

North Smithfield Zoning Board of Review
November 24, 2015, 7:00 pm
Kendall Dean School
83 Green Street, Slatersville, RI

The Chair called the meeting to order at 7:00 pm.

1. Roll Call

Present: Chair William Juhr, Steven Scarpelli, Scott Martin, Paul Pasquariello, Mario DiNunzio, Vincent Marcantonio and Robert Najarian. Also present was Town Solicitor, David Igliazzi, Building Official, Chris Chianese, and Zoning Inspector, Carl Johnson. Absent: Asst. Town Solicitor Stephen Archambault.

2. Mr. Juhr made disclosure of no compensation or pension credits are received by the board members.

3. Approval of minutes, November 10, 2015

Mr. Martin made a motion to approve the November 10, 2015 minutes, seconded by Mr. Marcantonio, with all in favor.

4. Vote to approve the written decision for the application of Sol Bright Renewable Energy, LLC as amended requesting a Special Use Permit to install and operate a 1,249 kilowatt DC nameplate solar photovoltaic system on the property of Lyn & Michael Spinella identified as Brookside Equestrian located at 90 Tiffit Rd, North Smithfield, AP 4, Lots 49, 319, 397, Zoning District: RRC from Section 5.7. For the purpose of the Zoning Ordinance, Zoning District RRC shall be synonymous with the previous names REA and REA -120

Mr. DiNunzio made a motion to approve the written decision for Sol Bright Renewable Energy, LLC. Mr. Martin seconded the motion, with all in favor. Roll call vote was as follows: YES: Mr. Juhr, Mr. DiNunzio, Mr. Marcantonio and Mr. Najarian. Motion passed unanimously, with a vote of 4-0.

5. Application for John J. Russo, requesting a Special Use Permit to open an under 50 seating capacity restaurant from Section 5.4.6.1(a), located at 781 Victory Highway, AP 01, Lot 113, Zoning District: BN.

John J. Russo was sworn in.

Mr. Juhr submitted the following Exhibits.

P1) Application for Hearing before Zoning Board of Review, Application No: ZC-15-44, dated 10-26-15, Zone BN, Plat 01, Lot 113, for Special Use Permit.

P2) Application for a Certificate of Zoning Compliance, Application No: ZC-15-44, dated

10-15-15, Zoning District BN, 781 Victory Hwy, Plat 01, Lot 113.

P3) Town of North Smithfield Office of the Building and Zoning Official letterhead, Application No: ZC-15-44, Zoning District: BN, dated 10-26-15, Plat 01, Lot 113 for Special Use Permit.

P4) Abutters List: MainStreetGIS on top left corner, (20) abutters, 3 pages.

P5) Abutters List: (21), includes State of RI, DOT.

P6) GIS Plat/Lot Plan, page 1 of 1, printed on 10/13/2015; last update property information 10/1/2014.

P7) Exemption Report, dated November 23, 2015, from Robert Ericson, Town Planner and Chris Chianese, Building & Zoning Official, the matter was discussed at the Planning Board meeting on November 19, 2015, signed by Mr. Ericson and Mr. Chianese.

P8) Sketch of the proposed parking layout for 781 Victory Hwy, P 001, Lot 113 with 13 spaces, 9 x 19, additional two ADA Handicap spaces for total of 15 parking spaces.

P9) C & W Builders, 5 pages: 1st page cover page, 1460 Spring Lake Road, Harrisville, RI 401-309-1514 at the bottom; 2nd page hand sketched drawing of the front of the building with NAME on the top; 3rd page hand sketched drawing of the back of the building; 4th page elevation drawing of secondary side door to dining area; 5th page drawing of interior of the building 781 Victory Front Building.

P10) Picture of the front of the existing building and front of property.

P11) Satellite view of the property, date 6/6/2015.

P12) Two page document shows uses of various Zoning Districts, page 1 handwritten 2006 for 5.4.6. Restaurants and page 2 handwritten 2015 for 5.4.6. Restaurants, bottom Page 5-11.

Mr. Russo has owned the property for 4 years, he has removed the tanks and the property has been inspected by DEM. There is an 8" water main pipe in the back abutting the property. Robert Passaretta owns Gia Restaurant in Uxbridge, MA and wants to put a breakfast restaurant on the property. Due to the new zoning the building permit was denied. Mr. Russo would like to put a 50 or less breakfast restaurant on the property.

Mr. Russo said there is city water, gas tanks were removed one year ago and approved by DEM, no tanks in the ground, all asphalt on the property no wetlands.

Mr. Juhr went through the 8 criteria for Special Use Permit.

1. Ingress and egress to property and proposed structures thereon with particular reference to fire or catastrophe.

Mr. Russo said they will be working on the existing building; the property is located on Route 102 for ingress and egress.

2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special-use permit on adjoining properties and properties generally in the district.

Mr. Russo stated there are 18 parking spaces to the right side of the property (see P11) and one acre of land on the left side. A mechanic shop is in the back. There will be one way to enter and exit the property. No noise, glare or odor.

Mr. Chianese stated based on the square footage for the proposed renovation there is adequate parking for the Zoning Ordinance which requires 13 spaces.

3. Refuse and service areas, with particular reference to the items in (1) and (2) previous.

Mr. Russo will put a dumpster to the right side of the building near the commercial building with a fence around the dumpster.

4. Utilities, with reference to locations, availability and compatibility.

Mr. Russo will keep the same electricity, water and sewer. Tom McGee worked with Mr. Russo to hook up the sewer from the road. Mr. Russo will give the Town an easement to come through the property so the 8" water line can go from the front of the building to do a loop on Route 102 for a hydrant. The property has a well now.

5. Screening and buffering with reference to type, dimensions and character.

Mr. Russo said there are shrubs on the right side of the property; the back side has trees and brush. Leave as existing.

6. Signs, if any, and proposed exterior lighting with referenced to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

Robert Passaretta was sworn in.

Mr. Passaretta would like a sign fixed to the front of the building and will conform to the Ordinance. Mr. Russo said the business owner in the back would like to use one of the signs. Mr. Chianese said the two free standing sign base can use used –one for the fueling station and the secondary business in the back of the lot. All signage will conform to the existing Ordinance.

7. Required yards and other open space.

Mr. Iglizzi stated Section 9.2(7) side yard, front yard and rear yard need to conform to the use now not the pre-existing use. Mr. Chianese stated 15 ft side setbacks and 25 ft in rear. The

Ordinance is silent on open space requirement. There is no open space requirement. This criteria has been met.

8. General compatibility with adjacent properties and other property in the district.

Mr. Juhr said this is an improvement to the property. Mr. Igliazzi stated this is a less intensive use than the pre-existing use.

Mr. Passaretta said the hours will be 6:00 a.m. – 3:00 p.m., six or seven days a week for breakfast and lunch. Mr. Marcantonio stated there are existing rules in town for hours of operation.

Mr. Russo stated the electrical wiring will be up to code with the renovations and a separate meter to the back of the building with National Grid. A full set of stamped plans will be provided for the permit. Mr. Najarian stated this is a very good use for the area and the project fits all the criteria and could be very successful. Mr. Passaretta said the property will look fantastic when done.

Mike Desrochers was sworn in.

Mr. Desrochers, 19 Carpenter St., said his property is at the back end and abuts the left side of the property. His concerns are the hours of operation. Mr. Passaretta stated the hours would be 6:00 a.m. to 3:00 p.m. or 5:00 p.m. Mr. Juhr stated the owner would need to go to the Town Council to get extended hours. Mr. Desrochers was concerned with the buffer zone and lighting. Both Mr. Desrochers and Mr. Russo agreed to leave the trees on the left side of the property toward the rear as a buffer. Mr. Russo said there will be no additional lighting in the back. There has been a lot of theft in the area and Mr. Russo would like to put security lighting. They will work with Mr. Desrochers so it doesn't cause any problems with lighting.

Mr. Igliazzi stated the owner would have to go before the Town Council for a food sales license to operate the restaurant and that's when the hours of operation will be set.

Eric McLaughlin was sworn in.

Mr. McLaughlin, 5 McCann St., said his property sits on Victory Hwy and his bedroom faces the property. Mr. Russo has been a good neighbor. The only concern is lighting. Mr. Russo asked if he was happy with the 2 flood lights that go on and off – Mr. McLaughlin didn't want lights like Johnny Rockets. Mr. Russo suggested Mr. McLaughlin go over and speak with him about his concerns with the lighting.

Wendy Todd-Fies was sworn in.

Ms. Fies, 786 Victory Hwy., said she lives across from the property near Lester Street and her concerns are the traffic increase with cars turning around in her driveway now and swearing at them. Mr. Juhr stated the Zoning Board cannot change the traffic pattern. Mr. Chianese said when there is significant signage it might reduce the turnaround in their driveway. Mr. Najarian

suggested they contact the police formally. Mr. Jühr suggested they notify the police, Town Administrator and Building Official of her concerns.

Thomas McGee was sworn in.

Mr. McGee said this is a good project and is helping Mr. Russo. He is a great neighbor, a gentleman and will do what he says. The waterline is a good idea for the property and Town.

Mr. Najarian asked if they could operate with the well even if the waterline doesn't go through. Mr. Russo said they need at least 3 months to renovate the building. He said Russ is trying to get funding for the waterline. Mr. McGee said he talked Mr. Russo into the water. Having a restaurant himself it becomes a nightmare constantly testing the public well. Mr. Russo can do it with the well but Mr. McGee recommends the Town water. Mr. Russo does not want the waterline to slow the project down if any problems that they hit ledge or anything else. Mr. Russo has to dig the line and the Town will run the pipe.

The public hearing was closed for testimony at 7:55 p.m.

Mr. Pasquariello said it is a great improvement with a vacant building and this project will have less impact for the zoning. Mr. Marcantonio and Mr. Martin said it is a good project. Mr. Najarian said it is a win-win. The Town gets a hydrant and the old property gets spruced up.

A motion by Mr. DiNunzio to approve the application for John J. Russo, requesting a Special Use Permit to open an under 50 seating capacity restaurant with the condition that the buffering of the trees on the left side be maintained. Mr. Pasquariello seconded the motion, with all in favor. Roll call vote was as follows: YES: Mr. Jühr, Mr. Scarpelli, Mr. Martin, Mr. Pasquariello, and Mr. DiNunzio Motion passed unanimously, with a vote of 5-0.

6. Adjourn

Mr. Martin made a motion to adjourn the meeting at 7:56 p.m. Mr. Scarpelli seconded the motion, with all in favor.

Submitted by Diane Agostini