

**City of Warwick Planning Board  
Meeting Minutes  
Wednesday, May 12, 2010**

**Members Present:** John J. Mulhearn Jr., Chairman  
Philip Slocum  
James Desmarais  
Cynthia Gerlach  
Philip Slocum  
Vincent Gambardella  
Leah Prata  
Rick Robinson

**Members Absent:** Thomas Kiernan  
Michael Constantine

**Also in attendance:** Patricia Reynolds, Business Development Planner  
Peter Ruggiero, Solicitor

Chairman Mulhearn called the meeting to order at 6:05 P.M.

**Public Meeting**

**Minor Subdivision**

**Corcoran Plat**

Applicant: SKJR Properties  
Location: 65 Silver Lake Avenue  
Assessor's Plat: 300  
Lot(s): 226 & 227  
Zoning District: Residential, A-7  
Land Area: 34,250 square feet  
Existing No. of lots: Two (2)  
Proposed No. of lots: Two (2)  
Engineer: Alpha Associates  
Ward: 2

Attorney Fred Costello represented the applicant, SKJR Properties, to request preliminary approval of a Minor Subdivision to subdivide two lots, one conforming lot having two existing dwellings with less than the required front and rear yard setbacks and one nonconforming lot with less than the required frontage and lot width. The proposal is to create two new conforming lots; one 23,875 square foot lot with two existing dwellings having less than the required

front and rear yard setbacks, and one new 10,663 square foot lot for development in a Residential, A-7 zoning district. Mr. Steve Kent, Jr of SKJR Properties, 875 Division Road, East Greenwich was also present.

Attorney Costello explained that the property was in litigation and that the parties have recently settled and this subdivision is part of the terms of the settlement. He also explained that there would be no further non-conforming conditions that will be created by this subdivision, the existing dwellings are legal, pre-existing non-conforming structures.

Attorney Costello explained that he has reviewed the Planning Department recommendations and has a concern with Stipulation #2, that the existing dwellings and the proposed new dwelling shall be connected to the Warwick sewer system. He had no concerns or issues with the other two stipulations. He testified that 71 Silver Lake is currently connected to sewers but 65 Silver Lake is not connected. Since the terms of the settlement have already been reached, it will be an issue as to which party should pay for the sewer connection. Mr Costello stated that the existing dwelling at 65 Silver Lake has no bearing on what the developer, Mr Kent, is proposing to do on the adjacent lot and that the developer has no issues with connecting the new dwelling to the sewer system.

Chairman Mulhearn explained that it is the objective of the City to have all eligible properties tied into the sewer system.

Being no public comment or questions the Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance, the existing structures being legal, pre-existing nonconforming structures.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate and permanent access to a public street.

Planning Department recommendation was to grant Preliminary approval, with Final approval to be through the Administrative Officer, with the following stipulations:

- 1) That the final plan shall include the wetland setback from the adjacent stream.
- 2) That the existing dwellings and the proposed new dwelling shall be connected to the Warwick sewer system.
- 3) That the Warwick Sewer Authority shall approve all sewer connections prior to the issuance of a building permit.

On the motion of Mr. Slocum, seconded by Mr. Desmarais, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant Preliminary approval, with Final approval to be through the Administrative Officer, with the Planning Department's recommended stipulations.

The meeting was adjourned at 6:14pm.