

**ZONING BOARD OF REVIEW**  
**Minutes**  
**May 7, 2014**  
Coventry Town Hall  
1670 Flat River Road  
Work Session & Regular Meeting  
**7:00 p.m.**

Meeting started at 7:00 p.m.

**Members in Attendance:** Robert Crowe, Virginia Soucy, Russell Lacaillade, John D'Onofrio, Denise DeGraide, Jeanne Kostyla and John Studley.

Mr. Crowe: Let the record reflect we have a full Board. The fire exits are to your rear, the exits to my rear take you into the building. We have a Work Session in the beginning, to go over the Old Business from last month then vote on those applications then we go right to New Business. Has everybody had a chance to review the Minutes from April 2, 2014?

Mr. Lacaillade: Mr. Chairman, I make a motion we accept the minutes as presented.

Ms. Soucy: Second.

Mr. Crowe: Motion made and seconded, all those in favor say Aye?

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

<b>Applicant:</b>	<b>Andrea Imondi</b>
<b>Owner:</b>	<b>Same</b>
<b>Location of Property:</b>	<b>AP 328 Lot 8; 1080 Maple Valley Road</b>
<b>Zone:</b>	<b>RR-3</b>
<b>Existing Use:</b>	<b>Single Family Residence</b>
<b>Proposed Use:</b>	<b>Single Family Residence with Kennel License</b>

Applicant is seeking a Special Use Permit to obtain a Kennel License to keep five (5) dogs where only three (3) are allowed

Mr. Peabody: When the woman appeared before the Board she no longer had five dogs. It was only that her ex-husband had been staying with her with his two dogs bringing it up to 5. He moved back to North Carolina and the Board had stayed the Decision for 6 months. It has been six months and we contacted Mrs. Imondi and she said he has not moved back with his dogs and there is no indication that he will be. I explained to her it's my recommendation that the Board deny her request because of no need for it.

Mr. Lacaillade: She came before us for the horses.

Mr. Peabody: She no longer has the horses.



Mr. Brunero: John Brunero, Jr. I am an attorney with law offices at 1070 Main Street, Coventry. I have with me this evening Robert Crowe who is the principal of BC Properties. I am going to ask Mr. Crowe to come up and can you swear us in.

**SWORN IN**

**JOHN BRUNERO, JR.  
1070 MAIN STREET  
COVENTRY, RI 02816**

**SWORN IN**

**ROBERT CROWE  
64 RAYMOND'S POINT  
COVENTRY, RI 02816**

Mr. Brunero: You are the sole member of BC Properties, LLC?

Mr. Crowe: Correct.

Mr. Brunero: In April 2006 you purchased that property on Main Street which is before the Board and described as Plat 45 Lot 51.

Mr. Crowe: Correct.

Mr. Brunero: To the best of your knowledge that property is zoned General Business?

Mr. Crowe: Yes.

Mr. Brunero: Who did you purchase it from?

Mr. Crowe: Mr. Iannotti, Edward Iannotti.

Mr. Brunero: Mr. Iannotti is known to this Board as being a former member is that the same Edward Iannotti?

Mr. Crowe: Yes.

Mr. Brunero: The use of the premises when you bought it was what?

Mr. Crowe: It was restaurant, bar for I don't know how many years as well as apartments.

Mr. Brunero: When you bought it did or a member of your family operate the restaurant/bar?

Mr. Crowe: Yes, my son operated it as the Crowe Bar.

Mr. Brunero: How long did he operate the Crowe Bar?

Mr. Crowe: He operated that till about two years ago.

Mr. Brunero: During that time from roughly 2006 to 2012 the garbage facility location of the restaurant was where?

Mr. Crowe: We had it located up on the gas station down the street, then we moved it up here. Before that it was right in front of the building from Mr. Iannotti.

Mr. Brunero: Did you utilize it from the back of the building to the front of the building by rolling it out?

Mr. Crowe: We did for a little bit but it didn't work out.

Mr. Brunero: 2012 your son sold the business to a new owner?

Mr. Crowe: Correct.

Mr. Brunero: Who is that?

Mr. Crowe: Dave Thomas.

Mr. Brunero: Mr. Thomas ran the business from then until now?

Mr. Crowe: Correct.

Mr. Brunero: During that time did a confrontation take place with your neighbor?

Mr. Crowe: Unfortunately yes, between my tenant, Dave Thomas or one of his workers spoke improperly to our neighbor's daughter. I have apologized.

Mr. Brunero: That is when the fence went up?

Mr. Crowe: Yes.

Mr. Brunero: That issue between you and the neighbor on the location of the fence is pending in Superior Court right now?

Mr. Crowe: Correct.

Mr. Brunero: The location of the dumpster is in the front covered by lattice?

Mr. Crowe: Correct.

Mr. Brunero: Is that the only location that the dumpster could be reasonably placed?

Mr. Crowe: That is the only location.

Mr. Brunero: You're facing the building and there is literally less than 6 inches between your building and the fence?

Mr. Crowe: Correct.

Mr. Brunero: And when you face the right of the building between your building and the barbershop is it fair to say that is about 12 inches of space?

Mr. Crowe: 12 inches of space.

Mr. Brunero: So there is no way you can walk between it?

Mr. Crowe: No.

Mr. Brunero: What you're seeking from the Board is a dimensional variance to locate the dumpster in front of the building versus what is required in the Ordinance which in the rear because you cannot physically get the trash from the rear of the building out to the receptacle being picked up?

Mr. Crowe: Correct.

Mr. Brunero: This is not town pick up this is private because it's a business?

Mr. Crowe: Correct.

Mr. Brunero: Your request for a variance is due to the unique characteristics of the subject land in that there are no sidelines to the left or right for access?

Mr. Crowe: Correct.

Mr. Brunero: Basically this is not any result of any action other than your tenant being rude to the neighbor?

Mr. Crowe: Correct.

Mr. Brunero: You are not going to alter the business or the character of the neighborhood, the business needs to go on correct?

Mr. Crowe: Correct.

Mr. Brunero: Is there any other use you can use this for other than some kind of facility as a bar or restaurant?

Mr. Crowe: No, it's been that since the 1700's.

Mr. Brunero: Basically if this dimensional variance was denied would you be able to run a bar? There is no way to get the trash from the back to the front other than leave it out there in bags? You would physically have to walk the trash through the building, through the patron's area and kitchen area with garbage to bring it to the front, that's the only way?

Mr. Crowe: That's the only way.

Mr. Brunero: I submit to the Board that we have shown that there is characteristics because of the land being so close and unfortunately this incident took place resulting in action which is not on Mr. Crowe's part whatsoever without this variance

the inconvenience would be more than a mere inconvenience and would be putting us out of business. I think we have met our burden and we are here to answer any questions that the Board may have.

Ms. DeGraide: The opening is on the easterly side of the little shelter?

Mr. Brunero: The entrance to the facility?

Ms. DeGraide: The opening to the cubby there, the entrance to the bar is on the other side?

Mr. Brunero: Yes.

Ms. DeGraide: You couldn't turn it the other way because of the front of the building being right there?

Mr. Brunero: Could we put an enclosure in the front? I assume so maybe we could put some kind of gate.

Mr. D'Onofrio: How do you get the trash outside?

Mr. Crowe: We walk around the front.

Mr. D'Onofrio: They walk through the restaurant now with the trash?

Mr. Crowe: Yes. It comes out the kitchen.

Mr. D'Onofrio: Before that trash can was there it was at the gas station?

Mr. Crowe: It was located at the gas station then we tried several spots and before we purchased it it was located right in front of the building.

Mr. D'Onofrio: How long has it been here now?

Mr. Brunero: Two years.

Mr. D'Onofrio: When it wasn't at the gas station where was it?

Mr. Crowe: A little further closer.

Mr. D'Onofrio: Where the truck is?

Mr. Crowe: Yes.

Ms. DeGraide: Was it ever behind the building?

Mr. Crowe: No. We tried but it was very difficult it was inconvenient.

Mr. D'Onofrio: So to empty the trash you had to go on the neighbor's property?

Mr. Crowe: No, they stayed on the same sidewalk.

Mr. D'Onofrio: Who put the fence in?

Mr. Brunero: The owner of the Silver Lake.

Mr. D'Onofrio: That's the property line?

Mr. Brunero: That's the allegation that it is a property line but in my opinion it hasn't been surveyed and that is what we have for litigation in court.

Ms. Soucy: Supposed you took the truck out and moved it?

Mr. Crowe: We could do that but the problem is it will only give us another 4-5 inches.

Mr. Brunero: I think the variance is not specifically located where it is but located in front of the building. If you see fit and that's a directive in your decision you have the authority to make that move.

Mr. Lacaillade: If Mr. Crowe is willing if we gave him relief to put the dumpster in the front I am sure knowing everything else he puts his hands on in this town he would do it professionally. He could build a nice cubicle that would blend in with the building.

Ms. Kostyla: The thing is that's on the main street they would have to back up to it.

Mr. Lacaillade: No, he would come into it sideways. He would have to roll it out.

Mr. Crowe: Problem is in the winter my neighbor has little space to put snow so he puts snow in front of it and we sometimes have to turn it around at an angle so the truck can get it out. It's very difficult for him, me for all of us. I feel we all have to work together.

Mr. D'Onofrio: So this issue arose after the confrontation?

Mr. Crowe: Correct, I have apologized and I never really found out who did it.

Mr. D'Onofrio: Has there been any other incidences since going forward?

Mr. Crowe: Not that I know of.

Mr. D'Onofrio: Is the tenant under a warning situation?

Mr. Crowe: He is under warning, if he does it again, the tenant has a lease on the building. With this only being one incident it's really not prompting him to get out.

Mr. D'Onofrio: Was it the bar owner or a tenant living upstairs?

Mr. Crowe: It was either the bar owner or someone that represented him.

Ms. Soucy: What do you have Jake for a suggestion?

Mr. Peabody: I think something with hanging plastic flaps in the front or some sort of gate system. Flap system might work out well. You can get different colors, black or tan. Something has to be done about the appearance.

Mr. Crowe: I agree.

Mr. Lacaillade: What would be the concern of just having a gate?

Mr. Peabody: A gate is fine.

Mr. Crowe: The problem with a gate is we can't move a dumpster in the winter.

Mr. Lacaillade: You don't have to put the gate sideways, wherever is convenient for you? What if you gated it on both sides? So if you can't open one side you can open another.

Mr. Peabody: That is a good idea.

Mr. Brunero: We would be amenable to get rid of the decorative truck to put the dumpster in the front away from the neighbor's property.

Mr. Crowe: Safety is a big issue with the truck.

Mr. Peabody: This is a target area to look nice whatever we do we want it to look nice.

Mr. Brunero: That's all I have.

Mr. LaPlante: Brian LaPlante, I represent the abutter Fidas'.

**SWORN IN**

**BRIAN LAPLANTE, ESQUIRE  
272 WEST EXCHANGE STREET  
PROVIDENCE, RI**

Mr. LaPlante: I want to start with a couple of points. 1. This is a situation that has escalated. I know the lawyers have tried to work through this. Mr. Crowe having a tenant there that he can't necessarily control makes it challenging. The litigation concerning the ownership of the property in question is pending. I think it's important for you to do your jobs notwithstanding the pendency of a lawsuit. The job before you is to look at this application and apply R.I. Law and your own Ordinance. This dumpster is facing my client's property. The burden is on my client. This dumpster in its current location can't be emptied unless it's rolled into my client's property. The notion that it goes where that truck is an alternative that won't require the tenant to be on my client's property. My client is similarly concerned about a neighbor using his property. I hope this Board does not sanction the use of my client's property for a dimensional variance.

Mr. D'Onofrio: But you agree that there are ways to make sure this doesn't happen?

Mr. LaPlante: There are alternatives. I don't believe the requirements for the variance has been met. The unique characteristics of the subject land or structure has caused this hardship. The fact is there are other strategies for dealing with this situation. The desire of the applicant to realize greater financial gain cannot be the purpose behind. Any business asking you for relief is to realize greater financial gain. There is an adverse impact on the business if this continues. What else is there for this owner to not simply store their bags in the back and use the restaurant as the means to get to the front on garbage day? They are already traipsing through the restaurant with garbage.

Mr. D'Onofrio: Have you been in this building?

Mr. LaPlante: I have.

Mr. D'Onofrio: So you know the kitchen is separate from the restaurant? The restaurant has a separate entrance. I am also going to disagree with you they have trash every day not just trash day.

Mr. LaPlante: My point is the fact that this notion inside this building is no trash is not true. It inherently creates trash, that trash is taken out why they have to take it out to this location is beyond me. They have a backyard, they can take it out to the backyard on trash day and they can bring it through the restaurant and out to the truck. It's not an inherent right in the Town of Coventry to have a dumpster. You can operate a bar and restaurant without a dumpster in the front of the restaurant. I know this because he did it for years. For years this dumpster wasn't here, they operated without it. This is Main Street; one of the reasons for your Ordinance is so that the Town isn't affected by dumpsters being in front yards. This is how it's been for over a year and it needs to change. This falls to the third criteria in the State Law, the granting the required variance will not alter the general character of the surrounding area. Of course it will, this dumpster was never there before. Least relief necessary isn't the configuration of facing Fidas', it adversely affects my clients. They can't be accumulating that much garbage. This is just a mere inconvenience. One more thing, I have a photo I want to put in evidence. This exhibit depicts the appearance of this dumpster as it currently exists from the vantage point of the street. My client is saying they are hearing from customers it smells, and they are suggesting to him they don't want to go to the restaurant because of that. I have nothing further.

Mr. Brunero: I would like to add a few things. I would like to mention Mr. Crowe as a member of this Board did appear before the Ethics Commission and he has the authority and unanimous of the Ethics Commission to appear before you. Can we place the dumpster where the little truck is? That's where Eddy Iannotti had it and it was there for years. Did we try to take it out of there before? Yes, we went to the gas station and unfortunately that ceased and I can see the owner of that gas station having concerns. The reasonable alternative is to put it where the Board suggested and gate it in like Jake said and we will stipulate to that. On behalf of my client I apologize, it's not my client. Unfortunately we have a tenant who is probably not the best tenant. I think he had his license pulled for a weekend for serving a minor. Unfortunately he has a lease and it's in place for a significant amount of time. In the meantime, we want to work with him; they're both in business to make money. I think a reasonable alternative is to put it back where it

was when Mr. Iannotti had it. I think we can do something to dress it up so it's not unsightly.

Mr. D'Onofrio: Was the trash ever stored behind the building.

Mr. Brunero: I gave you the wrong information. They did try to do it. The problem with the dumpster going to the back of the building is in the winter trying to plow anything back there is impossible. That's the issue. If you look at the space between our building, there is no place to put the snow. If you have a full dumpster in mud and snow you won't get it out.

Mr. D'Onofrio: Did they ever carry the bags out front on trash day? I am trying to get a history of the building. Was the trash carried out bag by bag before?

Mr. Crowe: No, when Mr. Iannotti had it he had the dumpster out front.

Mr. Brunero: Even if we sat here tonight and the fence was no longer there it's almost impossible to get that dumpster in and out in the winter.

Mr. D'Onofrio: Mr. LaPlante this seems to stem from the argument with the tenants. Was there ever a complaint filed about the trash before the argument?

Mr. LaPlante: I don't believe the trash was located there. The argument was followed by erecting the fence which was then followed by the dumpster.

Ms. DeGraide: Mr. Brunero, the erection of the fence, that's not what caused the dumpster to be located here? The dumpster had to be moved from the gas station?

Mr. Crowe: Right. We decided to move the dumpster from the gas station. When we originally put it there because I didn't like it in the front. This is the only other place we had to put it. Where the picture is that says Coors, motorcycles used to drive through there to park in the back. The little yellow thing there used to be a telephone booth. The telephone people paid Mr. Iannotti for the spot so this also makes it difficult. There is a fence in the back too.

Mr. Brunero: We also have the Pawtuxet River in the back.

Mr. Crowe: If I could locate it somewhere else, I would.

Mr. D'Onofrio: Are there any wetland issues with storing trash that close to the river?

Mr. Crowe: I don't know.

Mr. Brunero: I don't know.

Mr. D'Onofrio: Are there dumpster behind any of the other buildings over there?

Mr. Brunero: Yes. Again as long as there is no runoff to the river I don't think there would be any issue. We aren't storing hazardous waste or septic.

Mr. Crowe: There is a right of way between Mr. Fidas' property and the liquor store. If that's where the Board saw fit and everybody else that would be fine.

Mr. Brunero: I know this Board has always taken this case under advisement and renders a decision within a reasonable amount of time, I have a couple of ideas that I don't want to throw out to the Board I want to speak with Mr. LaPlante and Mr. Fidas, I have one idea that might be able to work. Hopefully I can come back and come up with some sort of resolution that is for the Town.

Ms. Soucy: Do you have a court date for the?

Mr. Brunero: There is no certain date. It is on the trial calendar.

Mr. D'Onofrio: I would like to make a motion that we take this matter under advisement and render a decision in a reasonable amount of time?

Mr. Lacaillade: Second.

Mr. Lacaillade: Motion to adjourn.

Ms. Soucy: Second.

Ms. DeGraide: Motion made and seconded, all those in favor say Aye?

Board: Aye.

Ms. DeGraide: Nays? Ayes have it.

Meeting adjourned at 8:00 p.m.