

DONALD G. MORASH, JR.  
CHAIRMAN



JOSEPH J. SOLOMON  
MAYOR

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

**WARWICK ZONING BOARD OF REVIEW**  
**MINUTES OF THE JUNE 11, 2019 MEETING**

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, June 11, 2019 at 6:00 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 Donald Morash, Jr.

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

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

Also present: Daniel Geagan, Warwick Planning Department  
Amy Cota, Secretary  
Mary Ellen Hall, Stenographer

The Chairman entertained a motion to approve the minutes from the May 14, 2019 hearing. A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that the minutes be accepted.

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.

Petition #10601

Ward 6

95 Spring Grove Ave.

The petition of Cox Electric/Clint Cox, 4879 Tower Hill Rd., S. Kingstown, RI, and Douglas Marandola, 95 Spring Grove Ave., Warwick, RI, requests a dimensional variance to legalize the location of the accessory structure (Generator), having less than required side yard setback. Assessor's Plat 362, Lot 54, zoned Residential A-10.

Douglas Marandola, Petitioner, 95 Spring Grove Ave., Warwick, RI, was sworn in by the Chairman.

Alfred DeCorte, Building/Zoning Official for the City of Warwick was present and sworn in by the Chairman.

Mr. DeCorte asked the Board for a two month continuance. He stated he met with the petitioner and contractor, Cox Electric at the subject property and the contractor will be moving the generator to the rear of the house.

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

Petition #10600

Ward 8

92 Bleachery Ct.

The petition of DVBK Realty, 3838 W. Pine Ridge Blvd., Beverly Hills, FL, requests a special use permit to occupy existing non-conforming commercial structure to provide a day program to people with disabilities (Avatar Residential). Also seeking a dimensional variance for the existing condition of less than required rear yard & side yard setbacks to the existing structure, less than required 10' landscape buffer along frontage, less than required setback of parking spaces from the front & side yard property lines, less than required setback of parking spaces from the existing structure, less than required loading spaces. Assessor's Plat 274, Lot 241, zoned Residential A-7.

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

Mr. Brennan asked to have Petition #10600 continued until the July 9, 2019 meeting.

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

Petition #10605

Ward 6

Seminole Street

The petition of Warwick Cove Marina, 22 Seminole St., Warwick, RI, and John Williams, 25 Mohawk Ave., Warwick, RI, requests a use variance to occupy vacant lots for parking and storage of boats and marine related materials. Assessor's Plat 376, Lots 258 & 259, & 260, zoned Residential A-10.

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

Mr. Brennan asked to have Petition #10605 continued until the July 9, 2019 meeting.

The Chairman asked if there was anyone present in objection or in favor of the Continuance.

Rita Dumont, owner of 72 Logan St., Warwick, RI, with a mailing address of 24 Hayes Rd., Barkhanst, CT, was present. She stated she is not there in opposition of the petition. She stated these lots are an eyesore, has rats and there are non-functioning boats stored on the lots.

Ms. Dumont stated the stipulations placed on the approval in 2003 were never met, and there has been someone living in a trailer on the property, which is not allowed.

Everett O'Donnell made a motion to continue the petition, seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be CONTINUED.

The Chairman called the first petition:

**EXTENSION OF GRANT**

Petition #10339

Ward 9

1 Division St.

The petition of John Butler for Butler Partners, LLC, d/b/a Foot of the Hill Tavern, LLC, 314 Holland Rd., East Greenwich, and Patricia M. Norton, 242 Varnum Dr., Warwick, RI, requests a dimensional variance and special use permit to construct an addition to

existing non-conforming restaurant (McKinley's), an addition to existing porch and recon-figuration of ramp. Subject property having less than required off-street parking. Assessors Plat 220, Lot 174 (1 Division Street), zoned Waterfront Business.

*\*\* (Please note that this is a request for an extension only. No additional testimony will be taken.)*

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

Mr. Revens stated the dispute between the landlord and tenant has not been resolved, and they are requesting another one year extension.

The Chairman asked if there was anyone present in favor or in objection of the extension. There being none Everett O'Donnell made a motion to grant the one year extension, seconded by Paul DePetrillo, and passed unanimously by the Board that the approval be GRANTED A ONE YEAR EXTENSION.

Petition #10438

Ward 9

4635 Post Rd.

The petition of LTP Realty, LLC, 4614 Post Rd., Warwick, RI, request a special use permit to occupy existing building for new and used vehicles sales, with service or outdoor display. Also seeking a dimensional variance, existing building having less than required front, side and rear setback, less than required parking and less than required landscaping. Assessor's Plat 220, Lots 208 & 76 (4635 Post Rd.), zoned General Business (GB).

*\*\* (Please note that this is a request for an extension only. No additional testimony will be taken.)*

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

Mr. Revens asked for a one year extension on this petition approved by the Board on October 13, 2015, (first extension granted on June 12, 2018).

The Chairman asked if there was anyone present in favor or in objection of the extension. There being none Everett, seconded by Paul DePetrillo and passed unanimously by the Board that the approval be GRANTED A ONE YEAR EXTENSION.

Petition #10602

Ward 2

Boccia Court

The petition of Centerville Builders, 946 Centerville Rd., Warwick, RI, and Kathleen Palmiotti, 86 Welfare Ave., Warwick, RI, requests a dimensional variance to construct a new two-story single family dwelling with a deck in the rear on a vacant parcel of land. Subject property having less than required lot area, lot width and frontage. Assessor's Plat 296, Lot 286, zoned Residential A-7.

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

Mr. Revens stated the vacant lot is located near Norwood School and is the lot is approximately 5,409 square feet with (40) forty feet of frontage on Boccia Court. This lot area increased when the city abandoned a portion of the street, but it changed the frontage from 50' to 40'. The proposed dwelling will meet all the required setbacks.

The petitioners are requesting a variance for having less than required lot area, less than required frontage and lot width. Under section 405.4 (a) of the Zoning Ordinance they are allowed to construct a dwelling on this property with approval from the Zoning Board.

Robert DeGregorio, 333 Centerville Rd., Warwick, RI, was present as a real estate expert witness, and sworn in by the Chairman.

Paul DePetrillo made a motion to accept Mr. DeGregorio as an expert real estate witness, seconded by Everett O'Donnell and passed unanimously by the Board that he be accepted.

Mr. DeGregorio stated the subject property is an unimproved lot at the end of a dead end street, overgrown with weeds. He submitted photographs of the subject property, marked as Petitioner's Exhibit 1-4.

Mr. DeGregorio stated the proposed dwelling will meet all of the required setbacks. He stated the dimensional variance is being sought for the unique characteristics of the subject property and not the general characteristics of surrounding area. The frontage was reduced when the road was abandoned, it went from 50' wide to 40' wide. The road abandonment did increase the area of this lot by 600 square feet.

The Chairman asked if there was anyone present in objection of the petition.

Virginia Tiernan, 199 Welfare Ave., Warwick, RI was present in objection of the Petition and sworn in by the Chairman.

Ms. Tiernan stated Boccia Court is not officially supposed to be used for it, but it is very much used as a drop off for Norwood Elementary School students. She stated the construction and traffic on a dead end road should be considered.

Attorney Revens stated there is no public street for access to the school. If there are children being dropped off there, they are trespassing on private property. The current owner can put up a fence to stop people from using this as a drop off area to the school.

The Chairman asked if there was anyone else present in opposition or in favor of this petition. There being none, Everett O'Donnell stated this seems to be an improvement to the neighborhood and made a motion to approve the petition, seconded by Beverly Sturdahl, and passed by a four to one vote that the petition be GRANTED.

(Everett O'Donnell voted to approve, Beverly Sturdahl voted to approve, Paul DePetrillo voted to approve, Salvatore Deluise voted to deny, and Donald Morash voted to approve).

The Chairman, Donald Morash had to leave the meeting at 6:50 p.m. George Shuster became the voting member. Everett O'Donnell, Vice-Chairman called the next petition.

Petition #10603

Ward 5

18 Warren Ave.

The petition of Kevin Groff, 18 Warren Ave., Warwick, RI, requests a dimensional variance to enclose & convert the existing deck to a mudroom, and construct a 12' x 16' storage shed. Subject property being an undersized non-conforming lot and structure. Proposed mudroom having less than required front yard setback from Warren Ave. Pro-posed shed having less than required front yard setback from Millard Ave. Assessor's Plat 358, Lot 424, zoned Residential A-7.

Kevin Groff, Petitioner, 18 Warren Ave., Warwick, RI, was present and sworn in by the Vice-Chairman.

The petitioner stated he would like to enclose the existing deck to convert it to a mudroom, and remove & replace the existing shed with a new 12' x 16' storage shed.

The Vice-Chairman asked the petitioner if he spoke with his neighbors. He stated he did speak with them.

The Vice-Chairman asked if there was anyone present in opposition of the petition

Linda Marro, 37 Millard Ave., Warwick, RI, was present in opposition of the petition and sworn in the Vice-Chairman.

Ms. Marro had concerns about the petitioner's grinder pump being located on her property and about the fence being relocated.

Melissa Groff, Petitioner, 18 Warren Ave., Warwick, RI, was present and sworn in by the Chairman.

Ms. Groff stated their grinder pump is located on her neighbor's property, but she didn't own the subject property when it was installed. Ms. Groff also stated she would not move the fence if Ms. Marro didn't want it moved.

The Vice-chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, George Shuster made a motion to approve as submitted. He stated he understands the concerns with the grinder pump and fence, but he doesn't believe either of them pertain to this application, and the issues shall be worked out between the neighbors. He doesn't believe the fence needs to be moved in connection with the proposals, and does believe it will be consistent with the neighborhood.

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

Petition #10604

Ward 4

Saint Claire Ave.

The petition of Benjamin Viti, 12 Deer Run, Hope, RI, and Frank Dino, 2234 N. Federal Hwy., Suite 470, Boca Raton, FL, requests a dimensional variance to construct a new 26' x 38'-9" single family dwelling with a covered front porch on an unimproved lot. Subject property being an undersized non-conforming lot, Assessor's Plat 334, Lot 125, zoned Residential A-40 (formerly A-7).

Daniel Geagan from the Planning Department read the recommendations into the record. Mr. Geagan stated should the Board approve this petition, that they re-incorporate the previous stipulations.

Benjamin Viti., Petitioner, 12 Deer Run, Hope, RI, was present and sworn in by the Vice-Chairman.

The petitioner agreed with the stipulations presented by the Planning Department.

He stated this application was previously approved by this board in May 2008, and in September 2016. He stated they did not build the house and never asked for an extension so the approvals expired.

The Vice-Chairman asked if there was anyone present in opposition of the petition.

Robert Gervais, 238 Point Ave., Warwick, RI, was present and sworn in by the Vice-Chairman.

Mr. Gervais stated his concern is the lot is in a low lying area, and a house was constructed on Bloor Street, and due to the flood zone, they can't use the first level of the dwelling for living space. He also had concerns that the water level will be worse at his mom's house. Everett O'Donnell stated there will be very little impact to his property, and the petitioner is responsible for maintaining the runoff on his own property.

James Gannon, 18 Higney Ave., Warwick, RI, was present and sworn in by the Vice-Chairman.

Mr. Gannon had concerns with the height of the structure and asked if there would be a garage. Mr. Viti stated it will be (31') thirty-one feet in height due to the flood zone and the garage will be contained within the structure. Mr. Gannon also had concerns with the new structure blocking his view. The petitioner stated their main goal is to comply with building codes.

The Vice-Chairman asked if there was anyone else present in opposition or in favor of the petition. There being none, George Shuster stated the petitioner has agreed to the stipulations, and based on the unique characteristics of the lots in that area, made a motion to approve the petition, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

A motion was made by Paul DePetrillo, seconded by Beverly Sturdahl, and passed unanimously by the Board that the meeting be adjourned at 9:00 p.m.

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

Donald G. Morash, Jr., Chairman