

Chairperson

Anthony Pilozzi

Vice-Chairperson

Joseph Anzelone

Secretary

Christopher B. Maselli, Esq.



Zoning Official

George E. Corrente, P.L.S.

Zoning Board Members

Kenneth Aurecchia

Alternate Board Members

Bernard Frezza

Alfred P. Cianci

JOHNSTON ZONING BOARD OF REVIEW

100 Irons Avenue, Johnston, Rhode Island 02919

401-231-4135 Fax: 401-231-4181

E-Mail: mmarocco@johnston-ri.us

ZONING BOARD MINUTES FOR JUNE 30, 2005

The Zoning Board of Review will held its monthly meeting on the 30th day of June, at 7:00 PM, 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 - Richard Fascia, Bernie Frezza, Al Cianci, Chairman, Anthony Pilozzi, vice-chairman, Joe Anzelone, secretary, Christopher Maselli, Esq.

II Accept minutes of the May 26th meeting.

III Miscellaneous

IV Old Business

A. David & Maria Kenny

Location: 117 George Waterman Road Plat 35 Lot 86 Zone R-15

Dimensions of lot: Frontage: 50'±, Depth: 153'±, Area: 7,343 sq. ft

Present use: Single family home

Proposed: Dimensional Variance to build a bedroom over the garage on a nonconforming setback line.

This application is under Article III, Table III F-1 and Section L, Item (1)

David and Marie Kenney, first having been duly sworn, testify as follows:

The house is a small cape. We can't put ourselves downstairs and the children upstairs or vice versa. The only space for another bedroom is above the garage. No one in the audience for or against the application, a motion was made to approve by Mr. Cianci and seconded by Chairman Pilozzi. All in favor. Whereupon a voice vote was taken.

B. Guy D. Alba

Location: 9 Candice Court Plat 20-2 Lot 316 Zone R-15

Dimensions of lot: Frontage: 100', Depth: 290', Area: 28,944 sq. ft.

Present use: Single family home

Proposed: Dimensional variance to add a garage and four season room to home

This application is under Article III, Table III F-1

This application was continued to the July meeting.

C. Marion Marocco

Location: 28 Bishop Hill Road Plat 57 Lot 214 Zone R-40

Dimensions of lot: Frontage: 120'±, Depth: 322'±, Area: 46,955 sq. ft. (1. 779 acres)

Present use: Single family home

Proposed: Dimensional variance for an accessory structure

This application is under Article III, Section G, Item 7 (c) and Section O (1), (2), (3).

Attorney John Shekarchi sent a letter to the board requesting a withdrawal of the application. Chairman Pilozzi asked if this present application was being withdrawn without prejudice. Ashley Marocco, after having been duly sworn, stated that was correct. He asked if the intention was to stay with the original application and plans that were presented at the first public hearing on July 29, 2004 and the decision recorded to remain in force. She stated that was correct. Mr. Anzelone made a motion to allow the withdrawal. Mr. Maselli seconded the motion. all in favor. Whereupon a voice vote was taken. Attorney Angelo Marocco, first having been duly sworn, stated he was an abutter. He had a copy of the decision that relates to a zoning hearing that was heard on July 29, 2004. The notice for the hearing on July 29, 2004 was for a garage that was to be attached to Marion Marocco's home and also for a storage facility or pool house in the back. The decision which was recorded on April 8, 2005, refers to an accessory family dwelling. He stated that there was never any notification for that in July of 2004. The building application has a zoning approval date of 11/18/04. It does not refer to the decision of July 29, 2004 or the April 8th decision that was reported relative to the July 29, 2004 hearing. Attorney Maselli stated that the only thing on the agenda is an application that was just withdrawn. Mr. Marocco stated that he has looked for minutes relative to the November 18, 2004 meeting. He believes that it was heard in Executive Session, a violation of the Open Meetings Law. Mr. Pilozzi stated that the Board has not met in Executive Session in 11 years. Mr. Marocco stated that the Accessory Structure that currently exists on the property is an illegal structure. Mr. Maselli asked if Mr. Marocco filed an appeal. Mr. Marocco stated that he did not, he was never notified that an Accessory Structure was the relief applied for. Mr. Pilozzi stated that the approval was given for an addition, the daughter and granddaughter were going to live there. Mr. Marocco stated that the neighbors never received any notice of that. The notice that was sent in July, 2004 did not reference an Accessory Dwelling. There is a wide divergence between the relief that was granted and the notification that was given. It's a clear violation of due process.

V New Business

A. Champion Patio Rooms for Christopher D'Ambrosio

Location: 17 Tabor Drive Plat 37 Lot 121 Zone R-40

Dimensions of lot: Frontage: 106 85', Depth: 93 ±, Area: 10,200 sq. ft.

Present use: Single family home

Proposed: Dimensional variance for a patio room on a substandard lot of record.

This application is under Article III, Table III F-1 for dimensional and Section L, Item 1, for sub-standard lot of record

Robert Puchta, first having been duly sworn, stated that the room was going right over the brick patio, 12 x 14 straight back. Mr. Fascia made the motion to grant. Mr Pilozzi seconded. All in favor. Whereupon a voice vote was taken.

B. Jamison Monello

Location: Downing Drive Plat 7 Lot 4 Zone R-20

Dimensions of lot: Frontage 80', Depth 189/204±, Area: 15,164 sq. ft.±

Present use: Vacant land

Proposed: Dimensional variance for a single family home and size of accessory structure

This application is under Article III, Table III F-1 for dimensional

Section G, Item 7 (c) for accessory structure

Section L, Item 1 for sub-standard lot of record

Richard Fascia stated that he has a prior financial relationship with the applicant and will abstain from voting on this application. Mr. Frezza will be voting in his place. Jamison Monello, after being duly sworn, stated that he is in the process of buying the land from John DePetrillo. Mr. Russo stated that Mr. Monello intends to build a single family dwelling with a detached garage. Mr. Monello stated that it is unclear at this time if he will live in the home or sell it. Mr. Russo stated the relief the applicant was looking for. Forty feet relief on the Frontage; Six and one-half feet on the left side; Relief for an Accessory Structure larger than one hundred fifty square feet. Mr. Monello stated that he has ISDS approval from DEM and approval from DEM also for a well. Mr. Russo stated that Mr. Monello has spoken to an abutter who has a right-of-way over the property and a paved driveway will be constructed for his use. Norman Diamante, after being duly sworn, stated that he is the abutter with the right-of-way. He is concerned because the driveway being proposed is in a different location from his current driveway. Mr. Russo stated that he is going to work with Mr. Diamante and construct a new easement with an exact location. Mr. Pilozzi instructed Mr. Diamante to meet with Mr. Russo and get the easement done. Mr. Diamante has to sign off that he is pleased with the driveway and approves of the location. Antonia Esposito, after being duly sworn, stated that she is Mr. Diamante's daughter. She is concerned about the new driveway. Mr. Monello stated that the new driveway is going to be on the far left of the property. It will be easier than the current driveway. Mr. Pilozzi verified that the new driveway will be paved. Mr. Monello stated that the new driveway will be large enough for emergency vehicles. Jeffrey Rapoza, after being duly sworn, stated that the current electric wires go over his property. With the new home being built, will those wires also go over his property? Mr. Monello stated that Narragansett Electric will redesign the placement of the poles so they do not cross Mr. Rapoza's property. Mr. Frezza made the motion to grant the application with the stipulations that the telephone poles be moved and that the new driveway is constructed to Mr. Diamante's satisfaction. Mr. Cianci seconded the motion. Whereas a voice vote was taken, all in favor.

C. Nextel Communication / Cingular

Location: 100 Old Pocasset Road Plat 44 Lot 351 Zone R-40

Dimensions of lot: 900'/800' x 1150 Area: 2.88 acres

Present use: Telecommunications Facility

Proposed: Same use with additional shelter for Cingular equipment

This application is under Article III, Section G, Item 7 (c) for accessory structure

Thomas White, after being duly sworn, stated that Nextel would like to locate antennas on the existing tower and build a 12' x 20' equipment shelter on the property. Mr. White stated that once per month someone from Nextel would be at the site for routine maintenance. The building and the fence surrounding the area will be locked. Motion to grant by Mr. Maselli, seconded by Mr. Pilozzi. Whereas a voice vote was taken, all in favor.

- D. DiRocco Masonry Inc**
Location: Central Avenue Plat 43-3 Lot 257 Zone R-40
Dimensions of lot: Frontage: 107.5', Depth: 555'±, Area: 1.25 acres
Present use: Vacant land
Proposed: Dimensional variance for new single family home
This application is under Article III, Table III F-1

Amadeo and Angela DiRocco, first having been duly sworn, stated that they intended to build a single family home on the property and needed side yard relief. Mr. DiRocco stated that the septic design is all set. Stanley Lutchka, after being duly sworn, stated that he has concerns about water in the area. Mr. Pilozzi verified with Mr. DiRocco that berms, walls or other abatements will be built if necessary. Mr. Pilozzi instructed Mr. Lutchka to contact Public Works Department and the Building Department in regard to the water problem. Mr. Cianci made the motion to grant the application. Seconded by Mr. Pilozzi. Whereas a voice vote was taken, all in favor.

- E. Domenic and Sarah Rea**
Location: 302 Simmonsville Avenue Plat 25 Lot 192 Zone R-20
Dimensions of lot: Frontage: 92', Depth: 592.97', Area: 50,042 sq. ft.
Present use: Vacant land
Proposed: Dimensional variance for a three season room
This application is under Article III, Table III F-1

Domenic and Sarah Rea, after being duly sworn, stated that they wish to build a three-season room in the rear of their home. No objectors being present, a motion to grant was made by Mr. Fascia. Seconded by Mr. Pilozzi. Whereas a voice vote was taken, all in favor.

- F. Resendes Contracting & Engineering for Robert and Lisa DeAngelis**
Location: 8 Elizabeth Ann Drive Plat 57 Lot 250 Zone R-40
Dimensions of lot: Frontage: 198', Depth: 153'±, Area: 31,025 sq. ft.
Present use: Single Family home
Proposed: Dimensional variance for a sun room
This application is under Article III, Table III F-1 for dimensional and Section L, Item 1 for sub-standard lot of record

No one showed for the application, continued to July, 2005 meeting. Motion made by Mr. Cianci. Seconded by Mr. Maselli. Whereas a voice vote was taken, all in favor.

- G. Barbara Rotella**
Location: Golden Avenue; Plat 9 Lot 248 Zone R-15
Dimensions of lot: Frontage: 80', Depth: 120', Area: 9,600 sq. ft.
Present use: Vacant land
Proposed: Dimensional variance for a single family home.
This application is under Article III, Table III F-1 for Dimensional and Section L, Item 1 for substandard Lot of record.

Barbara Rotella, after being duly sworn, stated that she intends to build a single family dwelling on the property. Joe Casali, after being duly sworn, stated that he is a Professional Engineer on the project. Dawn Oliveri, attorney for the applicant, stated that the Board was given incorrect house plans. Plans were submitted for a three

bedroom home, when in fact the home will have two bedrooms. Mr. Frezza made the motion to accept the new house plans. Seconded by Mr. Pilozzi. A voice vote was taken, all in favor. Mr. Casali stated that the footprint of house has not changed, the number of bedrooms were reduced per DEM. Mr. Pilozzi verified the dimensional relief requested. 20 feet in the rear yard. Elizabeth McManus, after being duly sworn, asked if the home was being built for the applicant or to be sold. Ms. Rotella stated that she intends to live in it. She will keep her current home and allow her grandson to live in it. Mr. Anzelone made the motion to grant with the stipulation that the applicant get Planning Board approval. Seconded by Mr. Pilozzi. A voice vote was taken, all in favor.

VI Adjourn

As per order of the Zoning Board of Review
Anthony Pilozzi, Chairman