

Middletown Zoning Board Minutes

August 26, 2014

Call to order 7:08 PM.

Administrative: Roll Call / Adoption of Minutes. Present to vote: Chairman Peter Van Steeden, Vice Chairman Tom Silveira, Secretary Stephen MacGillivray, Charles Vaillancourt, Jim Miller, Nicholas Pasyanos, Robert Novick (absent), Olin Gambrell.

Minutes of the July 22, 2014 meeting are moved reviewed. Charles Vailancourt moves for their approval and Tom Silveira seconds the motion. They are approved by a vote of 5-0.

Continuances/Withdrawals:

Petition of: Telly & Elizabeth Amarant- 10 Wedgewood Dr., Middletown RI (owners)- by their attorney Christopher J. Behan, Esq.- for a Special Use Permit from Section 602, 902, 1401 & 1402- to allow the expansion of the present transient lodging use with 7 rooms and restaurant to 16 rooms (Hotel Use) with restaurant. Said real estate located at 147 Aquidneck Ave. and further identified as Lot 54 on Tax Assessor's Plat 115SE. Petitioner has not had development plan review yet. Petitioner requests the hearing be continued until September 23, 2014. Granted.

Petition of: Telly & Elizabeth Amarant- 10 Wedgewood Dr., Middletown, RI (owners)- by their attorney Christopher J. Behan, Esq.- for a Variance from sections 1301, 1304, 1305, 1306, 1307, and 1406- to allow less than the required parking and buffer zones for the proposed hotel expansion. Said real estate located at 147 Aquidneck Ave. and further identified as Lot 54 on Tax Assessor's Plat 115SE. Petitioner has not had development plan review yet. Petitioner requests the hearing be continued until September 23, 2014. Granted.

Petition of: Paul McKillop- 299 Third Beach Rd- Middletown, RI (owner)- for a Special Use Permit from Article 11- to allow an addition to a single family dwelling in zone 1 of the Watershed Protection District. Said real estate located at 299 Third Beach Rd and further identified as Lot 52 on Tax Assessor's Plat 126. Petitioner is awaiting Planning Board approval. The matter was continued to September 23, 2014.

Petition of: Paul McKillop- 299 Third Beach Rd- Middletown, RI (owner)- for a Variance from Sections 603, 701 & 803G- to construct a 10' X 20' one story addition and a deck with a covered porch with a left side yard setback of 14' where 30' is required . Said real estate located at 299 Third Beach Rd and further identified as Lot 52 on Tax Assessor's Plat 126. Petitioner is awaiting Planning Board approval. The matter was continued to September 23, 2014.

Petition of: KJ's Pub LLC- by their attorney Jeremiah C. Lynch 97 John Clarke Road Middletown, RI.- for a Special Use Permit from Section 602- to permit the expansion of the existing restaurant with alcohol service by the construction of an addition to the second floor resulting in an increase in capacity of 16 persons. Said real estate located at 59 Aquidneck Ave. and further identified as Lot 169 on Tax Assessor's Plat 115SE. Robert Silva represents an abutter and he has a conflict. Requesting October calendar. The request is granted and the matter is set down for October 28, 2014.

Petition of: KJ's Pub LLC- by their attorney Jeremiah C. Lynch 97 John Clarke Road Middletown, RI.- for a Special Use Permit from Section 602- to modify the conditions imposed on a Special Use Permit Granted May 7, 2013. Said real estate located at 59 Aquidneck Ave. and further identified as Lot 169 on Tax Assessor's Plat 115SE. Robert Silva represents an abutter and he has a conflict. Requesting October calendar. The request is granted and the matter is set down for October 28, 2014.

Petition of: KJ's Pub LLC- by their attorney Jeremiah C. Lynch 97 John Clarke Road Middletown, RI.- for a Variance from Section 1304- to allow the expansion of the restaurant to accommodate 16 additional persons with less than the required number of parking spaces. Said real estate located at 59 Aquidneck Ave. and further identified as Lot 169 on Tax Assessor's Plat 115SE. Robert Silva

represents an abutter and he has a conflict. Requesting October calendar. The request is granted and the matter is set down for October 28, 2014.

Summary Cases:

Petition of: Jeffrey O'Regan and Patricia Lang- 664 Third Beach Rd- Middletown, RI (owners) - for a Variance from Sections 603 & 701- to construct a 24' x 33' one story pool house/greenhouse with a left side yard setback of 16' where 30' is required . Said real estate located at 664 Third Beach Rd and further identified as Lot 18 on Tax Assessor's Plat 130. No objections. Charles Vaillancourt moves to grant the petition and Jim Miller seconds the motion. The motion is granted 5-0 and the petition is granted.

Petition of: 259 Sunset Holdings, LLC- 405 Park Ave 12th Floor- New York, NY (owner)- by their attorney Christopher J Behan- for a Variance from Sections 603 & 903- Demolish existing single family dwelling and garage and construct a two story single family dwelling with attached garage and cabana with a front yard setback of 20' where 40' is required. Said real estate located at 259 Tuckerman Ave and further identified as Lot 98 on Tax Assessor's Plat 116SE. Because there are objections, the matter is held for full hearing. Christopher Behan presents on behalf of the petitioner. The petitioner is not available to be here because he is not in the country. Petitioner's architect testifies regarding the plans for the property, the

amount of relief sought. She testifies that the home could be built without the relief sought and still have all of the same amenities. Peter Regan cross examines on the behalf of several abutters. Nathan Godfrey, appraiser presents a report. Peter Regan again cross examines.

Several abutters object testifying that the house can be built without the relief sought. They testify that the house is too big and will loom over the remainder of the street if it is allowed to be built within the setback.

Peter Regan representing three abutters argues that there is no hardship sufficient for the grant of a variance and the relief is not the least amount required.

Charles Vaillancourt moves for approval and Jim Miller seconds.

Motion to table Jim Miller moves and Stephen MacGillivray seconds which is granted by a vote of 5-0.

Charles Vaillancourt presents a new motion granting the variance request subject to the requirement that the height will not exceed the height shown on the submitted plans. Jim Miller seconds. 4-1. Motion passed 4-1. Stephen MacGillivray votes to deny the motion.

The meeting adjourned at 9:47 PM.