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Johnston Zoning Board of Review

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MINUTES

January 26, 006

The Zoning Board of Review held its monthly meeting on the 26th day of January, 2006, at 7:03 p.m., in the cafeteria at the Ferri Middle School, 10 Memorial Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Chairman Anthony Pilozzi, Vice Chairman Joseph Anzelone, Secretary Christopher B. Maselli, Kenneth Aurecchia, Richard R. Fascia, Bernard Frezza, Alfred P. Cianci.

Also present: James P. Howe, Jr., Town Solicitor.

I. of Minutes

II. Election of Officers

Motion by Mr. Aurecchia for Anthony Pilozzi as Chair, Joseph Anzelone as Vice-Chair, and Christopher Maselli as Secretary. Seconded by Mr. Fascia.

III. New Business

- A. Owner/Applicant: James R. Castellucci
- Location: 75 Ruffstone Road, AP 61 – Lot 219
- Lot Dimensions: Frontage: 219'±; Depth: 67±; Area: 14,474.7± sq. ft.
- Zone: R-40 Zone (Single Family Residential, 40,000 sq. ft)
- Present Use: Single family dwelling, 1,820 sq ft living area
- Proposed: Construction of a 145± sq ft addition for use as living space and conversion of existing living space into a garage

Dimensional Variance petitioned under Article III, Section F, Table F-1, and M, "Non-Conforming Development".

Minimum Rear Yard Variance Request: Required 75 feet rear yard; proposed 40 feet rear yard Relief requested for 35 feet.

verified that the addition is only for his family's use. He also that will also require 7' of relief in front to accommodate a portico. No one appears for or against. Motion by Mr. Aurecchia to grant; second by Mr. Fascia. Motion carries, 7-0.

- B. Owner/Applicant: Justin Parrillo and Gerald DelSignore
- Location: Buck Hill Road, Plat 30 Lot 117; Zone: Industrial
- Dimensions of lot: Frontage 152.74±', Depth: 131.00± Area 20,000± sq. ft.

Present use: Vacant
 Proposed: Construction of a 5,000 sq. ft. Metal Building for the use of dry storage. Building to be divided into four (4) units. Dimensional Variance petitioned under Article III, Section F, Table III-F-1.
 Minimum Rear Yard Variance Request: Required 50 feet rear yard; Proposed 25 feet rear yard; Relief requested for 25 feet.
 Minimum Side (Left) yard Variance Request: Required 50 feet side yard; Proposed 26.5 feet side yard; Relief requested for 23.5 feet, westerly side.
 Minimum Side (Right) yard Variance Request: Required 50 feet side yard; Proposed 26.3 feet side yard; Relief requested for 23.7 feet, easterly side.

Justin Parrillo confirms that the building would not have septic system or heating. Required relief is ascertained. No one appears for or against. Motion to approve by Mr. Anzelone; second by Mr. Aurecchia. Motion carries, 70.

C. Owner/Applicant: Mary Ann and Frank Susi
 Location: 180 Borden Avenue, Plat 23 Lot 74 & 117;
 Zone: R-15 (Single Family Residential, 15,000 sq. ft.)
 Dimensions of lot: Frontage 40.2±', Depth: 375± Area: 31,824± sq. ft.
 Present use: Vacant Land
 Proposed: Dimensional Variance under Article III, Section F, Table III-F-1.

Minimum Frontage on an Improved Public Street: Required 100 feet frontage; Proposed 40.02 feet frontage; Relief requested for 59.98 feet.

Note: Proposal represents a request for variance for a reconfigured lot for AP 23/Lot 74 whereby a portion of AP 23/Lot 117 shall be added to Lot 74 to obtain the proposed 31, 824 square feet lot area – Planning Board approval is required by law for the Administrative Subdivision.

Mr. John Tzitzouris, P.L.S. for N. Veltri, Surveyors, that the subdivision would leave the larger lot in compliance and the smaller conforming.

Sandra Farone testifies that the Susi's bought the property at a tax sale, and do not have clear title. She states that a portion of Lot 117 is part of the Farone's property.

Mr. Farone states that his father was denied a variance years ago to build on this lot He claims the Susis are getting special treatment. Mr. Farone claims encroachment on his right-of-way, the presence of wetlands, and property damage from the Susi's excavator.

aps introduced showing varying openings on Borden Avenue. s

Motion to grant application the opening on Borden Avenue is no less than 40.02', by Mr. Aurecchia. Second by Mr. Maselli. Motion passes, 6-1; dissenting vote by Mr. Fascia. C-1 survey entered as Exhibit A.

D. Owner: ADV East Greenwich Association
 Applicant: Site Enhancement Services
 Location: 10 Putnam Pike; Plat 38 Lot 157;

Zone: B-2 (General Business) Zone
 Dimensions of lot: Frontage 150±', Depth: 177± Area 26,022± sq. ft.
 Present use: Improved Business Property – Retail Store
 Proposed: Applicant proposes variances to the signage requirements in the Zoning Ordinance.
 Variances are petitioned under Article III–Section J, 1(3)(11) Wall Signs and Section J, 1(e)(12), Pylon Signs (aka Ordinance 998A, Section 5.1.11 and 5.1.12).
 Requests 1 “Pylon Sign”, 108 square feet at an overall height of twenty (20) feet, thereby sized in excess of 50 sq. ft. maximum sign size per face, total, and fifteen (15) feet overall height;
 Also requests 1 replacement “Wall Sign”, at 92.82 square feet on northerly elevation in excess of maximum wall signage of 36 square feet sign size.

Mr. Shawn Smith, replace the prior tenant’s 3 smaller and 1 larger. Mr. Pilozzi suggests that 1 be reduced in size, and that the applicant read the applicable ordinance.

Motion to grant with stipulations by Mr. Aurecchia; second by Mr. Maselli. Motion carries, 7–0.
 stipulations: [1] 4 bollards to be placed at base of pylon sign to prevent cars from hitting and causing further damage or injury; and [2] dumpster to be enclosed by fence which can be gated and locked.

E. Owner: John Rotondo, Jr.; Mary Ann Rotondo Trustees, The Maria C. Rotondo Revocable Trust–1998
 Applicant: Robert Comella; Comella Realty, LLC
 Location: 429-433 George Waterman Road; Plat 38 Lot 223 & 225;
 Zone: B–2 (General Business) Zone
 Dimensions of lot: Frontage 160±', Depth: 160± Area 24,761± sq. ft.
 Present use: Vacant Buildings (2) – previously used as Plastics Manufacturing, Sales and Storage
 Proposed: Auto Body Repair Shop

Petition for Special Use Permit as per required under Article III, Table III–D-1, Subsection 9(8), “Service Business – Auto Body Shop” and per requirements of Article III, Section P(1), “Special Use Permits”.

(On the advice of the solicitor, the Chairman is allowed voice and votes on the matter.)

Mr. Placella, attorney for the applicant, states that Mr. Comella has agreement to buy the property move his existing auto body repair business. Mr. Placella describes the property with regard to buildings, lot size, and ingress and egress.

Kevin Dawson, abutter, does not want an auto body repair shop lower property value noise fumes, odors and particulates and being an eyesore.

Thomas Ragosta with Mr. Dawson, and cites concern with fire.

Sandra Dawson .

Joyce Ragosta .

Anna Aurecchia, abutter current customer, states that Mr. Comella runs a clean, neat establishment. She has no problem with the business moving across the street from her home.

Mr. Pilozzi verifies that Mr. Comella would not allow tow trucks on or next to his property after regular business hours, is closed on weekends, and does not own a car carrier.

Pictures A–E are accepted as exhibits for the Applicant.

Motion to grant with stipulations by Mr. Maselli; second by Mr. Aurecchia. Motion carries, 7–0.

Stipulations: [1] dumpsters are to be enclosed by a gated and locked fence; and [2] the entire property is to be enclosed by a solid and slatted fence.

IV. Old Business

A.Owner: John and Darlene Baffoni
Applicant: New Cingular Wireless, PCS LLC and Omnipoint Holdings, Inc.
Location: 316 Greenville Avenue; Plat 47/2 – Lot 51
Lot Dimensions: Frontage: 200± feet; Depth: 635± feet Area: 2.9± acres
Zone: R-20 Zone (Single Family Residential, 20,000 square feet)
Present Use: Auto Body Shop; existing 500± square foot building foot print
Proposed: Installation and operation of 120± foot high monopole structure as a communications transmission tower and construction of ancillary 11.6 foot x 20 foot (232) square foot equipment shelter.
Use Variance petitioned under Article III, Section D, Table III–D-1, Subsection #4; Dimensional Variance from “Height Limits” petitioned under Article III, Section F, Table III–F-1.

Ricardo Sousa, attorney for Cingular, states he is submitting testimony from two witnesses with respect to alternative site analysis. He Michael Walsh, site acquisition agent for T-Mobile, that the analysis produced no viable alternative candidates. Mr. Pilozzi questions the thoroughness of the search for alternates, and probes the viability of the D.P.W. yard, and Elijah Luutu, R.F. Technology and expert witness, describes the D.P.W. drive test, and compares tower height and relative coverage with the proposed site. Ovidiu Truta, Cingular R.F. Engineer and expert witness, he explain why work.

Motion to deny by Mr. Anzelone based on Zoning Ordinance disallowing cellular towers in residential areas. Second by Mr. Maselli. Motion denied, 7–0.

V. Adjournment

Meeting adjourned at 10:20 p.m.