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Johnston Zoning Board Review

100 Irons Avenue, Johnston, Rhode Island 02919

— Fax: (401) 231-4181

MINUTES

OCTOBER 27, 2005

The Zoning Board of Review monthly meeting was held on the 27th day of October, 2005, at 7:04 p.m. in the Library at the Ferri Middle School, 10 Memorial Avenue, Johnston, RI. All persons interested in the following proposals were requested to be present at this time.

I. Roll Call

Present: Chairman Anthony Pilozzi; Vice Chairman Joseph Anzelone; Secretary Christopher B. Maselli; Kenneth Aurecchia; Bernard Frezza; and Richard Fascia. Also Present: Diane Edson, Stenographer

Not Present: James P. Howe, Solicitor; and Alfred P. Cianci.

II. Approval of Minutes

(Approved at the end of the meeting.)

III. Old Business

Mr. Pilozzi lists 4 items to be continued to next month:

- A. Owner:** John and Darlene Baffoni
Applicant: Ricardo Sousa on behalf of New Cingular Wireless, PCS, LLC and Omnipoint Holdings, Inc.
Location: 316 Greenville Avenue (Plat 47/2, Lot 51, Zone R-20)
Dimensions of Lot: Frontage: 200'±, Depth: 635'±, Area: 2.9±
Present use: Auto body shop with existing 500± square feet building footprint
Proposed: Installation and operation of 120'± high monopole structure as a communications transmission tower and construction of ancillary 11.6' x 20' (232 square feet) equipment shelter
Ordinance: Use Variance petitioned under Article III, Section D, Table III-D-1, Subsection 5, #4; Dimensional Variance from "Height Limits" petitioned under Article III, Section F, Table III-F-1.
- B. Owner:** Falcon Nest Estates
Applicant: Abatecola Realty Association, LLC

Location: Vicinity of 1046 Atwood Avenue and 29 Granite Street
(Plat 3, Lot 2 and Plat 6, Lot 53 Split Zone R-15/R-20)
 Dimensions: 15,000 square feet/20,000 square feet
 Present use: Residential
 Proposed: Major Subdivision Proposal – Master Plan Stage; Development of 12.5 acres;
Original proposal for 17 house lots + 1 drainage lot
 Appeal: Appeal of Planning Board Master Plan Conditional Approval at its July 5, 2005,
meeting relative to the condition to limit the number of lots to 15 in accordance
with the slope and lot requirements of the Johnston Land Development and
Subdivision Review Regulations

A request to continue was received by mail from the Law Offices of Shekarchi and Associates.

C. Owner: Shirley A. Cavalloro
Location: 17 Jaffrey Street (Plat 10 Lot 74 Zone R-15)
Dimensions: Frontage: 90'± Depth: 100'± Area: 9,000± square feet (Single Family Residential
15,000 square feet)
Present use: Single Family Dwelling, 1,200' square feet living area (raised ranch)
Proposed: Construction of a 564± square foot addition to the north side and rear of existing
home to be used as an accessory family dwelling unit.
Ordinance: Special Use Permit petitioned under Article III, Section D, Table D-1, Subsection
13-3, "Accessory Family Dwelling Unit"
 Dimensional Variance petitioned under Article III, Section F, Table III-
F-1 and Section L-1.
 Minimum side yard variance request: Required 20' side yard; Proposed 10.4' s
side yard; Relief requested for 9.6' north side.
 Minimum rear yard variance request: Required 45' rear yard; Proposed 34.6' rear
yard; Relief requested for 10.4'.

Continued because abutters within the 200' radius were not properly notified.

D. Owner: Gerald E. Diodati
Location: 3 John Street, Plat 4 – Lot 319
Lot Dimensions: Frontage: 30'± Depth: 73'± Area: 10,000± square feet (Industrial Zone)
Present use: Industrial Building, existing 4,500± square foot footprint
Proposed: Installation and operation of 90± foot high antennae on top of existing buildings'
smokestack and construction of 12 x 28 foot (336 sq ft.) ancillary equipment
shelter.
 Special Use Permit petitioned under Article III, Section D, Table III-D-1,
Subsection 5.

Continued.

• **Applicant:** Joseph Baginski
Location: 25 Hedley Avenue (Plat 14 Lot 260 Zone R-15)
Dimensions of lot: Frontage: 40', Depth: 100, Area: 4,000 square feet
Present use: Vacant land
Proposed: Dimensional Variance for a single family home

Moved to later on the agenda.

IV. statesZoning Office New Business

- A.** Applicant: Michael McCool and Diana Donahue
 Location: 50 Reservoir Avenue (Plat 43/1, Lot 246, Zone R-40)
 Lot Dimensions: Frontage: 125'±, Depth: 200'±, Area 25,000'±
 Present Use: Single Family Dwelling
 Proposed: Construct a 1,296 square foot, 1-story addition to south side of existing home
 Ordinance: Dimensional variance petitioned under Article III, Section F, Table III-F-1.
 Minimum Side Yard Variance required 35' side yard; Relief requested for 15.9' (south side).

l and Ms. Donahue, after being duly sworn, explain an addition consisting of a 2-car garage separated by a small room. Mr. McCool running a business out of his home, simply needs storage space for his tools. Gene Pezzulli, abutter, after being duly sworn, stated that he did not object to the addition, but raises the 50' right of way deeded to that property. says that as long as the structure, it will not interfere with the proposed road.

Mr. Aurecchia motions to pass; Mr. Maselli seconds. Motion carries, 6-0.

- B.** Applicant: Scott B. and Elizabeth DeSalvo
 Location: 30 Maribeth Avenue (Plat 12, Lot 459, Zone R-15)
 Lot Dimensions: Frontage: 73.5'±, Depth: 100'±, Area 7,350± square feet
 Present Use: Single family dwelling, 1,400 square foot GFA
 Proposed: Construct a 350'± square foot addition to south side of existing home.
 Ordinance: Dimensional variance petitioned under Article III, Section F, Table III-F-1.
 Minimum side yard variance for 20' side yard; Relief proposed for 16' side yard, each side; Relief requested for 4' (south side).

Mr. DeSalvo, after being duly sworn, statespropose addition on the back of the garage For which he seeks a 4' variance with the Board. Mr. Aurecchia to accept; second by Mr. Fascia. Motion carries, 6-0.

- C.** Applicant: Diana Litterio and Nicholas Tella
 Location: 27 Elm Street (Plat 14, Lot 390, Zone R-15)
 Lot Dimensions: Frontage: 100'±, Depth: 50'±, Area 5,000± square feet
 Present Use: Single Family Dwelling, 912 square foot GFA
 Proposed: Construct a 460'± square foot addition to northeast side of existing home for a 1-story garage and additional living space.
 Ordinance: Dimensional variance petitioned under Article III, Section F, Table III-F-1.
 Minimum side yard variance for 20' side yard; Relief proposed is 15.66' side yard, each side; Relief requested for 4.34' (northeast side).

Mr. Pilozzi asks Mr. Tella why work was begun without a permit. Mr. Tella, after being duly sworn, Mr. Tella states that all necessary permits were pulled. Discussion follows on possible encroachments.

Mr. Aurecchia motions to accept; Mr. Maselli seconds. Motion passes, 4-1; dissenting vote by Mr. Anzelone.

- D.** Owner Integrity Investments
 Applicant: Joseph Baginski
 Location: 8 Custer Avenue (Plat 3, Lot 364, Zone B-2)
 Lot Dimensions: Frontage: 50', Depth: 100', Area 5,000 square feet
 Present Use: Vacant property
 Proposed: To construct an 837 square foot single family home on property zoned for general business.
 Ordinance: Dimensional variances petitioned under Article III, Section F, Table III-F-1 and Section L-1.
 Minimum setbacks variance for 40' front, rear, and side yards.
 Proposed 14' side yard, each side; 25' front yard; 37' rear yard; Relief requested for 26 feet on each side; 15' front yard; 3' rear yard.
 Use variance petitioned under Article III, Section N-2 and Article III, Section D, Table III-D-1, "Use Regulations", Subsection 2-1. Relief to construct a single family home in a business zone where residential dwelling are not permitted.

Mr. Pillozzi states that the Superior Court has remanded the Board's previous denial of a Use Variance—a house can be built on a business-zoned property. P. Discussion follows on respective setbacks, lot coverage (16%), potential need for a Dimensional Variance, possibility of commercial use, and the Community Comprehensive Plan. Proposal was compared to surrounding area with respect to number of bedrooms/sq. footage, basements, water and ledge problems, number of area legal non-conforming uses.

Mr. Pimental, attorney, is accepted as an expert, and Martin Mooradian, realtor, as a highly qualified witness. Their respective reports are accepted into the record.

- , d"B" .
- E.** Applicant: Robert Antonelli,
 Location: 20 Groton Street; Plat 10 Lot 229 Zone R-15)
 Dimensions of Lot: Frontage: 90±', Depth: 100±', Area: 9,000± square feet
 Present Use: Single Family Dwelling
 Proposed: Construct a 144 ± square foot addition to rear of existing home for use as a patio room.
 Ordinance: Dimensional variance petitioned under Article III, Section F, Table III-F-1
 Minimum rear yard variance request – required 45 feet, proposed 36.2 feet.
 Relief requested for 8.8 feet.

Robert Puchtimowner. No other appearances. Motion to approve by Mr. Anzelone; second by Mr. Pillozzi. Motion passes, 6-0.

- F.** Applicant: Excellent Builders Corporation
 Location: Genoa Avenue, Pole #3; Plat 5 Lot 332 Zone R-20)
 Dimensions of Lot: Frontage: 60±', Depth: 233±', Area: 13,980± square feet
 Present Use: Vacant Land
 Proposed: Construction of a 1280 ± square foot single family dwelling on a non-conforming lot of record.
 Ordinance: Dimensional variance petitioned under Article III, Section F, Table III-F-1
 Minimum side yard variance request – required 25 feet, proposed 10 feet. Relief requested for 15 feet each side.

Mr. Tha Kuy that side setbacks are necessary due to the location of the septic system and well. s states that the septic system and well been approved by DEM. discussed the e alternatives of moving the house, turning it sideways or downsizing the house to obtain the least relief necessary. Mr. John Aquilante, abutter, expresses concern about the possibility of 2 houses being built.

Mr. Aurecchia motions to grant; second by Mr. Pilozzi. Motion passes, 6–0.

- G.** Owner: North American Catholic Educational Programming Foundation, Inc. (NACEPF)
 Applicant: Nextel Communications of the Mid-Atlantic, Inc.
 Location: 2419 Hartford Avenue; Plat 56/1 Lot 4 Zone B–2
 Dimensions of Lot: Frontage: 257±', Depth: 277±' (average), Area: 1.6± acres
 Present Use: Business Property, existing 4,500± sq. ft. footprint
 Proposed: Installation of twelve (12) panel antennas at 140± feet AGL (240 sq. ft.) ancillary equipment shelter within existing fenced compound.
 Special Use Permit petitioned under Article III, Section D, Table IIID-1, Subsection 5.

Mr. Ricardo Sousa, representative for Nextel Communications and NACEPF, states that the antennas are needed to fill a “significant” gap in coverage. He introduces Mr. Ben Oricha and Eric Duhl as witnesses. Discussion follows regarding current and expanded use of existing towers in the area, specifically a water tower surrounded by woods approximately 1 mile from the proposed location. Mr. Sousa iterates the inadequacies of the water tower. Mr. Pilozzi speaks against expanding use of the proposed location for aesthetic and safety reasons.

Abutter’s objections are as follows:

Jessie Boffi expresses concerns about the area’s rezoning being; the construction of a structure, fence and signs not originally granted; deteriorating property values; and x-ray emissions. Seth Mangasarian the tower s an eyesore concern about possible x-rays and other particulates in the air, as well as tred blinking lights shining into his home.

Stephanie Manzi, Councilwoman, states that she had never experienced a Nextel coverage gap in the area.

Mr. Pilozzi suggests the Town provide an expert witness to examine the matter and address issues of contention, which Mr. Souza endorses.

Motion to deny by Mr. Aurecchia; second by Mr. Maselli. Motion denied, 6–0. Discussion.

Motion made to continue John Street until November by Mr. Maselli; second by Mr. Fascia. Motion passes, 6–0.

- H.** Applicant: Rhonda Rossi
 Location: 63 Shore Drive; Plat 62 Lot 25 Zone R–40)
 Dimensions of Lot: Frontage: 120±', Depth: 180±', Area: 22,716± square feet
 Present Use: Single Family Dwelling; R-40 Zone
 Proposed: Construction of 2-Story, 1123± square foot addition including attached 3-car garage and bedrooms above on south/west side of house; construction of 2-story, 390± square foot addition including kitchen on south/east side of house; conversion of existing garage to living quarters and construction of second story above. Addition of 5 bedrooms to existing 3 bedrooms for a total of 8 bedrooms. Dimensional variance petitioned under Article III, Section F, Table III–F-1 and relief under Section L-1, “Substandard Lots of Record and Lot Reduction.”

Mr. Michael Ahn, DEM approval for ISDS system. Mr. Mark Conboy, P.E. with Dave Gardner and Associates, and Richard Pezza, septic, are present as witnesses and are . Mr. Pilozzi verifies septic system adequacy with 9 . Mr. Pilozzi and disagrees that the house would conform to the neighborhood. Mr. Ahn states that the property would increase other property values. Discussion follows on necessity of 3-car garage and 2 kitchens. Ms. Rossi states that there are no working wells within 200 feet of the property, supported by affidavits, accepted as Exhibits A, B and C. Mr. Pilozzi verifies that septic effluent would not empty directly into the water. Discussion.

Motion by Mr. Aurecchia, second by Mr. Fascia, to amend the application to conform to maximum lot coverage. Mr. Aurecchia clarifies that hardship was due to the house's proximity to Ms. Rossi's business.

Motion to grant with amendments by Mr. Aurecchia; second by Mr. Fascia. Motion passes, 6-0.

Minutes from last meeting are accepted. Motion by Mr. Maselli; second by Mr. Pilozzi.

V. Adjournment.

Meeting adjourns at 12:17 p.m.