

ZONING BOARD OF REVIEW MINUTES
Tuesday, August 28, 2018 Meeting 7:00 pm
Town Council Chambers, Town Hall

Present: Richard Land, Chair; Melody Alger, Chris Mulhearn, Jody Sceery, and Barry Golden (Alternate).

Absent: Ashley Cullion.

Staff: Lea Anthony Hitchen, Assistant Town Planner and Sarah Malley, Legal Counsel.

Mr. Land, Chair of the Board, called the meeting to order at 7:00 PM and introduced the members and staff present. He then read the Board's procedures into the record. Each person addressing the Board will first state his or her name and address for the record. The applicant and his or her legal representative will present the case and witnesses may be called to testify. Such testimony must be relevant to the application. Expert witnesses will be sworn in and there will be no prejudgment as to the expertise of any witness. Pictures, diagrams and other documents given to the Board as evidence will be appropriately marked as exhibits and will be retained by the Board for the record. Upon completion of the applicant's presentation all other persons wishing to offer evidence in favor of the application may then do so one at a time. Following that all persons wishing to offer evidence against the application may then do so one at a time. It is asked that comments are confined to the zoning matter being heard and that repetitive remarks are avoided. Cross examination or rebuttal may be allowed if the Board feels it would be appropriate and useful. All questions from the floor will be directed through the Chair only. After all relevant facts have been heard the Chair will call for a motion; the Board will then discuss the motion and the Chair will call for a vote. During the discussion among voting Board members, the Board will not accept any new and further testimony unless it is specifically requested by a Board member. The Board will make every attempt this evening to render a decision. The written decision will be recorded in the Town Clerk's Office as soon as possible following the approval of the minutes of the meeting.

Zoning Board of Review Hearings – 7:00 PM

1. **Bank Newport** for property owned by **East Greenwich Square (E&A), LLC** and located at 1000 Division Street; Map 81 A.P. 10 Lot 6 (Zoned Commercial Highway, CH). The Applicant requires a Dimensional Variance under Chapter 260, Article VII Signs, Section 27 (A) of the Town Code, Zoning Ordinance. The Applicant seeks to install an 18 s.f. monument sign for said business. Per code only one monument sign shall be allowed per lot; this request will increase the number of monument signs from one to two.

Attorney George Cappello with offices located at 942 Park Avenue, Cranston, represented Bank Newport and also an East Greenwich resident for almost two decades. Also present representing the application was Mr. John Renzi of Graphic Impact Signs who has been involved with Bank Newport's signs since it was originally constructed and has clear detailed insight regarding the history of the signage.

Atty. Cappello explained the request is to install a monument sign for the bank and felt it is a reasonable application; he explained the location of the Bank Newport building and called out the existing nearby McDonald's, Ruby Tuesday's restaurant and Dave's Marketplace as reference points due to their sign presence.

Due to the architecture of the Bank Newport building, Atty. Cappello felt it is very difficult for people to identify from Division Street. He spoke with the Bank Newport branch manager at the 1000 Division Street location who informed him that people applying for mortgages often have to call and ask for directions because they cannot locate the building once they are in the shopping plaza.

Atty. Cappello thanked the Planning Department and Ms. Hitchen for assisting him and noted the staff report is first class. He pointed out that Bank Newport still has 13 years remaining on its current lease with an option for an additional 15 years and plan to remain a good neighbor for years to come.

Mr. John Renzi of Graphic Impact Signs, located at 575 Dalton Ave., Pittsfield, MA provided a brief narrative of the proposed project. Mr. Renzi worked on the original signage when Bank Newport was originally constructed. He recalled that during the approval process the initial design of the building was not approved and was therefore altered and the architect came back with another plan which was approved. Once Mr. Renzi started working with the Building/Zoning department and needed clarification for signage it was determined what signage would make the most sense to install. He noted the landlord did not provide the right for Bank Newport to have signage on either of the existing freestanding multitenant pylon signs and it is not in Bank Newport's lease agreement to allow it – therefore Bank Newport does not have signage on either of the two freestanding signs for the shopping plaza.

Mr. Renzi recalled after the building was constructed he did originally ask for consideration of a freestanding sign which was ultimately withdrawn because he was also applying (through the variance process) for an additional two wall signs to be mounted to the building. Mr. Renzi also pointed out that due to the unique architecture of the Bank Newport building the signage could not be maximized under the zoning code. He acknowledged the bank is allowed 140 square feet of signage and currently there is only 86 square feet of signage installed with four signs on the tower and one sign above the entrance of the building. He added three of the signs were obtained by regular building permits and two of the signs were approved via the variance process. Mr. Renzi asserted the bank still has 54 square feet of signage available but due to the building's architecture there is no way to add additional signage on the building. As an example Mr. Renzi noted Panera restaurant has a bigger and flatter façade to allow a larger mounted sign; Bank Newport simply does not have this capability.

Mr. Renzi stated the proposed monument sign is 18 square feet in size which is very reasonable for several reasons. He did go back and forth with the property owner (East Greenwich Square LLC) who felt the size of the Ruby Tuesday's restaurant monument sign was more appropriate. By comparison, Mr. Renzi said the Ruby Tuesday's sign is about 27 square feet and the overall height is 6' while the proposed Bank Newport sign will be 5' in height. The width of the Ruby Tuesday's sign is 90" (7.5') whereas the Bank

Newport sign is only 61” (5.08’) wide. In total the Bank Newport sign will be 18 square feet in size versus the existing 27 square foot Ruby Tuesday’s monument sign. Mr. Renzi emphasized what really matters is the lettering, the readability and visibility; he felt the Bank Newport application is the least amount of signage being presented to the Board.

Mr. Renzi also pointed out the small trees that were planted in front of the building in 2011 have grown up and out which are now blocking visibility of some of the existing signage. He felt that the request is very reasonable considering the additional 18 square feet of signage will still be 36 square feet less than the 140 square feet allowed under the zoning code – the variance is simply the quantity of signs.

Regarding the placement of the monument sign, Mr. Renzi stated it will be located 30 feet back from Division Street and be essentially in line with the Ruby Tuesday’s monument sign and directly in front of the Bank Newport tower portion of the building. Additionally it will not encroach on any street setback.

Mr. Land clarified that per the zoning code there is only one monument sign per parcel. Ms. Hitchen said yes, only one monument sign per parcel although the subject parcel has had several sign variances over the years. She pointed out there is an existing Ruby Tuesday’s monument sign and the Applicant is requesting to increase their total number of signs to six where the total number of permitted exterior signs at any business shall not exceed four.

Mr. Land acknowledged that across the street Bank RI and CVS have their own monument signs and are on their own parcels. He inquired as to whether Bank Newport and the other pad sites could have been subdivided to alleviate the signage issue. Ms. Hitchen explained the parcel was developed as a commercial shopping center to include four detached pad sites, those being Ruby Tuesday’s, The Outback, McDonald’s and eventually Bank Newport. The entire shopping center is on the same parcel.

With no further questions from the Board Mr. Land opened the hearing for public comments. No public comments.

Mr. Land asked for a motion.

Motion by Mr. Mulhearn to approve the application as presented. Seconded by Ms. Sceery.

VOTE: 5 – 0. . (Land, Mulhearn, Alger, Golden and Sceery voted in favor.)

Zoning Board of Review Business

1. Minutes: Review/action on the minutes of the May 22, 2018 and July 24, 2018 meetings.

Motion by Ms. Alger to approve the May 22, 2018 and July 24, 2018 minutes as written. Seconded by Mr. Mulhearn. Approved 5 – 0.

VOTE: 5 – 0.

Ms. Hitchen noted that the Board currently does not have a Vice-Chair. Elections for Chair and Vice-Chair will be added to the September agenda.

Motion to adjourn by Ms. Sceery. Seconded by Mr. Mulhearn. Approved 5–0.

Zoning Board of Review meeting adjourned at 7:25 pm.

Minutes respectfully submitted by:

Lea Anthony Hitchen,
Assistant Town Planner

For more information, please refer to the recording available in the Planning Department.