintenance on U-Haul equipment. Assessor's Plat 322, Lot 209, zoned General Business (GB).

Joseph Brennan, Esq. and Kelley Morris, Esq. were present and representing the petitioners.

Attorney Morris stated she represents Amerco, which is the applicant and purchaser of this property. She has Attorney Charles Rogers here who represents the Chase family and they currently own the property, and Attorney Brennan represents Jeff Saletin. It's a condominium so the Chases' and the Saletins own the property.

Attorney Morris stated as a reminder they were before this Board a few months ago for Phase I. Phase I will be the self-storage, a small retail area, and a service center for U-Haul vehicles. She stated at that time the Board didn't want to see vehicles parked along the road, so they went back to the Planning Board with this proposed building that will have moveable storage units. This will be constructed in the Phase III area. They want to be very clear tonight that they can park the vehicles in the Phase I area only, not out in front.

Attorney Brennan stated the Planning Board heard their application last week and they approved it unanimously.

Attorney Morris stated they will return to the Planning Board for Preliminary and Final approval in the new-year.

Robert DeGregorio, Vice-Chairman of the Board stated he wasn't present for the Phase I hearing. He asked if the maintenance of the trucks would be done indoors at the rear building, which is part of Phase I. Attorney Morris responded yes, they received a special use permit for all of Phase I.

Mr. DeGregorio asked what the hours of operation would be for the maintenance.

Matthew Pepin, 262 Miriam Ave., Leominster, MA, was present and sworn in by the Chairman.

Mr. Pepin said the hours would be either 7:00 AM to 3:00 PM or 8:00 AM to 4:00 PM. The Board asked what type of work they will do. Mr. Pepin said oil changes, filters, and tires.

Attorney Morris stated they already have approval for Phase I, and they just want clarification that the vehicles and equipment can be parked in this area behind the new building because that wasn't in the original decision.

Sean Henry asked if the amount of dedicated space for outdoor storage in the Phase I area will impact their parking requirements.

Attorney Morris stated they don't need parking relief, and presented a plan that showed the location that the vehicles will be parked in the Phase I area.

The Board Members asked if they would be coming back before the Board for signage. Attorney Morris stated they don't know because they are in the process of the purchase. They are in discussions and if it doesn't meet the zoning requirements, they will be back.

Attorney Morris stated they agreed with all conditions of the Planning Board.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion, with the stipulation there be no advertising on the windows on the first floor of the new building. The motion was seconded by Salvatore DeLuise, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

A motion was made by Paul DePetrillo, seconded by Robert DeGregorio, and passed unanimously by the Board that the minutes from the October 11, 2022 meeting be approved.

The meeting be adjourned at 8:50 P.M.

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

Paul DePetrillo, Chairman