



Town of South Kingstown

Zoning Board of Review Meeting

Meeting Minutes

Wednesday, September 17, 2025 at 7:00 PM
South Kingstown Town Hall, Town Council Chambers
180 High Street, Wakefield, RI 02879
www.southkingstownri.gov

Robert Cagnetta, Chair
Thomas Daniels, Vice Chair
William Rosen, Member
Arlene Hicks, Member
Geoff Elia, Member
William MacDonald, Alt. #1
Vacancy, Alt. #2
Vacancy, Alt. #3

A. Call to Order

Mr. Cagnetta called the meeting to order at 7:04:25 PM

B. Chairman Introductions and Instructions

Mr. Cagnetta explained the rules and procedures.

Members Present: Robert Cagnetta, Chair; William Rosen, Vice, Member; Arlene Hicks, Member; Geoff Elia, Member; William MacDonald, Alt. #1

Member(s) Absent: Thomas Daniels

Staff Present: Amy Goins, Special Legal Counsel; Jamie Gorman, Building and Zoning Official; Ben Barbera, Building and Zoning Associate; Jessica Spence, Administrative Support.

Members voting tonight will be Mr. Cagnetta, Mr. MacDonald, Mr. Rosen, Ms. Hicks, and Mr. Elia

C. Agenda Items *Order can be subject to change*

- I. Continuation of the petition of Milton Rogers, 70 Foster Sheldon Road, South Kingstown, RI, 02879, for an Appeal to the Zoning Board under the Zoning Ordinance as follows: The applicant is seeking to appeal a decision issued by the Zoning Enforcement Officer (ZEO), dated June 25, 2025, related to premises at 28 Columbia Street. The owner of the property is Rogers Home, Inc., for premises located at 28 Columbia Street, South Kingstown, Assessor's Map 57-1, Lot 43 and is zoned CN (Commercial Neighborhood).

Mr. Cagnetta entered all of the material into the record.

Mr. Cagnetta read into record a request for a one-month continuation until the October 15, 2025, Zoning Board of Review hearing from Attorney Samuel Budway.

Mr. Cagnetta stated that the board received correspondence from Samuel Budway, ESQ, attorney representing the applicant, on September 15, 2025, by email, in which the applicant requested a continuation to have the petition moved to the October 15, 2025, Zoning Board Meeting. The previous special use permit and building permit have expired.

Mr. Gorman stated that a previous email was received prior to last month's Zoning Boarding Meeting by Samuel Budway, ESQ.

Mr. Elia questioned if this petition could be the last request for continuation.

Ms. Goins advised that the attempt for a continuation is an issue to resolve the situation without the Zoning Board needing to review it. The continuance of the request is acceptable for next month's meeting.

There was no further board discussion.

Whereas the following motion was made.

The Motion is as Follows:

Mr. Elia made a motion to continue the above petition to the October 15, 2025, Zoning Board of Review, which was duly seconded by Ms. Hicks

Motion passed unanimously; (Vote 5-0 in Favor)

(G. Elia - Aye, A. Hicks -Aye, W. Rosen- Aye, W. MacDonald-Aye, R. Cagnetta -Aye)

The petition is continued until the October 15, 2025 Zoning Board of Review.

At a meeting held on September 17, 2025 regarding the continuation of the petition of **Milton Rogers**, 70 Foster Sheldon Road, South Kingstown, RI, 02879, for an **Appeal to the Zoning Board** under the Zoning Ordinance as follows: **The applicant is seeking to appeal a decision issued by the Zoning Enforcement Officer (ZEO)**, dated June 25, 2025, related to premises at 28 Columbia Street. The owner of the property is Rogers Home, Inc., for premises located at 28 Columbia Street, South Kingstown, Assessor's Map 57-1, Lot 43 and is zoned CN (Commercial Neighborhood).

No individuals spoke as representatives of the applicant.

There was no one present who spoke either in favor of or in opposition to the petition.

The following materials were entered into the record:

- Request for Continuance, sent via E-mail delivery, signed by Samuel Budway, ESQ. On behalf of the applicant, Milton Rogers. Dated August 22, 2025.
- 200' Abutter's List and Radius Map; Legal Notice and Notarized Affidavit of Mailing

Mr. Cagnetta called for the next petition.

- II. Petition of **Joseph D'Orso**, 2210 Scott Road, Cheshire, CT 06410, for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a 10' x 24'7" addition to the existing seasonal cottage. Lot size is 7.67 acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief)**. Owners of cottage 691Y Succotash Road are Joseph & Christian D'Orso on property owned by Village at Potters Pond LLC, South Kingstown, Assessor's Map 87-3, Lot 5-8 and is zoned CW.

All the materials submitted were entered as part of the record.

Joseph D'Orso was present and sworn in.

Mr. D'Orso stated the plans he had submitted. A 246 square foot addition to an existing 556-foot structure. Which would be a fifty percent (50%) increase to be allowed by this zoning board appeal. The existing house will remain as is. The proposed addition would go ten feet away from the back of the house, which is currently used as parking.

Mr. Cagnetta confirmed that the petitioned plans would not be closing in on the adjacent structure, stating that it's only 12.5 feet away from the neighbors and will not be any closer.

Mr. D'Orso agreed, saying they would not be getting any closer.

Mr. Cagnetta inquired about parking spaces close to the unit.

Mr. D'Orso replied that the current four parking spots would be reduced to two spots. There is auxiliary car parking by Captain Jacks that is located on top of a septic tank, which can not be built over.

Mr. Cagnetta asked about trash receptacles located around the building.

Mr. D'Orso answered that the trash receptacles are located across the street.

Mr. Cagnetta asked about new services or moving the meter.

Mr. D'Orso replied that there would be no changes to access the meter. He was unsure if the electrical service capacity would need to be upgraded, but confirmed that it would not require additional structures.

Mr. Cagnetta then questioned if there were any specific rules for the Village at Potter Pond regarding lighting.

Mr. D'Orso stated that there were no specific rules for the Village at Potter Pond about lighting. Streetlights are already on the premises and the new plans will not be adding any new lighting.

Board questions ensued.

Mr. Elia looked at the property several days prior and said it was very straightforward and a good use of the available land.

Mr. Rosen asked if the petitioner would reside at the property year round or seasonally.

Mr. D'Orso replied that this would be a seasonal dwelling.

Mr. Gorman added that because the location is next to the water, this plan would require CRMC approval. Which would be eligible for a two-year expiration.

The Board had no further questions.

Mr. Cagnetta asked if anyone in the audience wished to speak either in favor of or in opposition to the petition.

There was no one present from the public who wished to speak.

There was no further discussion.

Whereas the following motion was made.

The Motion is as Follows:

**The following motions were made by Mr. Elia and duly seconded by Mr. Rosen
Motion passed unanimously:(5-0 Vote in Favor)**

(G. Elia -Aye, W. Rosen -Aye, A. Hicks -Aye, W. MacDonald -Aye, R. Cagnetta -Aye)

At a meeting held on September 17, 2025 regarding the Petition of **Joseph D'Orso**, 2210 Scott Road, Cheshire, CT 06410, for a **Special Use Permit** was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 10' x 24'7" addition to the existing seasonal cottage. Lot size is 7.67 acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).** Owners of cottage 691Y Succotash Road are Joseph & Christian D'Orso on property owned by Village at Potters Pond LLC, South Kingstown, Assessor's Map 87-3, Lot 5-8 and is zoned CW.

The following individuals spoke as representatives of the applicant:

- Joseph D'Orso, Applicant

There was no one who spoke either in favor of or in opposition to the petition.

The following materials were entered into the record:

- Application Dated August 1, 2025; Notarized, Owner authorization signed and dated August 5, 2025; Authorization Email from Village at Potter's Pond Dated May 29, 2025; Construction cross-section and footprint (A 3.1, A 1.00) Prepared by Arris Design Solutions dated July 31, 2025.
- 200' Abutter's List and Radius Map; Legal Notices; and Notarized Affidavit of Mailing

Findings of Fact:

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).
2. The Board finds that the special use meets all the criteria set forth in the subsection of this Ordinance authorizing such special use, because through testimony it was determined that the applicant met all the specified criteria of the Zoning Ordinance to construct a 10 x 24.7 square foot addition.
3. The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In doing so, the Board has considered whether satisfactory provisions and arrangements have or will be made concerning, but not limited to, the following matters, where applicable:
 - i. Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency, or catastrophe; is existing and sufficient.
 - ii. Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., in regard to noise, glare, or odor effects of the special use permit on adjoining lots; is existing and sufficient.
 - iii. Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above;
 - iv. Utilities, with reference to locations, availability, and compatibility, are existing and sufficient.
 - v. Screening and buffering with reference to type, dimensions, and character; not applicable.
 - vi. Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable.
 - vii. Required yards and other open space; not applicable.
 - viii. General compatibility with lots in the same or abutting zoning districts; this is a cottage community, and many other units have had similar changes. The proposed addition will fit in with the overall character.

Approval is conditional subject to the following conditions:

- CRMC approvals and will have a two-year expiration date.

Mr. Cagnetta called for the next petition.

- III. Petition of **Jerry Zarrella**, 20 Gerald's Farm Drive, Exeter, RI 02822, for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a 215 sq. ft. addition and 199 sq. ft. deck on the existing seasonal cottage. Lot size is 50.2 acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).** Owner of cottage 10W5 is Gerald P. Zarella Trust on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-335 and is zoned R200.

All the material submitted was entered as part of the record.

Debera Zarrella was present and sworn in.

Ms. Zarrella testified that the petition is looking to add 215 square feet to an existing cottage. Also proposing to take off three sheds attached to the dwelling and expand out towards the field. They will not be expanding toward the street or the two neighbors on either side. The petition is also proposing to add a 199 square foot

exterior deck.

Mr. Cagnetta inquired about: Exhibit 1; Construction Details (0-1). Asking if the petition will involve removing two windows to make an open porch.

D. Zarrella acknowledged that this is what she would like to do. She went on to discuss interior space regarding the enclosed porch: Exhibit 1; Construction Details (A-1). The red hash marks make up the 215 square feet. The blue hash marks make up the exterior decking.

Mr. Cagnetta questioned changing the roof-line.

D. Zarrella referred to the Construction Details, stating that the rear roof-line over the bedroom will change. Currently, there is a flat roof she would like to remove and add a gable.

Mr. Cagnetta confirmed that the new plans would not exceed the height of the existing building pertaining to the roof-line.

D. Zarrella explained that the main roof will stay intact and only the flat part of the roof will be altered. The three sheds currently connected to the building will be removed, and two new sheds will be added towards the field.

Mr. Cagnetta asked about whether this new expansion would be getting closer to any neighbors.

D. Zarrella stated the new expansion will only encroach on the field side, not significantly towards the neighbors.

Board questions ensued.

Mr. Elia inquired about the impact of parking.

D. Zarrella stated that it will not impact the parking because drivers only park on the field side.

The Board had no further questions.

Mr. Cagnetta asked if anyone in the audience wished to speak either in favor of or in opposition to the above petition.

Paul Aimsworth, a resident of Carpenters Beach, was present.

P. Aimsworth questions the past allowed square footage, and whether this appeal would open the door for other local residences to do the same by adding over the 150 square feet.

Mr. Gorman stated that section 608 regulates the area, such as Roy's Carpenter, and being that this is a coastal community, a 50% cap on an expansion does not require a dimensional variance. If the house was to be replaced, different rules would apply. Additions would be limited to 50% of the 2000 field card which is on file with the town.

Ms. Goins stated that the owner of the property did sign off on the application.

Mr. Cagnetta explained the allowed 150 square foot expansion would not hinder other local residents from making a similar replacement.

Ellen Szymanski was present.

E. Szymanski's question pertained to a special use permit and what a dimensional variance would apply to a petition of this sort. Mr. Cagnetta explained additions would be limited to 50% of the 2000 field card. 150 square feet is only for the replacement of the cottage itself, but if you want an addition, 50% is allowed for an

expansion.

There was no further discussion.

Whereas the following motion was made.

The Motion is as Follows:

**The following motions were made by Mr. Rosen and duly seconded by Mr. Elia
Motion passed unanimously: (5-0 Vote in Favor)**

(W. Rosen -Aye, G. Elia -Aye, A. Hicks -Aye, W. MacDonald-Aye, R. Cagnetta -Aye)

At a meeting held on September 17, 2025 regarding the Petition of Jerry Zarrella, 20 Gerald's Farm Drive, Exeter, RI 02822, for a Special Use Permit was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 215 sq. ft. addition and 199 sq. ft. deck on the existing seasonal cottage. Lot size is 50.2 acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).** The owner of cottage 10W5 is Gerald P. Zarrella Trust on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-335 and is zoned R200.

The following individuals spoke as representatives of the applicant:

- Debera Zarrella

The following spoke in opposition to the petition:

- Paul Aimsworth
- Ellen Szymanski

The following materials were entered into the record:

- Application Dated August 6, 2025; Owner authorization notarized and dated August 9, 2025; Construction Details (O-1, O-2, A-1, A-2, E-1, E-2, E-3, E-4, P-1) prepared by Zarrella Development Corp. dated August 13, 2025.
- 200' Abutter's List and Radius Map; Legal Notices; and Notarized Affidavit of Mailing

Findings of Fact:

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief). A Special Use Permit is required and has been approved by Matunuck Beach Properties Inc. This request is similar to others that have been granted by the Zoning Board in the past.
2. The Board finds that the special use does meet all the criteria set forth in the subsection of this Ordinance authorizing such special use, because through testimony it was determined that the applicant met all the specified criteria of the Zoning Ordinance. The petitioner is only enlarging the footprint of the existing cottage, removing the sheds and adding a porch, and modifying the roof-line. These alterations will not change the character associated with this particular property.
3. The Board finds that granting the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this ordinance or the comprehensive plan of the town. In so doing, the Board has considered whether satisfactory provisions and arrangements have been or will be made concerning, but not limited to, the following matters, where applicable:
 - i. Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency, or catastrophe; is existing and sufficient.

- ii. Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare, or odor effects of the special use permit on adjoining lots, are existing and will remain the same.
- iii. Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above; are not going to be altered.
- iv. Utilities, with reference to locations, availability, and compatibility; may change during construction, but the availability associated with those utilities will not change.
- v. Screening and buffering with reference to type, dimensions, and character; will remain the same.
- vi. Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; no signs are going to be associated with this particular change.
- vii. Required yards and other open space; will not be any closer to neighboring property or buildings.
- viii. General compatibility with lots in the same or abutting zoning districts; This is a cottage community and many other units have had similar changes. The proposed addition will fit in with the overall character.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

Mr. Cagnetta called for the next petition.

- IV. Petition of John Brito, 2 Sweet Briar, Warwick, RI 02888, for a Special Use Permit and Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to expand the alcohol service area and add thirty (30) dining seats within the existing restaurant. The expansion requires five (5) additional parking spaces where no spaces are proposed, therefore dimensional relief of five (5) spaces is requested. Lot size is .28 acre. A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table), Section 504.18 (Standards for Restaurant with Alcohol) and a Dimensional Variance is required per Section 711 (Minimum Off-Street Parking Requirements) and Section 907 (Standards of Relief). Owner of the property is Main Street, LLC, for premises located at 323 Main Street, South Kingstown, Assessor's Map 57-4, Lot 208 and is zoned CD (Commercial Downtown).

All the materials submitted were entered as part of the record.

David Johnston, ESQ. Representing the applicant, Mr. Brito, was present and sworn in.

Mr. Johnston testified that his client has experience in the restaurant business, owning several across Rhode Island.

D. Johnson stated the petition involves gutting a previous apartment while maintaining the same footprint already in place. The residential apartment located on the second floor of the building will be replaced to add additional seating. The apartment was taken out when the property was purchased by Mr. Brito. The apartment did not meet the fire code and required substantial renovation, acknowledging the safety concerns of having an apartment located inside a restaurant. The restaurant already has a special permit for a restaurant to serve alcohol, under section 504.18, of the current zoning ordinance. The newly requested special permit is to expand the serving of alcohol into the new expansion where the apartment once was. The second requested permit is for a dimensional variance of five additional parking spots in order to compensate for the additional seating. There is no way to alter the surrounding parking on main street. The parking lot was designed decades earlier. Dimensional variance is required per Section 711 (Minimum Off-Street Parking Requirements); parking is necessary for the expansion of the restaurant, but there is nowhere to add parking spots on the lot. A denial of the dimensional variance would mean that part of the building would be under utilized. There will be no additional bar areas created.

Mr. Cagnetta questioned the footprint of the adjacent building connected via a bridge on the second floor.

D. Johnson stated that the layout of the bar has changed, but the number of seats on the rooftop will remain the same.

Mr. Cagnetta also brought up the noise restrictions pertaining to the roof top bar.

D. Johnson was aware of the restrictions saying that the roof top bar would have the same hours of business and no new light fixtures would be added to the exterior.

Mr. Cagnetta asked about the new stairs petitioned to be built on to the back of the property. Also, if the current location of the trash receptacles along with utilities is changing.

John Brito, owner of the property, was present and swore in:

Mr. Brito replied that the only change would be the newly added stairs. Traffic will not be impeded and utilities will remain the same. He mentioned that he has previous experiences owning restaurants in similar styled towns.

Ms. Hicks inquired about hours of operation.

Mr. Brito: the meal periods are breakfast, lunch, and dinner; weekends included.

Mr. Rosen asked J. Gorman where the 5 parking spaces would be and whether other restaurants in the area have specified parking for each establishment.

Mr. Gorman stated that the petition is looking for five relief parking spots. These would be located on and around Main Street.

D. Johnston discussed the current parking spots, stating that there are currently 23 parking spots available.

Mr. Gorman included that if this special permit goes through, they would need them to go to town council for the approval of the petitioned liquor license.

Mr. Cagnetta they can still build it with no alcohol license.

Ms. Goings replied that the petition for the extra parking spots needs to be approved by the council.

Mr. Gorman building is already underway and applicant can continue building.

There were no further board questions.

Mr. Cagnetta asked if anyone in the audience wished to speak either in favor of or opposition to the above petition.

There was no one present who wished to speak.

There was no further discussion.

Whereas the following motion was made.

The Motion for a Special Use Permit is as follows:

**The following motions were made by Mr. Cagnetta and duly seconded by Ms. Hicks
Motion passed unanimously: (5-0 Vote in Favor)**

(R. Cagnetta -Aye, A. Hicks -Aye, W. Rosen -Aye, G. Elia -Aye, W. MacDonald -Aye)

At a meeting held on September 17, 2025 regarding the Petition of **John Brito**, 2 Sweet Briar, Warwick, RI 02888, a **Special Use Permit and Dimensional Variance** was granted under the Zoning Ordinance as follows: The applicant is seeking to expand the alcohol service area and add thirty (30) dining seats within the existing

restaurant. The expansion requires five (5) additional parking spaces where no spaces are proposed, therefore, dimensional relief of five (5) spaces is requested. Lot size is .28 acres. **A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table), Section 504.18 (Standards for Restaurant with Alcohol) and a Dimensional Variance is required per Section 711 (Minimum Off-Street Parking Requirements) and Section 907 (Standards of Relief).** Owner of the property is Main Street, LLC, for premises located at 323 Main Street, South Kingstown, Assessor's Map 57-4, Lot 208 and is zoned CD (Commercial Downtown).

The following individuals spoke as representatives of the applicant:

- John Brito, Applicant
- David Johnston, Esq. Attorney for John Brito

There was no one who spoke either in favor of or in opposition to the petition.

The following materials were entered into the record:

- Application Dated August 13, 2025; Owner authorization notarized and dated August 14, 2025; Contemporary Theater Administrative Subdivision Plan prepared and stamped by Fontaine Land Surveying, LLC, Michael A Fontaine, PLS and dated March 13, 2017; Construction details (ASK .10, A 0.0, A 0.1, A 0.2, A 0.3, D 1.1, A 1.1, A 1.3, A 1.2, A 5.1, A 6.4) prepared and stamped by McGeorge Architecture Interiors, Matthew Jason McGeorge, AIA and dated June 12, 2025.
- Legal Notices; and Notarized Affidavit of Mailing.

Findings of Fact:

1. The Board finds that the Special Use Permit is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table), Section 504.18 (Standards for Restaurant with Alcohol). The petition is intensifying the use of the Special Permit, but is an allowable use under the Ordinance.
2. The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such Special Use Permit, because through testimony it was determined that the applicant met all of the specified criteria of the Zoning Ordinance. Due to an existing Special Use Permit that is being intensified by thirty seats. Which meets the criteria in the ordinance.
3. The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board has considered whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to, the following matters, where applicable:
 - i. Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency, or catastrophe; will not be affected. Egress on the second floor does not impede back lot traffic or utilities.
 - ii. Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare, or odor effects of the special use permit on adjoining lots; Will not be affected.
 - iii. Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above; not changing. The applicant indicated the use smaller trucks for deliveries.
 - iv. Utilities, with reference to locations, availability, and compatibility; no changes
 - v. Screening and buffering with reference to type, dimensions, and character; no changes
 - vi. Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; None except for what is already present.
 - vii. Required yards and other open space; no changes.

viii. General compatibility with lots in the same or abutting zoning districts; not changing the appearance of building.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

The Motion for Dimensional Variance is as Follows:

Findings of Fact:

1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because due to the nature of the downtown business district there are not enough parking spaces on downtown main street to afford the five spaces.
2. The Board finds that the hardship is not the result of any prior action of the applicant, because it is an existing business and the applicant is simply to expand seating.
3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because the existing building and business will not infringe upon downtown main street, do to the additional seating.
4. The Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted, because of the roof top bar, use of the property won't affect neighbors with the addition of seats.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

D. Other Items

- I. Attendance for October 15, 2025 Zoning Board of Review

All members in attendance will be present for the October 15, 2025, Zoning Board of Review.
Except for G. Elia, Member.

- II. Approval of the July 16, 2025 and August 27, 2025 Zoning Board of Review Minutes

Mr. Cagnetta made a motion to accept the July 16, 2025, Meeting Minutes as amended, which was duly seconded by Ms. Hicks.

Whereas a vote was taken; (Vote 5-0 in favor.)

July 16, 2025, Minutes Approved.

August 27, 2025, Meeting Minutes are not ready for approval. Will be added to the October 15, 2025, Agenda.

- III. Discussion

- IV. Adjournment

Mr. Cagnetta made a motion to adjourn the meeting.

All members were in favor.

Meeting adjourned at 8:19:14 PM