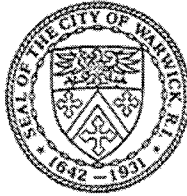


PAUL DEPETRILLO
CHAIRMAN



FRANK J. PICOZZI
MAYOR

POSTED 12/21/2023

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

MINUTES OF THE DECEMBER 12, 2023 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, December 12, 2023 at 6:00 P.M. in the 1st Floor Conference Room, 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
Lorraine Caruso Byrne
Walter Augustyn
Constance Beck – Alternate
Julie Finn - Alternate

Absent: Salvatore DeLuise – Secretary

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The Chairman asked if there were any petitions to be continued or withdrawn. There being none, he stated he needed a motion to hear the petitions out of order to move Petition #10945 to the end of the agenda as requested by Attorney Garrahy. The Chairman called the first petition to be heard.

Petition #10946

Ward 4

Bloor Street

The petition of Anthony Abatiello, 600 Cole Farm Rd., A-47, Warwick, RI, requests a dimensional variance to construct a new 36' x 26' single family dwelling with a two-car garage below. Subject property having a less than required lot area 12,150 sq. ft. (40,000 sq. ft. required), frontage and lot width of 135' (150' required). Proposed dwelling having a front yard setback of 25.2' (40' required), and a rear yard setback of 22.8' (40' required). Assessor's Plat 334, Lot 167, zoned Residential A-40 (formerly zoned A-7).

Joseph Abatiello, son of the petitioner, 600 Cole Farm Rd. B-25, Warwick, RI, was present and sworn in by the Chairman.

Mr. Abatiello stated this petition was previously approved by this Board but his father had some health issues, and the approval expired.

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

Bob Latour, 56 Old Mill Blvd., Warwick, RI was present in favor of the petition and sworn in by the Chairman.

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

Robert DeGregorio made a motion to approve the petition with stipulations. The motion was seconded by Lorraine Caruso Byrne and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10947

Ward 4

44 Cambridge Ave.

The petition of RI Custom Home Builders, 14 Blue Ridge Rd., Cranston, RI, requests a dimensional variance to demolish the existing single-family dwelling to construct a new single-family dwelling on a 4,471 sq. ft. lot (7,000 sq. ft. required), having a frontage & lot width of 55' (70' required). Assessor's Plat 317, Lot 112, zoned Residential A-7.

David Johnston, Esq. was present and representing the petitioner.

Attorney Johnston presented David McLain as an expert witness. A motion was made by Robert DeGregorio, seconded by Lorraine Caruso Byrne and passed unanimously by the Board that Mr. McLain be accepted as an expert witness.

Attorney Johnston stated they are here seeking dimensional relief to demolish the existing single-family dwelling to construct a new single-family dwelling.

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

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

Petition #10948

Ward 6

179 Canfield Ave.

The petition of RI Custom Builders, LLC, 16 Blue Ridge Rd., Cranston, RI, requests a dimensional variance to demolish the existing single-family dwelling to construct a new single-family dwelling with a built-in garage on a 6,449 sq. ft. lot (7,000 sq. ft. required), and 50' of frontage & lot width (70' required). Assessor's Plat 361, Lot 339, zoned Residential A-7.

David Johnston, Esq. was present and representing the petitioner.

Attorney Johnston presented David McLain as an expert witness.

Attorney Johnston submitted a site plan drawn by Douglas McLain showing the existing conditions. The site plan was marked as Petitioner's Exhibit #1.

Attorney Johnston stated the proposal is to demolish the existing single-family dwelling to construct a new single-family dwelling. The new dwelling will meet all required setbacks. The relief being sought is for lot area, frontage and lot width.

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

The Chairman asked if there as anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion to approve the petition with stipulations, seconded by Constance Beck and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10949

Ward 1

51 Harold St.

The petition of RI Custom Home Builders, 14 Blue Ridge Rd., Cranston, RI, and Louise Sweet, 26 Seamans Ave., No. Providence, RI, requests a dimensional variance to construct a new single-family dwelling on a lot that contains 3,180 sq. ft. (7,000 sq. ft. required), having a setback of 8' from the front property line along Harold Street, a setback of 12.8' to the front property line along Tilden Ave., and for having 40.02' of frontage & lot width (70' required). Assessor's Plat 293, Lot 873, zoned Residential A-7. (Existing single-family dwelling demolished in 2010).

David Johnston, Esq. was present and representing the petitioner.

Attorney Johnston stated there was a single-family dwelling on the lot that was demolished in 2010. The lot is located on the corner of Tilden Avenue and Harold Street.

The petitioner is proposing to construct a new single-family dwelling.

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

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

Petition #10945

Ward 9

1 Valley Brook Dr.

The petition of Navdeep Martin, 1 Valley Brook Dr., Warwick, RI, requests a dimensional variance to construct a 14' x 26'-4" bathroom, closet and prayer room addition. Proposed addition having a side yard setback of 24'-10" (30' required). Assessor's Plat 217, Lot 90, zoned Residential A-40.

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

Attorney Garrahy presented Jeffrey Lykins as an expert witness in zoning and architecture.

A motion was made by Robert DeGregorio, seconded by Lorraine Caruso Byrne and passed unanimously by the Board to accept Mr. Lykins as an expert witness.

Jeffrey Lykins, 110 ½ So. Killingly Road, Foster, RI, was present and sworn in by the Chairman.

Mr. Lykins described the property and explained the petitioner is proposing to construct an addition for a bathroom, a closet and a prayer room. Relief is only being sought from the side yard setback.

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

The following neighbors were present in opposition of the petition:

Nancy Zarrella, 295 Gilbert Stuart Dr., Warwick, RI, was present in opposition and sworn in by the Chairman.

Edward Shapira, 360 Gilbert Stuart Dr., Warwick, RI, was present in opposition and sworn in by the Chairman.

Crystal Carcamo, 215 Blair Dr., Warwick, RI, was present in opposition and sworn in by the Chairman.

Alfred Bucu, 275 Gilbert Stuart Dr., Warwick, RI, was present in opposition and sworn in by the Chairman.

Anthony Aurgemma, 375 Gilbert Stuart Dr., Warwick, RI was present in opposition and sworn in by the Chairman.

Chris Zarrella, 295 Gilbert Stuart Dr., Warwick, RI, was present in opposition and sworn in by the Chairman.

The neighbors had concerns with the exterior door framed in the new addition, the house being used as rental property, the prayer room being used for commercial purposes, and whether the septic system was suitable for the dwelling.

Jessie Behl, 1 Valley Brook Dr., Warwick, RI was present and sworn in by the Chairman.

The Chairman asked how long Mr. Behl has lived at the property and if he has ever used it as rental property.

Mr. Behl stated it was never rented out, but he has family living in the in-law apartment. The prayer room is for his family's personal use only.

Mr. Lykins stated the door was framed in error and won't be there, instead there will be two (2) windows.

David Petrarca, Esq. explained the Board is only here to vote on the petition before them.

The Chairman asked if the Board Members had any questions. There being none, Robert DeGregorio made a motion to approve the petition with stipulations, seconded by Constance Beck and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10950

Ward 2

381 Warwick Ave.

The petition of Robert Fayerweather & Gold Key Property Services, LLC, 839 Warwick Ave., Warwick, RI, and Gold Key Property Services, LLC, request a dimensional variance from Table 2B Dimensional Regulations to construct a 15.4' x 7.5' one-story addition to the existing non-conforming structure. Proposed addition having a front yard setback of 16.9' to the front property line along Warwick Avenue (25' required), and a 15.4' front/corner yard setback to the front property line along Sachem Avenue. Also seeking relief from Section 505 - landscaping requirements, and Section 701.7 - parking space requirements. Petitioner is proposing to utilize the first-floor commercial unit as a spa, with a pre-existing residential apartment on the second floor. Assessor's Plat 290, Lot 224, zoned General Business (GB).

John Garrahy, Esq. was present and representing the owner and applicant.

Attorney Garrahy presented Michael McHugh as an expert witness in zoning and land use.

A motion was made by Robert DeGregorio, seconded by Paul DePetrillo, and passed unanimously to accept Mr. McHugh as an expert witness.

Michael McHugh, 34 Chapin Ave., Providence, RI, was present and sworn in by the Chairman.

Mr. McHugh submitted a Zoning & Land Use Summary report in connection with the subject property and the proposed use, marked as Petitioner's Exhibit #1.

The City raised concerns with the proposed parking meet the requirements of the Zoning Ordinance, and whether the number of spaces would be able to accommodate the proposed use with the expected occupancy. The Planning Department also proposed moving the stone wall several feet towards the interior to allow some space for planted landscaping, rather than using potted plants.

After further discussion about whether the proper relief has been requested, Attorney Garrahy stated he would like to request a continuance to January 9, 2024 to modify the plan for the relief that has been requested.

A motion was made by Paul DePetrillo, seconded by Lorraine Caruso Byrne and passed unanimously by the Board that this petition be CONTINUED TO 1/9/2024.

A motion was made by Paul DePetrillo, seconded by Constance Beck, and passed unanimously that the minutes from the November 14, 2023 meeting be approved.
(Robert DeGregorio abstained from voting on the minutes)

The meeting was adjourned at 8:27 P.M.

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

Paul DePetrillo, Chairman