

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE APRIL 14, 2015 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, April 14, 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
Beverly Sturdahl
Mark McKenney

Alternates: Julie Finn
Paul Wyrostek

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

The Chairman declared a quorum. The roll was called. He then asked if there were any petitions to be WITHDRAWN or CONTINUED.

Petition #10201

Ward 6

3 Wade Avenue

The petition of Mark Abrantes, 95 Lonsdale Street, West Warwick, RI, for a request for a dimensional variance to construct a 5' x 38' porch on dwelling (previously approved on June 10, 2014 to be constructed), porch having less than required front yard and corner side yard setback, southwesterly corner of Wade Avenue (3) and Suburban Parkway, Warwick, RI, Assessor's Plat 376, Lot 416, zoned Residential A-7.

Mark Abrantes, petitioner, was present.

He stated that he was approved by the Board to tear down his house and rebuild. He is now requesting approval to construct a front porch on the dwelling.

Mr. Corley stated that there were no objectors present. The porch adds character to the dwelling and the neighborhood. It will help increase the property values of the surrounding properties and it is not encroaching significantly on the abutters. 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.

Petition #10202

Ward 9

43 Baycliff Drive

The petition of Megan Johnson, 43 Baycliff Drive, Warwick, RI, for a request for a dimensional variance to construct a 16' x 17' shed with less than required side yard and rear yard setbacks, westerly side of Baycliff Drive (43), Warwick, RI, Assessor's Plat 203, Lots 80 & 81, zoned Residential A-10.

Megan Johnson, 43 Baycliff Drive, petitioner, was present.

She stated that she is requesting approval to replace an existing shed. She stated that there is on in the back left corner and the new one would be going in the same location. There would be no bathroom and no wood stove. The picture presented was an image only and the new shed would not be that exact shed.

Mr. Corley stated that the shed placement is due to cesspool location. The shed will be built on the same footprint as the old shed. The new shed would improve the property and the neighborhood. 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 this petition be GRANTED.

Petition #10205

Ward 6

490 Oakland Beach Avenue

The petition of Zarrella & Associates, 2 Olsons Way, East Greenwich, RI, for a request for a dimensional variance to demolish existing dwelling and construct a new 24' x 26' dwelling with an attached 10' x 10' deck & a 12' x 22' attached garage (future), subject property being an undersized lot (6,600 square feet), northeasterly corner of Oakland Beach Avenue (490) and Orms Street, Warwick, RI, Assessor's Plat 360, Lots 418 & 419, zoned Residential A-7.

K. Joseph Shekarchi, Esq., representing the petitioner was present.
Gerry Zarrella, Jr., petitioner, was present.

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

The attorney stated that they met with the Planning Department and agree with all of the stipulations requested. The last two recommendations were to accommodate the neighbors.

The petitioner changes the lot line and the lots are more in conformance with the zoning district.

The Chairman stated that the properties are an eyesore.

The attorney stated that the other lot does not require Zoning Board approval.

Lauren Porter, 495 Oakland Beach Avenue, was present in objection.

She stated that the lots are small and the area is very congested. Parking has been a problem on Pinehurst. She took it as an opportunity to oppose.

Mr. Corley made a motion to grant the petition. The petitioner is taking three lots and making them two lots. The brand new house on the lot would add to the general appearance of the neighborhood and increase the value. The petitioner agreed to all of the stipulations presented. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED with the stipulations presented.

Petition #10207

Ward 7

28 Gilbane Street

The petition of Frenchtown Five, LLC, 1265 Frenchtown, Rd., East Greenwich, RI, and the Chocolate Delicacy, 28 Gilbane Street, Warwick, RI, for a request for a use variance and dimensional variance to construct a freestanding ground sign on subject property, sign being higher than allowed with an electronic/digital message board, easterly side of Gilbane Street (28), Warwick, RI, Assessor's Plat 244, Lot 273, zoned Light Industrial.

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

K. Joseph Shekarchi, Esq., representing the petitioner was present.
David Schaller, 1265 Frenchtown Road, petitioner, was also present.

The attorney stated that the sign is smaller than allowed. It is not inconsistent. It will be the same type as Tire Pro's on Post Road. The sign is will not be flashing it will change once or twice a day. The attorney described the need for the sign and the issues facing the petitioner based on the surrounding area layout.

The petitioner explained to the Board the need for the sign and what message the sign will convey.

There was lengthy discussion with the Board. The petitioner agreed to certain stipulations.

The attorney stated that the City does not have any regulations regarding LED signs.

Mr. Corley made a motion to approve the petition and presented stipulations. He stated that the business is only open 10:00 A.M. until 9:00 P.M. The image on the sign shall be static and can

only change three times per day. That the LED way of lighting static is not any different that static with lighting behind it. The petitioner's business is a new business to Warwick. It creates jobs, revenue and tax dollars. The petitioner will be paying taxes on the sign. The sign is not a safety issue. The property is not in a historic district. It is no different than other signs in the City and three changes per day is sufficient. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10190

Ward 2

186 Falcon Avenue

The petition of Shirley Abrahamson, 186 Falcon Avenue, Warwick, RI, for a use variance to have a kennel/dog breeding business in residential zone, southerly side of Falcon Avenue (186), Warwick, RI, Assessor's Plat 308, Lot 59, zoned Residential A-7.

Shirley Abrahamson & David Abrahamson, petitioner's, were present.

She stated that since the last time she was before the Board she placed three dogs with new owners. The number of dogs is now at 7. She stated that her neighbor, Ann Marie Lambert, was suppose to be present at the hearing. She sells the puppies twice a year. She stated that it is a hobby and she has a full time job. She has four breeding dogs she placed out the older dogs. The dogs range in age from 3 years to 6 years. She stated that some of the neighbors are not aware of the number of dogs on the property. They stated that they went out and spoke to the neighbors.

The Chairman stated that the neighbors have now been notified twice.

Deborah Grossi, 185 Falcon Avenue, was present in favor.

She stated that she lives across the street and did not realize that the dogs were there until three years after she moved there. She stated they are quiet and she never hears them and the property is kept clean.

Mr. O'Donnell stated that they should not open a can of worms.

Mr. Corley made a motion to approve the petition and limit the number of dogs to seven. Every neighbor appears to be in favor. One neighbor came to the hearing and stated she has lived there for three years and did not realize that the dogs were there. No one was present in opposition. That the approval be limited to the time that the petitioner's own the house.

Mr. McKenney asked the Chairman if there was any obligation that notice be given.

The Chairman stated they must disclose anything adverse.

Mr. McKenney also stated that parking could be an issue and they should protect the people down the road and the neighborhood is tight.

Mr. Corley stated that he would like to make a second motion and withdraw the first motion.

He made a motion to deny and the Board can have a discussion. Mr. O'Donnell stated that down the road other people will have to deal with it and it will set a precedent.

The Chairman stated that they could put a sunset on the adult dogs and any new puppies.

The Chairman asked that the roll be called for the motion to deny.

Mr. Corley voted no to the denial

Mr. O'Donnell voted yes to the denial

Mrs. Sturdahl voted yes to the denial

Mr. McKenney voted yes to the denial

Mr. Morash voted no to the denial.

The petition was DENIED by a three to two vote.

Petition #10204

Ward 8

1209 Centerville Road

The petition of Joseph Catelli/Shoreline Properties, 612 Greenwich Avenue, Warwick, RI, for a request for a special use permit to construct a garage on existing detached dwelling unit, subject property containing ten (10) dwelling units previously approved by the Zoning Board of Review in 2006, northwesterly side of Centerville Road (1209), Warwick, RI, Assessor's Plat 250, Lot 3, zoned Residential A-15.

Joseph Catelli, 612 Greenwich Avenue, Warwick, petitioner, was present.

The property was approved for ten units, nine new units and one existing single-family dwelling. The proposal is to construct a two car garage on the tenth unit. All setbacks will be met.

A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that this petition be GRANTED.

Petition #10206

Ward 5

295 Warwick Neck Avenue

The petition of Rei of Sunshine LLC, 295 Warwick Neck Avenue and Learning Garden Day Care, 295 Warwick Neck Avenue, Warwick, RI, for a request for a dimensional variance to construct a 36' x 61.6' addition to existing legal non-conforming day care center, northwesterly corners of Warwick Neck Avenue (295), Garfield Avenue and Beaver Avenue, Warwick, RI, Assessor's Plat 358, Lots 236 & 237, zoned General Business.

Rebecca Rei, petitioner and owner, was present.

Mark Saccoccio, was present, he was recognized as an expert witness in the field of engineering (Motion was made by Everett O'Donnell seconded by Beverly Sturdahl and passed by the Board

that he be accepted.) Mr. McKenney abstained from voting due to be a new board member and not being familiar with Mr. Saccoccio.

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

Mr. Saccoccio presented his resume and it was marked as Petitioner's Exhibit #1.

Mr. McKenney stated that he acknowledged Mr. Saccoccio's qualifications.

Mr. Saccoccio stated that the proposal is to construct an addition to the existing day care/preschool. Mr. Saccoccio described the plan to the Board.

Mrs. Rei explained to the Board the need for the proposed addition. The petitioner stated that there would be an additional 40 children added.

The petitioner presented two letters to the Board that were marked as Petitioner's Exhibit #2.

Mr. Corley made a motion to approve the petition with the stipulations of the Planning Department. The motion was seconded by Mr. McKenney and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10208

Ward 2

1347 Post Road

The petition of 1347, LLC, 1347 Post Road, Warwick, RI, for a request for a special use permit to occupy existing vacant lot for off site parking for (Gregg's Restaurant – 1359 Post Road), northeasterly corner of Post Road (1359) and Maple Street, Warwick, RI, Assessor's Plat 297, Lot 343, zoned General Business.

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

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

Robert Bacon, owner/petitioner, was also present.

Mr. Brennan stated that the lot is a vacant lot across from the Gregg's restaurant on Post Road and they would like to have additional off street parking for the restaurant on the property. They are seeking a special use permit. All requirements will be met. The petitioner agreed to all of the stipulations presented by Planning.

There was discussion between the Board and the attorney regarding the proposed crosswalk.

Mr. Corley made a motion to approve the petition. He read the reports attached and it covered the questions that he had. Gregg's has been there for a long time. All of the stipulations cover all the questions related to the petition. All stipulations are included. The City and State will

have to approve the crosswalk location and will have to do everything to protect the safety of the customers. There were no objector's and it would add employment. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED with the stipulations presented by Planning.

Petition #10209

Ward 2

1359 Post Road

The petition of Five Twenty Five Company, LLC, 214 B Main Street, East Greenwich, RI, for a request for a dimensional variance to construct a 2,405 square foot addition to existing legal non-conforming restaurant, proposed addition having less than required setback from abutting residential zoned property, subject property having less than required parking, setbacks for parking from property lines and building, subject property having less than required landscaping and landscape buffer, northeasterly corner of Post Road (1359) and Maple Street, Warwick, RI, Assessor's Plat 297, Lots 285, 286, 287, 578 & 556, zoned General Business.

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

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

Robert Bacon, owner/petitioner, was also present.

The attorney stated that the petitioner is proposing to construct an addition to the existing restaurant. The relief requested is from the setback requirements from the abutting residential zone. The restaurant has been there for 40 years. The petitioner agrees with all of the stipulations presented with the exception of #7.

The Board, the Planning representative and the petitioner discussed the plan and the parking configuration.

Mr. Corley made a motion to approve the petition. He stated that the petitioner agreed to the stipulations with the exception of #7 and asked that it be stricken. The business has been a long standing business and has created jobs and tax revenue. The business has remained loyal to Warwick. The motion was seconded by Mr. McKenney and passed unanimously by the Board that the petition be GRANTED with stipulations with the exception of #7.

The Chair entertained a motion to approve the minutes for the February 17, 2014 hearing. A motion was made by Richard Corley, seconded by Paul Wyrostek and passed unanimously by the Board (Beverly Sturdahl voted to accept, Julie Finn voted to accept and Donald Morash voted to accept)

The Chair entertained a motion to accept the minutes from the March 10, 2014 hearing. A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board. (Richard Corley voted to accept, Julie Finn voted to accept and Donald Morash voted to accept)

The Chairman stated that there is a new member and the called for a reorganization of the Board.

Paul Wyrostek made a motion to accept Donald Morash as Chairman, Richard Corley as Vice Chairman and Beverly Sturdahl as Zoning Clerk. The roll was called and all seven (7) members voted to accept.

The Chairman adjourned the hearing at 9:00 P.M.

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

Donald G. Morash, Jr., Chairman