

DONALD G. MORASH, JR.
SCOTT AVEDISIAN
CHAIRMAN
MAYOR



CITY OF WARWICK
ZONING BOARD OF REVIEW
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE MARCH 28, 2017 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, March 28, 2017 at 6:00 P.M. in the Warwick City Council Chambers, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Donald Morash.

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

Donald Morash, Chairman
Everett O'Donnell
Beverly Sturdahl
Fred Sarno
Mark McKenney

Absent: Julie Finn
Paul Wyrostek

Also present: Diana Pearson, Asst. City Solicitor
Richard Crenca, Warwick Planning Department
Amy Cota, Secretary
Mary Ellen Hall, Stenographer

The Chairman declared a quorum.

The Chairman advised the minutes from the November 15, 2016, January 10, 2017 & February 14, 2017 hearings will be reviewed and approved at the next meeting.

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.

The Chairman advised that Petition #10425 of Colbea Enterprises, LLC, 708 Greenwich Ave., Warwick, RI, was being continued to the April 11, 2017 meeting. Everett O'Donnell moved 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.

Petition #10440

Ward 8

650 Bald Hill Rd.

The petition of ImageOne Industries, 677 Dunksferry Rd., Bensalem, PA 19020, & AMCB Rhode Island Mall, 411 Theodore Fremd Ave. #300, Rye, NY 10580, request a dimensional variance to have (2) wall signs, proposed signs being larger than allowed in area, totaling 610 sq. ft. Assessor's Plat 264, Lot 6 – Unit 3, zoned General Business (GB).

K. Joseph Shekarchi, Esq. & John C. Revens, Jr., Esq. were present and representing the petitioners.

Mr. Revens stated due to the March 14, 2017 Zoning Board meeting being continued due to a snowstorm, his office sent out new notices, which were submitted into the record as Exhibit #1.

Mr. Revens stated the subject property is undergoing a massive renovation. Dick's Sporting Goods is proposing to relocate to this location and is proposing to add two (2) new wall signs. Sign "A" will be added to the front wall of the building and has a proposed area of 272 square feet, sign "B" will be added to the rear of the existing building, and has a proposed area of 338 square feet. The proposed signs will be a total of 610 square feet (480.5 sq. ft. allowed). The applicant is seeking relief for 129.5 square feet.

The reason the relief is needed is that the building is set back a substantial distance from the road and this signage will help customers identify the location of the store.

Tom Gianni, 677 Dunksferry Rd., Bensalem, PA, a representative from ImageOne Industries was sworn in by the Chairman.

The Chairman asked Mr. Gianni if the sign will be back-lit or what the lighting will be on the sign. Mr. Gianni stated the background of the sign is non-illuminated, the letters themselves were LED internally illuminated letters.

Richard Crenca asked Mr. Gianni if they were LED message board type signs. Mr. Gianni answered no they are not.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Everett O'Donnell made a motion to approve the petition, he stated Route 2 is one of the busiest streets in the City, and he doesn't see any problem with the

signs, seconded by Fred Sarno and passed unanimously by the Board that the petition be GRANTED.

Petition #10439

Ward 3

815 Jefferson Blvd.

The petition of Gustafson Ballard & Jones, LLC, 70 Industrial Rd., P.O. Box 7282, Cumberland, RI & Proclamation Ales, LLC, 141 Fairgrounds Rd., West Kingston, RI, request a special use permit & a dimensional variance to occupy a portion of the existing building to manufacture beer and malt beverages, with a restaurant & retail sales of branded merchandise. Subject property having less than required parking, less than required landscaping, and more than one non-residential use on a lot. Assessor's Plat 278, Lot 143, zoned General Industrial (GI).

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

Mr. Revens stated due to the March 14, 2017 Zoning Board meeting being continued due to a snowstorm, his office sent out new notices, which were submitted into the record as Exhibit #1.

Mr. Revens stated there is an existing warehouse on the subject property operated by Dean Warehouse.

The existing warehouse on the property is approximately 596,554 square feet.

The proposal is for Dean Warehouse to lease approximately 15,000 square feet of space to Proclamation Ale for manufacturing beer and malt beverages, which will be sold for consumption on and off the premises. Branded merchandise will also be sold on the premises.

The petitioner is proposing to construct two (2) interior walls to separate his 15,000 square foot portion of the building from the remaining 581,000 square feet. A double glass door will be constructed on the West wall, which will service the main entrance.

The proposed first floor of the interior of the premises being occupied by Proclamation Ale will have a production area, a tasting room, sour room, storage room, restrooms and a retail area.

The proposed mezzanine will have a conference room, offices and restrooms.

There will be a bar/tasting room on the first floor with approximately sixteen (16) seats, and eight (8) tables with seating for approximately thirty-six (36) potential tasters.

The proposed signage will meet all Zoning requirements.

Proclamation Ale has been operating successfully for a few years in another community in Rhode Island, and they are excited for the opportunity to move to Warwick.

They are seeking a special use permit because they will have more than one non-residential use on this property, becoming mixed use.

Mr. Revens stated because the Zoning Ordinance has not been updated in quite some time, it doesn't have a specific category for Proclamation Ale, which makes beer and allows you to taste on the premises & sell. They only sell what is manufactured on site.

Due to these breweries becoming more successful over the past few years, they are asking for a restaurant with a liquor license, even though it will not be a restaurant or serving food, there was no other category for this to fit into.

The petitioners are also seeking dimensional relief for landscaping and parking. Although no changes will be made to the building. The building has 294 parking spaces (1,227 spaces required) with 80-95% empty every day. Mr. Revens suggested these types of warehouse facilities today are automated, and operate with fewer employees.

Everett O'Donnell asked Mr. Revens if there was any landscaping now. Mr. Revens stated there is landscaping in the front that is maintained by the owner.

Mark McKenney asked how you will access the brewery. Mr. Revens replied the only access will be from Kilvert Street, West of the hotel and restaurant. Mr. McKenney asked if there was a fence between that and the residential zone. Mr. Revens stated there is a fence there, and also a street that runs parallel to Jefferson Boulevard on the West side of the subject property.

The Chairman asked what the hours of operation will be.

Dave Witham, president of Proclamation Ale, was present and sworn in by the Chairman.

Mr. Witham stated the public hours will be 3:30 P.M. to 8:00 P.M. for the tasting, as far as the production hours that will fluctuate.

The Chairman asked if this will be a typical drinking establishment. The petitioner replied that it will not be. Mr. Witham stated they have a manufacturer's license which enables them to sell limited amounts, they can't pour like at a bar. Customers will only be able to consume a total of 32 oz. on premises, which is basically two (2) beers. He states most of their business is customers buying products to consume off-site.

The Chairman asked the petitioner where their business is located and if they have had any issues. The petitioner stated they are currently located in West Kingston for the past three years, and says they have done the best they can to keep everything tight and doing it the right way.

Mark McKenney asked if there will be any other tenants occupying space within the warehouse. Mr. Revens stated the owners of the warehouse weren't looking for tenants. He states there was a lot of enthusiasm between the City of Warwick and Proclamation Ale to bring them to the City of Warwick, and it just came together.

Richard Crenca from the City Planning Department stated while his department has no comments on this petition, and they are in full support of the granting of this application. They feel it will be a good use for the subject property and they don't have an issue with the parking, but asked if the plan was accurate in showing 52 seats. The petitioner stated there will be approximately forty (40) seats.

Mr. Crenca asked the petitioner if a customer can come in and buy beer to consume on-site. The petitioner stated under their license, they are allowed to sell up to 32 oz. per person for on-site consumption. They are allowed to sell up to 288 oz., which is equal to a case of beer, for off-site consumption.

Mr. Crenca asked if the petitioner was proposing to have any televisions. The petitioner answered no, there will not be any TVs.

Fred Sarno asked who polices the customers after 32 oz. Mr. Witham stated they will do that, all of their servers are TIP certified.

Richard Crenca asked if the customers are made aware of the limit. Mr. Witham said they make the customers aware that for both on-site and off-site sales there is a limit.

The petitioners made it clear that this is not a bar. There is no food or snacks. It is not advertised as a bar. It only draws people who are interested in their particular products they make.

The Chairman asked if there was anyone there to speak in favor or in opposition of the petition. A motion was made by Mark McKenney. He stated he is looking forward to Proclamation Ale coming to the City. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

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, zoned General Business (GB).

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

Mr. Revens stated due to the March 14, 2017 Zoning Board meeting being continued due to a snowstorm, his office sent out new notices, which were submitted into the record as Exhibit #1.

Richard Crenca from the Planning Department read his recommendations into the record.

Attorney Revens stated the petitioners are in agreement with the stipulations of the Planning Department.

Mr. Revens states the subject property was a warehouse for many years. International Motors has been in business next door to subject property for approximately 36 years and would like to occupy the front portion of 4635 Post Road for a showroom for their vehicles, and will utilize the rear of the building for storage of vehicles awaiting repairs in the service repair building across the street.

The subject property is roughly 10,280 square feet. The adjoining lot number 76 is used for parking, and has 24 parking spaces. This Board previously approved the parking in 1998. They will be restoring the original windows, which have been covered with brick, the existing office will remain. They will be installing a few partitions to separate the showroom from the storage area. There will be no changes to the building or the parking, and they will add to landscaping to the existing beds.

The petitioners are here asking for a special use permit for new and used vehicle sales with service and outdoor display pursuant to section 505 of the use regulations. They are also seeking dimensional relief for front, side and rear setbacks as well as less than required parking and landscaping.

The Chairman recalled at one time, he believed this property was a garage for the phone company.

Antonio Petrone, Jr., 2 Cassandra Court, Cranston, RI, petitioner, was sworn in by the Chairman.

Mr. Petrone stated the property was Lincoln Littlefield Mercury dealership at one time.

The Chairman asked the petitioner what else they will be doing in the building besides sales. The petitioner stated the sales will still be done at the dealership they are at now. The Chairman asked how many feet of the building will be a showroom. The respondent just enough to have 5 or 6 vehicles, and the rest will be used for storage. There will be no mechanical/repair work done at this building.

The Chairman asked if there was anyone there to speak in opposition of the petition.

Alan Bowser, 15 Hall St., Warwick, RI., was sworn in by the Chairman. He resides in the immediate area of the subject property and stated he is not in opposition or in favor he

would just like to ask if there will be any painting on site. The petitioner stated all service will be done where it is now, across the street. Mr. Bowser stated the petitioners business has been very friendly in the neighborhood and the only other question he had is will there be any other tenants in the building. The petitioner stated absolutely not. The Chairman noted the petitioner testified they will be using the building for a showroom and storage only.

The Chairman asked if there was anyone else there in opposition of the petition.

Ann F. Darcy, 7 Hall St., Warwick, RI, was sworn in by the Chairman. Ms. Darcy stated what concerned her was when the petitioners came in and took the old house down for parking spaces. Mr. Petrone stated that was the previous owner who did that. Ms. Darcy said part of the stipulation was to landscape the area after the demolition which was never done. Ms. Darcy asked if there will be more cars parking on Hall or Arnold Street. Mr. Petrone stated they have plenty of parking spaces.

Mark McKenney asked if there will be any landscaping. The petitioner stated they want to beautify the property.

The Chairman asked if there was anyone else to speak in opposition or in favor of the petition. There being none, Everett O'Donnell said it's good to hear from the neighbors. The showroom definitely needs an update, he moves to approve the petition.

Gary Blier, 1 Hall St., Warwick, RI, was sworn in by the Chairman.

Mr. Blier stated the petitioners have been very good neighbors. His concern is that people will park on Arnold Road and he is concerned because the road is very narrow. Mr. Blier asked what the recourse will be if people do park on the street. Everett O'Donnell suggested contacting their Councilman for no parking signs to be put up.

Mr. Petrone stated in the front of their showroom, there are three parking spaces for people to park, and they also have an additional 24 spaces in their parking lot with signage. He doesn't see it being an issue and told Mr. Blier if there is an issue to come and see him.

After further discussion in regards to the parking, Everett O'Donnell made a motion to approved the petition, seconded by Fred Sarno and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10433

Ward 9

55 Sawyer Ave.

The petition of Brenda Marquis, 55 Sawyer Ave., Warwick, RI, request a dimensional variance to construct a 22' x 26' addition to expand kitchen, living area, add a bedroom and bathroom. Proposed addition having less than required side yard setbacks. Assessor's Plat 201, Lot 10, zoned Residential A-10.

Jeffrey Caffrey, Esq, was present and representing the petitioner.

Brenda Marquis, petitioner, 55 Sawyer Ave., Warwick, RI, was present and sworn in by the Chairman.

The petitioner is proposing to construct a 22' x 26' addition and is seeking relief for three feet from both side property lines. Proposed setback is 12' and the required setback is 15'.

Ms. Marquis states her father recently passed away and is proposing the addition to take her mother in to care for her. She states it makes sense to have a bedroom and a bathroom on the first floor for her mother. She will make the bathroom handicap accessible for her mother. The Chairman told the petitioner he commends her for taking care of her mother.

Fred Sarno asked if the subject has a septic system. The petitioner stated she does have a septic but is approved for two bedrooms & the dwelling will remain two bedrooms.

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

Petition #10434

Ward 6

349 Promenade Ave.

The petition of Michael & Patricia Carroll, 349 Promenade Ave., Warwick, RI, request a dimensional variance to construct a 34' x 24' detached garage. Proposed garage having less than required front/corner street setback, and less than required rear/street setback. Assessor's Plat 373, Lot 95, zoned Residential A-15.

Richard Crenca from the Planning Department read his recommendations into the record.

Michael Carroll, petitioner, 349 Promenade Ave., Warwick, RI, was sworn in by the Chairman.

The Chairman asked the petitioner if he has spoken with his neighbors. Mr. Carroll stated he did meet with his neighbors who weren't out of state. He says he sat down with

neighbors Mr. & Mrs. Giarrusso to get their comments or concerns. The only concern was the dogwood tree's which the petitioners agreed to remove four dogwood trees.

Fred Sarno suggested the petitioners may need CRMC approval. Mr. Sarno also suggested using smart vents in the garage if they are in a flood zone.

Mr. Carroll stated the garage is designed to be used as storage only, no living space.

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

Petition #10435

Ward 9

89 Ginger St.

The petition of Peter & Holly Izzi, 89 Ginger St., Warwick, RI, request a dimensional variance to remove existing detached garage and construct a new 40' x 36' two story detached garage. Proposed garage being higher than allowed. Assessor's Plat 237, Lot 361, zoned Residential A-10.

Richard Crenca from the Planning Department read his recommendations into the record.

Peter Izzi, petitioner, 89 Ginger St., Warwick, RI, was present and sworn in by the Chairman.

The Chairman asked the petitioner if he had any issues with the stipulations. The petitioner stated the only question he had was if he can have an outdoor spigot. After much discussion about the spigot, it was suggested that the petitioner show the proposed outdoor spigot on the plans that will be submitted for a permit to the Building/Zoning Official to make a decision whether the petitioner can have it.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Fred Sarno made a motion to revise stipulation #2 to remove there shall be no water service.

Mark McKenney made a motion to accept the stipulations as set forth but to alter stipulation # 2 to no bathroom shall be allowed in the structure, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10436

Ward 3

200 Jefferson Blvd.

The petition of JB, LLC, 200 Jefferson Blvd., Warwick, RI, and Baxter's Jewelers, 200 Jefferson Blvd., Warwick, RI, request a dimensional variance to replace existing sign with a new LED message board sign. Proposed sign having less than required front yard set-back. Assessor's Plat 282, Lots 75, 182, 196, zoned General Industrial (GI).

Richard Crenca from the Planning Department read his recommendations into the record.

Daniel K. Flaherty, Esq. was present and representing the petitioner.

Attorney Flaherty stated the petitioners are requesting dimensional relief because they found out when they filed the petition they didn't own the land, it was leased land owned by the State of Rhode Island, and it took about a year and a half to purchase that property. The sign will be 10 feet from the street but not from the front property line. There will be no change in the location of the sign. They are looking to replace the stationary board with an LED message board sign. They are using the existing framework, the only change will be one panel.

Jeff Carter, representative from Dion Signs, 1075 High St., Central Falls, RI, was present and sworn in by the Chairman.

Mr. Flaherty asked Mr. Carter how long he has been working for Dion Signs and how long he has been involved in the LED signs. Mr. Carter stated he has worked for Dion Signs for 12 years and he has been involved in the LED signs for the past 16 years.

After a lengthy discussion regarding the stipulations set forth by the Planning Department, it was agreed that the stipulations be amended.

The Chairman stated he feels the Board needs to get into the 21st Century to promote business in the City of Warwick.

The Chairman asked if there was anyone there in opposition or in favor of the petition, there being none Everett O'Donnell made a motion to amend the stipulations and approve the petition, seconded by Fred Sarno and passed unanimously by the Board that the petition be GRANTED WITH THE AMENDED STIPULATIONS.

Petition #10437

Ward 3

997 Sandy Lane

The petition of Sandy Properties, LLC, 997 Sandy Lane, Warwick, RI, request a special use permit to convert existing commercial building to mixed use, to include an existing embroidery shop and a new Chinese Restaurant with takeout. Also seeking a dimensional variance, proposed restaurant/take-out having less than required parking. Assessor's Plat 349, Lot 85, zoned General Business (GB).

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

Mr. Brennan stated he had Joe Chen present as well as Eric Wishart, the Engineer on the project.

The subject property at 997 Sandy Lane is just shy of 18,000 square feet. There is currently an embroidery shop that occupies approximately 2,684 square feet of the building. The proposed Chinese restaurant will occupy the remaining 1,134 square feet.

The petitioners are seeking a special use permit for the mixed use. Also seeking a dimensional variance for less than required parking (short 1 space).

Mr. Brennan stated the request for a special use permit and a dimensional variance will not alter the general characteristics of the surrounding area, the Zoning Ordinance or the City Comprehensive Plan. He also stated if the Board has any questions, he has Joe Chen and Mr. Wishart available for any questions.

The Chairman stated he doesn't have any questions.

Fred Sarno asked the petitioner how many seats they will have in the restaurant. Mr. Brennan replied six.

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

Francis Kowalik Jr., 65 Clearview Dr., Richmond, RI, owner of Sandy Lane Sports was present and sworn in by the Chairman.

Mr. Kowalik stated he is not there in opposition of the petition, he is concerned with where the dumpster will be placed. The petitioner stated he can put the dumpster on the side of Clorane Street. Mr. Kowalik also stated he will likely install a fence between the two properties.

The Chairman asked if there was anyone else there in opposition.

Michael T. White, 18 Whitford St., Warwick, RI, was present and sworn in by the Chairman.

Mr. White asked the petitioner if there will be a bar with liquor in the restaurant. The petitioner stated there will be no liquor. Mr. White said he also was questioning where the dumpster will go, because when Butcher Block occupied the property, they had a rat problem.

Fred Sarno stated the Ordinance is clear that the dumpster will need screening and the Engineer of record should show the location of the dumpster on the plans.

Frank Kowalik, Jr. asked the Board if Elite Embroidery were to move or close, could the restaurant expand into that space. Mr. Sarno responded the petitioners would have to get approval from the Board to expand.

The Chairman asked if there was anyone else there to speak in opposition or in favor of the petition. There being none, Fred Sarno made a motion to approve the petition with the stipulation the petitioner will have the location of the dumpster clearly noted on the plans, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10441

Ward 3

399 Kilvert St.

The petition of Geib Refining, Corp., 399 Kilvert St., Warwick, RI , and 399 Kilvert Street, LLC, 399 Kilvert St., Warwick, RI, request a dimensional variance to construct a 36' x 25'-4" addition to existing commercial building. Subject property having less than required off street parking, less than required setbacks for parking area, parking area having less than required landscaping, subject property having less than required landscape buffer, and less than required frontage & lot width. Assessor's Plat 278, Lot 2, zoned General Industrial (GI).

Steven B. Kenyon, Esq. was present and representing the petitioner.

Mr. Kenyon stated two generations of the Geib family have operated a metal distributor wholesale business on the subject property for a number of years. The petitioners came before the Board in 2012 requesting an expansion to the building. Since that time OSHA came along and has suggested the company implement a solution to mitigate the airborne particulates in the plant. What they are proposing as a solution is to construct a small addition for safety and health purposes. The addition will house the milling process center which creates the particulates.

The proposed addition will be a single story approximately 900 square feet and will be located at the rear of the existing building. The addition will meet the setbacks.

They petitioners are seeking a dimensional variance as the Light Industrial zoning district requires 60 feet of frontage, the existing lot has 59.3 feet of frontage. They are also seeking relief from the landscape requirements. The Zoning Ordinance requires a 10 foot landscape border along the entire frontage. Finally they are also requesting relief from the parking requirements. They currently have twenty employees, routinely six (6) of these employees work off-site. This addition will not add new employees. They have twenty-six (26) parking spaces, which they feel is more than adequate for their use. The Zoning Ordinance requires sixty-one (61) parking spaces based upon the square footage of the building. The reason for the variance is they do not wish to increase the pervious surface on the property for additional parking, which will not be used.

The Chairman stated the petition was pretty straight forward and reasonable. He asked if there was anyone there in opposition or in favor of the petition. There being none, Mark McKenney stated it was a minimal request and moved to approve, seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED.

A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that the meeting be adjourned. The meeting was adjourned at 8:20 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE IS-LAND

Donald G. Morash, Jr., Chairman