

Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT
180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225

August 2, 2022

JSC Management Group
615 Fisher Road
Victor, NY 14564

At a meeting of the Zoning Board of Review held July 20, 2022, your petition for a Special Use Permit was granted for premises located at 104 Old Tower Hill Road, South Kingstown, Tax Assessor's Map 57-2, Lot 67.

Please be further advised that there is a One-year Expiration. Any variance or special use permit shall expire one year after the date of the filing of the decision in the office of the Town Clerk, unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction, or obtain a certificate of occupancy when no legal building permit is required. If application is made prior to the expiration of the initial one-year period, the Board may, upon written request and for cause shown, renew the variance or special use permit for a second one-year period. Said request for an extension need not be advertised nor noticed, per South Kingstown Zoning Ordinance Section 910.

If you have to apply for a building permit, this Decision must be presented to the Building Official's office at the time you make application for your building permit.

Regards,

James Gorman,
Building Official & Zoning Clerk
Town of South Kingstown



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INST# 24077
TOWN OF SOUTH KINGSTOWN, RI



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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Daniels and duly seconded by Mr. Rosen
Motion passed unanimously: Vote 5-0
(T. Daniels-Aye, W. Rosen-Aye, R. Brown-Aye, K. Diamond-Aye, R. Cagnetta-Aye)

At a meeting held on July 20, 2022 regarding the Petition of JSC Management Group, 615 Fisher Road, Victor NY 14564 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to construct a second drive through aisle for an existing restaurant. The Planning Board granted Development Plan Review approval for the project on May 24, 2022. Lot size is 2.75 acres. A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table), and Section 907 (Standards of Relief). Owner of the property is Ellie & Rob Realty for premises located at 104 Old Tower Hill Road, South Kingstown, Assessor's Map 57-2, Lot 67 and is zoned CH (Commercial Highway).

The following individuals spoke as representatives of the applicant:

- Todd Markevicz, PE

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

The following materials were entered into the record:

- Application with cover letter signed and dated September 22, 2021; Owner Authorization Form (2 pages) signed and notarized September 28, 2021; Development Plan Review advisory to Zoning (2 pages) dated June 16, 2022 recorded into South Kingstown Land Evidence Book 1833 and Pages 356 & 357; Site Development Plans (A-201, A-202, CS, C1, C2, C3, C6, C7, C8) prepared by APD Engineering & Architecture, Todd G. Markevicz PE and dated August 12, 2021 with revisions on November 22, 2021, December 29, 2021, February 3, 2022, March 30, 2022 & May 17, 2022; Landscape Design Plans (L-100, L-102, L-103, L-104) prepared by APD Engineering & Architecture and Rebecca M. Nolan, RLA dated March 30, 2022; Final Boundary and Topographic Survey (1 page) prepared and stamped by Charles E. Lent PLS and dated February 9, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings, 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 301 (Schedule of Use Regulations Table), and Section 907 (Standards of Relief).
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, because through testimony and supplied documentation the applicants have met all of the criteria as set forth in the South Kingstown Zoning 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

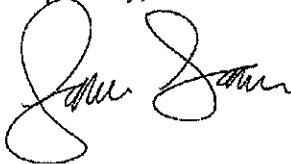
satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:

- (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; because the ingress and egress from Old Tower Hill Road will remain unchanged. To better accommodate the second drive through window the applicant has testified that there will now be a one-way traffic flow pattern which will ease traffic congestion on the site and improve the overall on-site ingress and egress.
- (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A. I., above, and the noise, glare or odor effects of the special use permit on adjoining lots; the applicant has reduced the number of parking space to 37-spaces which is still in compliance with the Ordinance. This reduction will create better traffic flow throughout the site. There was no testimony that indicated that the loading area will change.
- (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; Utilities, with reference to locations, availability and compatibility; the applicant testimony indicated that the trash, storage and delivery areas will remain the same and there are existing utilities already in place which will not be changing.
- (iv) Screening and buffering with reference to type, dimensions, and character; the Development Plan Review Advisory to Zoning dated June 16, 2022 dealt with screening and buffering and will be incorporated into this decision.
- (v) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; no new exterior signs will be added, and lighting was discussed. There will not be any additional lighting that will impair the abutting properties also located within Commercial Highway District.
- (vi) Required yards and other open space; not applicable
- (vii) General compatibility with lots in the same or abutting zoning districts because this is a commercial business that is surrounded by other commercial properties located within the Commercial Highway District. Additionally, the proposed interior and exterior renovations will be an improvement to the site and fit in well with the other businesses located within this district.

Approval is conditional and subject to the following:

- This is a conditional approval and subject to meeting all nine (9) of the conditions stipulated in the Development Plan Review Advisory to Zoning dated June 16, 2022, recorded into South Kingstown Land Evidence Book 1833 and Pages 356 & 357.

Respectfully,



James Gorman,
Building Official & Zoning Clerk
Town of South Kingstown