

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE AUGUST 18, 2015 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, August 18, 2015 at 6:00 P.M. at Warwick City Hall, in the Warwick City Council Chambers, 3275 Post Road, Warwick, Rhode Island. Donald Morash, Chairman, called the meeting to order.

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

Donald Morash, Chairman
Richard Corley, Vice Chairman
Everett O'Donnell
Mark McKenney
Beverly Sturdahl

Alternates: Paul Wyrostek

Absent: Julie Finn

Also present: Diana Pearson, Esq., Assistant City Solicitor
Richard Crenca, Warwick Planning Department
Carol Chevalier, Secretary
Mary Ellen Hall, Stenographer

The Chairman stated that the following petition has been continued to a later date. The petition was advertised and noticed. A second notice was sent informing all interested parties that it was being continued.

Petition #10218

Ward 7

Anthony Avenue

The petition of Ann Marie Hennessey & David Rothermel, 15 Anthony Avenue, Warwick, RI, for a request for a dimensional variance to construct a 28' x 40' single-family dwelling on subject property, subject property being an undersized non-conforming lot, westerly side of Anthony Avenue, Warwick, RI, Assessor's Plat 367, Lot 120, zoned Residential A-7.

The Chairman called the first petition.

Petition #10333

Ward 9

86 John Wickes Avenue

The petition of Vivian Eisner, 86 John Wickes Avenue, Warwick, RI, for a request for a dimensional variance to construct a 12' x 21.5' deck with less than required front yard and rear yard setbacks, southerly side of John Wickes Avenue (86), Warwick, RI, Assessor's Plat 221, Lot 39, zoned Residential A-15.

Vivian Eisner, 86 John Wickes Avenue, Warwick, RI, petitioner, was present.

She stated that she spoke with her neighbors. Her house is only 1,000 square feet and is over 100 years old. She wants to construct a small deck close to the ground. There would be no railings only for the stairs. She has a bit of a water view and would like to utilize it.

Mr. Corley stated that the house is closer to the property line than the proposed deck. There is no backyard only a side yard. There is room between properties and it would not be close to any of the abutters. With that statement he made a motion to approve the petition. The motion was seconded by Mr. McKenney and passed unanimously by the Board that the petition be GRANTED.

Petition #10334

Ward 6

85 John Street

The petition of Brenda Swintak, 5 Caldarone Street, Barrington, RI, for a request for a dimensional variance to construct a dormer addition on existing dwelling, dwelling and addition having less than required front yard and corner side yard (side street) setbacks, subject property being an undersized non-conforming lot, northeasterly corner of John Street (85) and Manning Street, Warwick, RI, Assessor's Plat 360, Lot 227, zoned Residential A-7.

This petition was postponed to the September 15th hearing. The owner did not show and there was no member of the immediate family present to represent the petitioner.

Petition #10335

Ward 6

771 & 773 Oakland Beach Avenue

The petition of Dio-Mar Holdings, LLC, 40 Riverfarm Road, Cranston, RI for a request for a dimensional variance to construct a 6' x 16' addition on existing building containing barber shop and residential unit, proposed addition having less front yard and side yard setback, subject property being an undersized non-conforming lot, subject property having less than required off street parking and landscaping, westerly side of Oakland Beach Avenue (771 & 773), Warwick, RI, Assessor's Plat 375, Lot 317, zoned General Business.

Joseph Lequale, petitioner, was present.

He stated that he owns the barbershop and he began constructing a 6' x 16' addition for storage for the barbershop. He did not realize he needed a permit and the addition does not meet the setbacks.

Mr. Corley stated that the addition is a modest addition and the petitioner did not ask prior to and is trying to correct his mistake. With that statement he made a motion to approve the petition. Mr. O'Donnell stated that he feels that the petitioner's testimony is credible and seconded the motion. The motion was passed unanimously by the Board that the petition be GRANTED.

Petition #10332

Ward 8

1020 Bald Hill Road

The petition of KSL Realty Warwick LLC, 1405 Douglas Avenue, North Providence, RI, for a dimensional variance to construct a freestanding ground sign higher and larger than allowed, easterly side of Bald Hill Rd. (1020), Warwick, RI, AP 260, Lot 47, zoned General Business.

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

Richard Poyant, owner of Poyant Signs, was also present.

Mr. Revens stated that his client is seeking a variance to replace the existing freestanding sign with a newer more modern sign. They have five tenants and the new sign would enable them to have a sign for each unit. The existing sign was approved in the past by the Board. They would be using the same posts. The sign would be 31' high and 188.7 square feet in area. The setbacks would be met for the proposed sign.

Mr. Corley made a motion to approve the petition. That the businesses expanded and each one needs their own sign to be successful. The sign fits in with the area. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED.

Petition #10336

Ward 4

18 Airport Road

The petition of David A. Cesario, Revocable Trust 2004, 1361 Stony Lane, North Kingstown, RI, for a request for a dimensional variance to construct additions to the existing building with less than required setbacks from the front property line and less than required setback from abutting residential zone, parking area with less than required setback from abutting residential zone, less than required parking, less than required setbacks for parking along front/corner property line, less than required landscaping, less than required landscape buffer along front property line, less than required landscaping along abutting residential property line, less than required landscaping for parking area along street property line and abutting residential property line, less than required landscaping for interior of parking area, freestanding sign having less than required setback, freestanding sign containing LED text/changeable copy, southeasterly corner of Airport Road (18) and Warwick Avenue, Warwick, RI, Assessor's Plat 320, lots 77, 78 & 79, zoned General Business.

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

Robert Fabiano, 940 Quaker Lane, Dave Supermarket Development, was present.

Richard Crenca, Warwick Planning Department read recommendations into the record.

Mr. Shekarchi presented the following exhibits

Petitioner's Exhibit #1 - Option B

Petitioner's Exhibit #2 - Plan of reduction of LED Board

Petitioner's Exhibit #3 - Floor Plan

Mr. Shekarchi stated that this is a 4 million dollar project. They are seeking relief from pre-existing conditions. They do not want to knock down the building. They are going to bring it more into conformance. He described the plan and concept to the Board. He stated that Dave's has been a good neighbor. The new parking layout should address any flow or congestion issues and should make the parking area safer. It would be a better pattern with better lighting. There are common easements with the abutting properties and businesses. He discussed the signage and the need for the digital read out. It would advertise weekly specials. He stated that his client agrees to all of the stipulations.

Mr. Corley stated that he would like to change a stipulation that if the sign advertises a special and they run out they can replace it with another during the weekly sale. That the sign cannot be used for anything other than what is on the store sale. The new parking configuration would improve the traffic flow and would allow better access. The layout allows for options and is an attractive alternative. With that statement he made a motion to approve the petition. The motion was seconded by Everett O'Donnell 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 9th hearing. A motion was made by Everett O'Donnell, seconded by Mark McKenney and passed unanimously by the Board that the minutes be accepted.

The Chairman entertained a motion to approve the minutes from the July 21st 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 adjourned the hearing at 6:45 P.M.

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

Donald G. Morash, Jr., Chairman