

DONALD G. MORASH, JR.
CHAIRMAN



JOSEPH J. SOLOMON
MAYOR

CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE AUGUST 13, 2019 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, August 13, 2019 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 Donald Morash, Jr.

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

Donald G. Morash, Jr. - Chairman
Salvatore Deluise
Paul DePetrillo
Everett O'Donnell
Julie Finn – Alternate

Absent: Beverly Sturdahl
George Shuster

Also present: Peter Clarkin Esq., City Solicitor
Daniel Geagan, Warwick Planning Department
Amy Cota, Secretary
Dianne Edsox, Stenographer

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED. There being none, he called the first petition.

Petition #10610

Ward 8

105 Pace Blvd.

The petition of Inskip Management Co., 1515 Bald Hill Rd., Warwick, RI, and GREP PACE, LLC, 11 So. Angell St., Providence, RI, requests a special use permit to convert the existing one story structure for new or used vehicles sales, service and outdoor display (excluding boats). Subject property having less than required landscaping and parking lot buffers. Existing structure having less than required front and corner side yard setback. Assessor's Plat 249, Lot 2, zoned General Business (GB).

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

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

Attorney Revens stated he has three witnesses to testify.

Thomas Sweeney, Realtor and Appraisal Specialist was present and sworn in by the Chairman. A motion was made by Everett O'Donnell, seconded by Paul DePetrillo and passed unanimously by the Board that Mr. Sweeney be accepted as an expert witness.

Raphael Iacovony, Chief Operating Officer for Inskip, 95 Chatham St., Providence, RI, was present and sworn in by the Chairman.

Nolan Redding, 919 Seven Mile Rd., Hope, RI, was present and sworn in by the Chairman.

The witnesses testified the proposed use will not alter the general characteristics of the area, and the use and hours of operation will be less intense than the previous retail uses.

Attorney Revens submitted four exhibits to the Board Members, a copy of the City Tax Assessor's map showing the subject property highlighted in yellow, marked as Petitioner's Exhibit #1; a copy of the site plan, prepared by Joshua G. Swerling, Engineer, marked as Petitioner's Exhibit #2, a copy of the interior layout of the building, prepared by James Kimball, Jr., Architect, marked as Petitioner's Exhibit #3; and a copy of the elevation plan, prepared by James Kimball, Jr., Architect, marked as Petitioner's Exhibit #4.

The petitioner is seeking special use permit to occupy the subject property for new and used vehicles sales, service and outdoor display.

The petitioner stated that 90% of the cars serviced within this building will be vehicles within the dealerships inventory, vehicles off lease or cars traded in.

The building will essentially remain the same. They will be adding rear garage doors that comply with the Planning Department requirements. There will be no work outside the building, and no parking on westerly side of the building. The business will be open (6) six days a week, day time hours only. They will not be open after 5:30p.m., and will not be open any evening hours.

The petitioner stated the changes to the site plan to relocate the dumpster, add fencing and Landscaping, and make the exterior lighting dark sky compliant, were all agreed to between his client and the neighbors when they met last week.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell stated the petitioner's business is growing, which is a good thing. They met & satisfied the neighbors, and agreed to the stipulations placed on the approval, and made a motion, seconded by Julie Finn and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10611

Ward 5

14 Alden Ave.

The petition of Marisa J. Almon, 14 Alden Ave., Warwick, RI, requests a dimensional variance to demolish the existing non-conforming detached garage, and to construct a new 24' x 26' two car garage with a 27' x 32' second story to be utilized as an art studio (personal use). Proposed structure having less than required front/corner side yard set-backs. Assessor's Plat 356, Lot 320, zoned Residential A-15.

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

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

Ms. Shekarchi stated the petitioner received approval from this Board in December 2015, but the construction was never started and the approval expired. She stated the petitioner has received CRMC approval, and submitted a copy to the Board, marked as Petitioner's Exhibit #1.

Everett O'Donnell asked if this would be used for rental property.

Marisa Almon, Petitioner, 14 Alden Ave., Warwick, RI, was present and sworn in by the Chairman.

Ms. Almon stated the second story of the garage will be utilized for her own personal art studio and will not be rental property.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell made a motion to approve, seconded by Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED WITH STIPULATION.

Petition #10612

Ward 3

60 Minnesota Ave.

The petition of Industrial Ventures, LLC, 1 James P. Murphy Hwy., West Warwick, RI, requests a special use permit. Petitioner is proposing to occupy one tenant space as a commercial greenhouse, and to have mixed use in the existing commercial structure for future tenants (Table 1 Use Regulations #200, #300, #400, #500, #600 (Transportation/utility uses, and institutional). Assessor's Plat 309, Lot 249, zoned Light Industrial (LI).

Stephen Soscia, owner of the property, was present and sworn in by the Chairman.

Mr. Soscia stated the subject property consists of three industrial uses. K-9 Connection, a dog training facility occupies two of the units, and the third unit is vacant.

The petitioner is proposing to occupy the third unit as a commercial greenhouse, and is seeking a special use permit to have mixed use within the commercial structure.

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

Petition #10613

Ward 8

1021 Bald Hill Rd.

The petition of Bald Hill Realty, Co., 1021 Bald Hill Rd., Warwick, RI, requests a special use permit to construct a 155' x 75' addition to the existing legal nonconforming commercial structure (Car Dealership - Kia). Requesting a dimensional variance for having inventory vehicle stacking, and less than required landscaping. Assessor's Lot 260, Lot 10, zoned General Business (GB).

Michael McEntee, Esq. was present and representing the petitioner.

Mr. McEntee stated he had two witness present.

Michael Zavalia, Engineer was present and sworn in by the Chairman. A motion was made by Everett O'Donnell, seconded by Paul DePetrillo and passed unanimously by the Board that Mr. Zavalia be accepted as an expert witness.

James Hagan, President of Bald Hill Realty Co., was present and sworn in by the Chairman.

Mr. McEntee stated the petitioner is seeking a special use permit to expand the non-conforming use. The proposal is to construct a 155' x 75' addition to the existing car dealership (KIA). The petitioner is also seeking dimensional relief for having inventory stacking and less than required landscaping.

The petitioner made an agreement with the City of Warwick to pay a fee in lieu of meeting the minimum landscape requirements.

The petitioner stated they will be relocating the mobile trailer homes that are closest to the dealership property line, to vacant lots they have available.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell stated the car dealership is a well established business in the City and made a motion to approve the petition, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED.

Petition #10614

Ward 8

1441 Bald Hill Rd.

The petition of Herb Chambers, 1441 Bald Hill Rd., Warwick, RI; Harry Leiser, Trustee, and Warren Miller, Trustee, 62 Mott Ave., New London, CT, requests dimensional variance to construct an additional free-standing sign (Bald Hill Rd). Proposed sign being higher and larger than allowed by Ordinance. Assessor's Plat 254, Lot 19, zoned General Business (GB).

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

Mr. Shekarchi stated the petitioners are seeking a dimensional variance to construct an addition free standing sign, along Bald Hill Road. The proposed sign will be 134.38 sq. ft. and will have a height of (25') twenty-five feet.

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

Petition #10615

Ward 2

30 Jefferson Blvd.

The petition of 30 Jefferson, LLC, 434 Smith St., Providence, RI, and Springdale Enterprises, P.O. Box 1143, Darien, CT, requests a dimensional variance to convert the existing non-conforming structure (previously a restaurant) to a kennel/grooming/boarding facility (Dogtopia). Subject property having an outdoor exercise area within the side yard setback, having less than required front, side and rear yard setbacks to the existing structure, less than required setback of parking spaces, less than required landscape buffer along front property line, and less than required parking lot buffers. Existing free-standing sign higher than allowed, and seeking approval to maintain the existing billboard roof sign. Assessor's Plat 285, Lot 4, zoned General Industrial (GI).

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

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

Mr. Shekarchi stated the petitioners have no objection to the Planning Department stipulations placed on the approval.

The petitioners are proposing to convert the existing commercial structure previously occupied as a restaurant, to a dog kennel/grooming/boarding facility. They will reconfigure the parking area, and will create an outdoor exercise area.

The petitioner is also seeking approval to maintain the existing billboard sign located on the roof of the structure. The Planning Department placed stipulations on the billboard sign, which the petitioner agreed to.

Attorney Shekarchi presented Steven Cabral, Professional Engineer as an expert witness. A motion was made by Everett O'Donnell, seconded by Paul DePetrillo and passed unanimously by the Board that Mr. Cabral be accepted as an expert witness.

Mr. Cabral state the subject property is a unique size & shape. There is a historical cemetery in the back of the building. They will not be increasing the non-conformity. They will be reconfiguring the parking area to add parking in the front.

Mr Shekarchi stated they are improving what is there. This is a national brand. The petitioners area making a large investment in upgrades, and is a good use in a great location.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell stated the property has been vacant, and it will be a good use for the City of Warwick, and made a motion to approve the petition, seconded by Julie Finn and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10616

Ward 5

30 Randall Ave.

The petition of Frank & Sheryl Williams, 30 Randall Ave., Warwick, RI, requests a dimensional variance to convert the existing detached garage to an accessory dwelling unit on the existing undersized non-conforming lot. Proposed accessory dwelling having less than required rear yard setback, having a separate entrance, and larger than allowed by Ordinance. Assessor's Plat 378, Lot 85, zoned Residential A-40.

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

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

Ms. Shekarchi stated the proposal is to convert the existing detached garage into an accessory dwelling unit for Mr. Williams's elderly mother. She stated this will conform to the law recently passed by State, RIGL 45-24-37, in which recognizes accessory dwelling units for family members with disabilities or over the age of 62 years old.

Ms. Shekarchi stated the main dwelling has three bedrooms, but Mr. Williams's mother has trouble with her legs, so it would be beneficial to have her live in a one story structure.

The existing garage doors will remain, as to not change the appearance of the structure.

The petitioner agreed to the stipulations placed on the approval by the Planning Department, and to record a "Declaration of Restrictions" with the decision letter in the Land Evidence Records of the City Clerk's Office.

The relief being sought is for the rear yard setback. The required setback is 20', and the existing structure has a rear setback of 9.6'. All other setbacks will be met.

There were many neighbors present in objection of the petition. They had concerns with the subject property not meeting the requirements for an accessory dwelling unit and should be part of the principal residential structure, and not a stand-alone structure. They feel this is a second dwelling unit that may be rented to non-family members in the future.

Everett O'Donnell stated he grew up on that street and most of those houses were summer cottages on small lots. Since the house was constructed in 1835, the zoning requirements have changed over the years. They have a right to ask to expand.

Peter Clarkin, the City Solicitor stated this is for a unique situation for accessory dwelling units. He read RIGL 45-24-37 and stated this law takes precedents over the Zoning Ordinance. It's for a family member with a disability or over the age of 62 years old, it will cease once the family member passes away or the property is transferred to a new owner. He stated the new owner would need to convert the structure back to a garage, or reapply to the Zoning Board for approval.

The Chairman stated if the property is sold, this restriction will need to be disclosed, and the new owner would need to reapply to the Zoning Board or convert it back to a garage. He believes the relief they are looking for will not impact anyone. He doesn't believe anyone would be happy being denied that use for your parent, if it's legitimate with the code, which it is.

There were four neighbors present in favor of the petition.

The Chairman stated they are moving in the direction of more family living under one roof, and he thinks it's a great project.

There being no further discussion, The Chairman entertained a motion.

Everett O'Donnell stated the petitioner is doing this for his mother, which is becoming the new normal, and made a motion to approve the petition, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

The Chairman entertained a motion to approve the minutes from the June 11, 2019 hearing. A motion was made by Everett O'Donnell, seconded by Paul DePetrillo and passed unanimously by the Board that the minutes be accepted.

The Chairman entertained a motion to approve the minutes from the July 9, 2019 hearing. A motion was made by Everett O'Donnell, seconded by Paul DePetrillo and passed unanimously by the Board that the minutes be accepted.

The meeting was adjourned at 7:50 p.m.

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

Donald G. Morash, Jr., Chairman