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June 18, 2021

Richard Land, Esq.
Chairman, East Greenwich Zoning Board
East Greenwich Town Hall
125 Main Street
East Greenwich, RI 02818

RE: Zoning Application
of Kevin Pezzuco and MMISAJK, Inc.

Dear Mr. Land:

Please be advised that the undersigned represents Richard Realty, Inc. which is the owner of real property located at 455-459 Main Street, East Greenwich, known as Map 75, Plat 3, Lot 87 and 51 Liberty Street known as Map 75, Plat 3, Lot 275. MMISAJK, Inc. and Kevin Pezzuco have filed a zoning application requesting a variance for relief from the parking requirements only. On behalf of my client, please be advised we are opposed to the granting of that zoning application.

The applicants' property is located on the westerly side of Main Street and the northerly side of Union Street. Union Street is approximately twenty feet in width and is barely passable with two motor vehicles traveling in opposite directions. My client's parking lot abuts Union Street and also has an entrance from Main Street and is located directly across Union Street from the entrance to the applicants' building and tent.

Prior to the COVID emergency, the applicant occupied the existing structure located on the subject parcel as a restaurant having a seating capacity of approximately twelve people. The building had previously been occupied by various tenants, mainly sandwich shops that did take out business.

In the spring of 2020, the Town allowed the applicant to erect a tent in which it operated and expanded its restaurant business during the COVID emergency. By erecting the tent, the

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applicant removed all of its off street parking. When the applicant originally occupied the existing building, it had off street parking. The applicant has created its own hardship by erecting a tent and expanding its adjoining patio area. The customer and employees of the applicant have been using my client's parking lot without my client's consent for parking their motor vehicles while dining and working at the applicant's restaurant. Now that Covid is under control, the applicant should be required to remove its tent and re-utilize that space for parking for its customers that dine inside its existing building.

My client's building at 455 Main Street is currently being renovated to accommodate a new restaurant called "Union and Main" which will open in a few months. The parking spaces in my client's parking lot will be used exclusively for the tenants of my client's building with additional parking available at 51 Liberty Street.

The Planning Board has granted the owners of adjoining Lot 75-3-286, the right to construct mixed affordable housing units and retail space with less than required parking spaces, per the East Greenwich Zoning Ordinance, if all the occupants for the housing units and the retail space are requiring parking spaces at the same time. The Town has allowed two condominium units to be constructed on Union Street on Lot 75-3-88. Those two condominium units do not have any provision for guest parking. Those units have a one car garage with a driveway that holds one car which will be utilized if the condominium owner has two vehicles.

Due to the narrow width of Union Street, there is no on street parking available. There is limited parking on Main Street but when the other restaurants on Main Street are open, especially during the evening, Main Street parking is scarce. The Town has commenced a study of the on street and off street parking in the downtown area and is aware that parking is at a premium during certain times, particularly lunch and dinner hours.

The applicant has taken advantage of the COVID emergency to expand its business into a portable structure. The applicant is the only Main Street restaurant business that currently has a tent. To allow the expansion of customer seating from 21 seats to 42 seats would require 21 off street parking spaces which the applicant's property cannot accommodate. The applicant is not grandfathered in for parking at that seating capacity. There is no immediate off site parking area for the applicant to make provision for 21 cars plus employee parking. Currently, the delivery vehicles for the applicant's business park on my client's land. The applicant does not even have sufficient parking for a delivery vehicle.

The applicant has created a hardship on my client since the applicant has shifted its customers' parking onto my client's parking lot. The applicant knowingly eliminated all the off street parking spaces on its property and dramatically expanded its seating capacity by improperly taking advantage of the COVID emergency for its economic gain.

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The relief requested by the applicant is due to a hardship that the applicant has caused on its own due to greed and economic gain. The applicant's hardship is self-created from its prior action. By removing the tent, the applicant will restore its parking and properly occupy the existing building in which it originally commenced its business. The applicant is overburdening the property to hold more people than the property and the existing building may safely accommodate. The granting of this petition would create a safety hazard to the area and will definitely alter the general characteristic of the surrounding area. A tent is a temporary structure and is an eyesore to the historic architecture of downtown East Greenwich and is not in keeping with the preservation of East Greenwich's historic district.

Very truly yours,

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Andrew G. Sholes

AGS:cdn