

**Chairperson Zoning Official**

**Anthony Pilozzi Bernard J. Nascenzi, C.B.O.**

**Vice-Chairperson Zoning Board Members**

**Joseph Anzelone Kenneth Aurecchia**

**Richard R. Fascia**

**Secretary**

**Christopher B. Maselli, Esq. Alternate Board Members**

**Bernard Frezza**

**Alfred P. Cianci**

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**JOHNSTON ZONING BOARD OF REVIEW**

**100 Irons Avenue, Johnston, Rhode Island 02919**

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

**E-Mail: zoning@johnston-ri.us**

**MINUTES**

**June 29, 2006**

**The Zoning Board of Review held its monthly meeting on the 29th day of June, at 7:00, in the Library, at the Ferri Middle School, 10 Memorial Avenue, Johnston, RI. All persons interested in the following proposals requested to be present at this time.**

**Present:**

**Chairman Anthony Pilozzi, Vice Chairman Joseph Anzelone, Secretary and Attorney Christopher B. Maselli, Kenneth Aurecchia, Al Cianci, Richard Fascia, Bernard Frezza**

**Also present: James P. Howe, Town Solicitor and Susan Leonardi, Secretary**

**I. Approve Minutes of the previous meeting (s)**

**Minutes of July 28, 2005 Zoning Board of Review Meeting**

**Minutes of September 29, 2005 Zoning Board of Review Meeting**

**Minutes of October 27, 2005 Zoning Board of Review Meeting**

**Minutes of November 17, 2005 Zoning Board of Review Meeting**

**Minutes of December 15, 2005 Zoning Board of Review Meeting**

**Minutes of January 26, 2006 Zoning Board of Review Meeting**

**Minutes of February 23, 2006 Zoning Board of Review Meeting**

**Minutes of March 30, 2006 Zoning Board of Review Meeting**

**Minutes of April 27, 2006 Zoning Board of Review Meeting**

**Minutes of May 25, 2006 Zoning Board of Review Meeting**

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**II. New Business**

**A. ZBR-2006-33**

**Owner/Applicant: Bernard and Victoria Frezza**

**Location: 33 Homestead Avenue; AP 14 - Lot 121**

**Lot Dimensions: Frontage: 80± feet; Depth: 90 ± feet; Area: 7,200± sq. ft.**

**Zoning District: R-15 (Residential, 15,000 square feet) Zone**

**Existing Use: Single Family Dwelling**

**Development**

**Proposal: Convert 238 ± sq. ft deck into sunroom**

**Dimensional Variance petitioned under Article III, Section F, Table F-III-1.**

**Rear Setback Required: 45 feet; Proposed rear: 16.31 feet;**

**Relief Requested for 28.69 feet.**

**Right Side Setback Required: 20 feet; Proposed right side: 9.92 feet;**

**Relief Requested for 10.08 feet.**

**Mr. Pilozzi stated that because Mr. Frezza is a Board member, he will be abstaining from this petition. Mr. and Mrs. Frezza were asked to leave the room. Mr. Pilozzi presented the application to the Board and the audience. He stated that Mr. and Mrs. Frezza were asking to construct a 238 square foot deck in the middle of the rear of the single family dwelling. They are asking for 10.08 feet on the right side and 28.69 feet in the rear. No one appeared for or against. Motion to grant by Mr. Maselli. Seconded by Mr. Pilozzi. A voice vote was taken, all in favor. Motion passes.**

**B. File 2006-34**

**Owner/Applicant: Richard Dion**

**Location: 35 Sprague Circle; AP 7 Lot 159**

**Lot Dimensions: Frontage: 140± feet; Depth: 108 ± feet; Area: 15,000± sq. ft.**

**Zoning District: R-15 (Residential, 15,000 square feet) Zone**

**Existing Use: Vacant Land**

**Development**

**Proposal: Construction of a 442 ± sq. ft. sunroom on an existing patio**

**Dimensional Variance petitioned under Art. III, Sect. F, Table III-F-1**

**Rear Setback Required: 45 feet; Proposed rear setback: 24.4 feet;**

**Relief requested for 20.6 feet.**

**Abutter, Richard Hall sent letter against this application, which was read into the record**

by Mr. Pilozzi. Motion to accept as Exhibit A for the abutters by Mr. Anzelone, seconded by Mr. Pilozzi. Jay Bianco, attorney for the applicant, presented the application to the Board. Mr. Bianco stated that Mr. Dion is requesting to build a 442 sq. ft. sunroom on top of an existing patio. No one appeared for or against. Motion to grant by Mr. Maselli, seconded by Mr. Pilozzi. A voice vote was taken, all in favor. Motion passes.

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### **C. File-2006-32**

**Owner/Applicant: Matthew Cardilli, Executor of Estate of Annmarie Bianco**

**Location: 9 Rice Street; AP 35 Lot 193**

**Lot Dimensions: Frontage: 100± feet; Depth: 90.43 ± feet; Area: 9,043± sq. ft.**

**Zoning District: R-15 (Residential, 15,000 sq. ft.) Zone**

**Existing Use: Single family dwelling**

**Development**

**Proposal: Construct a 20' x 24' (480 sq. ft) addition to existing single family dwelling for additional living space**

**Dimensional Variance petitioned under Article III, Section F, Table III-F-1.**

**Rear Setback Required: 45 feet; Proposed rear 24.7 feet (with deck); Relief Requested for 20.3 feet.**

**Mr. Pilozzi stated that there is a Certificate of Appointment from the Town Clerk of the Probate Court attesting that Matthew Cardilli has**

**the right to act on behalf of the property. AnnaMaria Bianco was Mr. Cardilli's grandmother. Motion by Mr. Anzelone to accept as Exhibit A for the abutters, seconded by Mr. Fascia. Nick Veltri, surveyor for the project, presented the application for the applicant. Mr. Veltri states that the addition meets all setbacks except for the rear of the property where the deck will be located. The applicant is asking for 24.7 feet of relief. Bethany DeCamp, applicant, stated that the existing home has no living room. The addition will be for additional living space. Relief needed was verified with Mr. Veltri. Motion to accept the application by Mr. Anzelone, seconded by Mr. Pilozzi. A voice vote was taken, all in favor, motion passes.**

**D. File 2006-30**

**Owner: Franco and Lynn Petrone**

**Applicant: Campagnone Investment Group, Inc.**

**Location: Arcadia Avenue; AP 12 Lot 38**

**Lot Dimensions: Frontage: 60± feet; Depth: 70 ± feet; Area: 4,200± sq. ft.**

**Zoning District: R-10 (Residential, 10,000 sq. ft.) Zone**

**Existing Use: Vacant Land – No frontage on improved public street  
Development**

**Proposal: 1,397 sq. ft. Single Family Dwelling**

**Dimensional Variances petitioned under Art. III, Sect. F, Table III-F-1.**

**Lot Frontage Required: 100 feet; Proposed frontage: 60 feet; Relief requested for 60 feet on an unimproved public street**

**Lot Width Required: 100 feet; Proposed width: 60 feet; Relief requested for 40 feet.**

**Front Setback Required: 25 feet; Proposed front 20 feet; Relief requested for 5 feet.**

**Rear Setback Required: 40 feet; Proposed rear 22 feet (including deck); Relief Requested for 18 feet.**

**Relief petitioned under Art. III, Sect. L (1)(b-1)**

**Required Min. Lot Size on Existing Lot in R-10 Zone: 5,000 sq. ft.; Requested Lot Size: 4,200 sq. ft.; Relief Requested for 800 sq. ft.**

**Mr. Pilozzi verified the relief needed with the applicant's attorney, Kelly Morris. Michael McHugh, architect for the applicant, after being duly sworn, was accepted as a qualified witness. Motion to accept by Mr. Maselli, seconded by Mr. Pilozzi. A voice vote was taken, all in favor. Mr. McHugh handed the Board members packets describing the home to**

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**be built, complete with pictures of the surrounding neighborhood. Mr. Pilozzi told Mr. McHugh, that in the future, all submissions are to in the Zoning Office at least 2 weeks prior to the meeting. Because this was submitted late, the Board members will not have enough time to fully review the documents. Mr. Pilozzi verified that the street would be extended past the lot in question and that facilities would be brought down to the lot. Mr. Pilozzi asked what was being down to protect the abutters well. Mr. Corrente, applicant, stated that he did not know about the well. Mr. Pilozzi stated that the house has to be away from the neighbor's well. Ms. Morris asked where exactly the well is located; Mr. Pilozzi stated that is the applicant's responsibility to know about the well. Ms. Morris asked for advice on approvals,**

house size and location, and road construction. Mr. Pilozzi told her that the Board cannot advise applicants. Ms. Morris asked for the Solicitor's opinion regarding approvals. Mr. Howe stated that the Board will not give approval on dimensional variances without other approvals first being in place. The Board stated that issues as far as road extension, facilities, house size and placement, the abutters' well, all need to be addressed before the variance can be granted. Mr. Pilozzi asked if there was anyone in the audience against the project. Kathy Denham, after being duly sworn, stated that the house is too large for the lot. Sherry Favio, after being duly sworn, is concerned about a rescue vehicle being able to get down the street. She has a handicapped son and has safety concerns. Sara Gaulin, after being duly sworn, stated that she is a direct abutter and owns the house in question with the well. Ms. Gaulin states that she was told by her real estate agent and the Zoning Office 2 years ago that the lot in question was not buildable. Mr. Pilozzi explained that the lot is buildable. Ms. Favio asked Mr. Corrente how long he has owned the property. He replied that he has owned it approximately 6 months. Ms. Favio stated that she and her husband have been maintaining the lot since they bought their home 10 years ago. Mr. Corrente stated that he has made a mistake, he does not own the property. He has entered into a P & S with the owner. Ms. Morris asked for a continuation until July, 2006, meeting. Motion by Mr. Maselli to continue to next month. Seconded by Mr. Anzelone. A voice vote was taken, all in favor.

**E. File 2006-30**

**Owner: Phyllis Boccanfusco**

**Applicant: Ronald Boccanfusco**

**Location: Pinewood Avenue; AP 9 - Lot 82**

**Lot Dimensions: Frontage: 60± feet; Depth: 90 ± feet; Area: 5,400± sq. ft.**

**Zoning District: R-15 (Residential, 15,000 square feet) Zone**

**Existing Use: Vacant Land**

**Development**

**Proposal: Construction of a 1,092 ± sq. ft. Single Family Dwelling**

**Dimensional Variances petitioned under Art. III, Sect. F, Table III-F-1**

**Lot Width Setback Variance Request: Required 100 feet width; Proposed 60 feet; Relief requested for 40 feet.**

**Rear Setback Variance Request: Required 45 feet width; Proposed 38.3 feet; Relief requested for 6.7 feet.**

**Left Side Setback Variance Request: Required 20 feet width; Proposed 8.8 feet; Relief requested for 11.2 feet.**

**Right Side Setback Variance Request: Required 20 feet width; Proposed 9 feet; Relief requested for 11 feet.**

**Minimum Lot Size Variance petitioned under Art. III, Sect.**

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**L(1)(b-1)**

**Minimum Lot Size Required: 7,500 sq. ft.**

**Proposed Lot Size: 4,200 sq. ft.; Relief requested for 5,400 sq. ft.**

**Frank Lombardi, attorney for the applicant, presented the application to the Board. Mr.**

**Pilozzi stated that he has two letters from abutters against the**

**project. The first letter is**

**from Vincent and Brenda Florio, they are against the project. Motion to accept as**

**Exhibit A for the abutters is made by Mr. Anzelone. Seconded by the chair. The second**

**letter is from Attorney Frank Manni, also an abutter, also against the project. Motion**

**to accept as Exhibit B for the abutters by Mr. Anzelone, seconded by Mr. Pilozzi. Mr.**

**Lombardi stated that the house is not being built to be sold. It will be used by Mr. Boccanfusco's son. Mr. Kevin Morin, engineer for the project, after being duly sworn, stated his credentials for the record.**

**Motion to accept as a qualified witness by Mr. Maselli. Seconded by Mr. Pilozzi. A voice vote was taken, all in favor. Mr. Morin explained**

**the site plan to the Board. Mr. Boccanfusco, after being duly sworn, stated that he will be building the home. It will be a two bedroom**

**home. The home will be connected to town sewers. Mr. Greg Jeffrey, real estate expert, after being duly sworn, stated his credentials for**

**the Board. Motion to accept Mr. Jeffrey as a qualified witness made by Mr. Maselli. Seconded by Mr. Cianci. Mr. Jeffrey stated that this**

**home would have little or no impact on the surrounding real estate market. Mr. Pilozzi asked if anyone was in the audience against the**

**project. Mr. Armando Pati, after being duly sworn, states that he abuts the subject property to the rear of the lot. He states that the lot**

**is too small for the house. Mr. Pilozzi and Mr. Lombardi both describe other houses on the street that is the same size on the same size lot.**

**No one else appeared for or against the project. Mr. Maselli made a motion to grant the application, seconded by Mr. Pillozzi. A voice vote was taken, all in favor. Motion passes.**

**F. File 2006-35**

**Owner: Mark and Stacey Vierra**

**Applicant: Raymond and Carolyn LaPointe**

**Location: 2536 Hartford Avenue; AP 46 Lot 53**

**Lot Dimensions: Frontage: 150± feet; Depth: 88 ± feet; Area: 13,168± sq. ft.**

**Zoning District: R-40 (Residential, 40,000 square feet) Zone**

**Existing Use: Single Family Dwelling**

**Development Professional office used to sell cleaning franchises.**

**Proposal: Proposed signage of four (4) sq. ft., sign is larger than two (2) sq ft.**

**allowed in a residential zone.**

**Special Use Permit petitioned under Article III, Section D, Table III-D-1, Subsection 6.2; (Office Uses – “Professional Office”)**

**Variance under Article III, Section J, Subsection 4.1.2 (Free-standing sign in Residential Zone)**

**Maximum Sign Size Permitted: 2 sq. ft.; Proposed 4 sq. ft; Relief Requested for 2 sq. ft.**

**Raymond LaPointe, after being duly sworn, stated that the business will be open from 8 a.m. to 5 p.m., Monday through Friday, only. There is one secretary and one salesman. No one will live in the building.**

**Mr. Howe stated that the application reflects the incorrect regulation.**

**The regulation stipulated (Table D- III, Subsection 6.2) requires**

someone living in the building. Regulation Table D – III, Subsection 6.1 does not require someone living in the home. Mr. Howe made the statement that the application should be changed to reflect the correct regulation and it should be a Use Variance, not a Special Use permit. Mr. Pilozzi verified that if this is granted and the business moves out of the building, the use would revert back to residential. Mr. Howe agreed. Mr.

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Aurecchia made the motion to amend the application. Seconded by Mr. Pilozzi. A voice vote was taken, all in favor. Mr. LaPointe was directed to go to the Zoning Office and make the necessary corrections, as soon as possible. Mr. Pilozzi verified that there is currently parking for 8 cars on the premises and that would not be changed. Mr. LaPointe expects to have less than 10 cars in a month (other than the secretary, salesman, and himself) on the premises. There will be no cleaning vans. Mr. LaPointe stated that he does keep a small supply of environmentally-friendly cleaning chemicals on site for training purposes. When he sells a franchise, he trains the new franchisee. He plans to have a training facility in the basement and will keep a very small supply of cleaning chemicals for that purpose. Mr. Maselli asked Mr. LaPointe how long he had been in the franchise business, 7 years. He currently operates out of Pawtucket and would like to stop paying rent and purchase his own building. Mr. Pilozzi asked if there were any objectors in the audience and asked the ladies to come forward. Jean Cassiere, after being duly sworn, states that she lives next door to the subject property. She thinks the

additional traffic will be a safety issue to the small children and the elderly in the neighborhood. She also does not want a sign in her neighborhood. She does not want a commercial property in her neighborhood. Mr. Pillozzi stated that there are several commercial properties already in the vicinity. He does not believe that this will increase traffic significantly. Judith Michaelenka, after being duly sworn, states that she and her father in-law both abut the subject property. She is concerned because her father in-law is almost deaf and is concerned for his safety. Mr. Pillozzi asked if she had applied for a "Deaf Person" sign from the town, she replied she had not. Cynthia Fullerton, after being duly sworn, stated that she is concerned about traffic flow and accidents. Mr. Pillozzi stated that the Board may stipulate signage directing traffic. Mrs. Fullerton asked what would happen if Mr. LaPointe changed the nature of the business being run from the building. Mr. Pillozzi stated that he could not change the business without first getting a business license from the Town. Mrs. Fullerton is concerned about traffic. Mr. Pillozzi stated that this type of business will generate less traffic than the florist or the oil company currently in the neighborhood. Mrs. Michaelenka stated that the increase in traffic will be a safety concern. The best use for the property is residential. Mr. Pillozzi stated that the Board understands her concerns, but the Board has to follow the Zoning Ordinance. Bonnie Strauss, after being duly sworn, stated that she is concerned about traffic and the chemicals being stored. Mr. Pillozzi stated that the business will be watched for violations. Mr. Pillozzi asked for the gentlemen objectors in audience to come forward.

Henry Michaelenka, after being duly sworn, stated that he does not want a commercial property in the neighborhood, and is concerned about traffic. He is also concerned about the business growing and Mr. LaPointe adding staff. Michael Cassiere, after being duly sworn, stated that he is concerned that the nature of the business will change. Mr. Pilozzi verified that Mr. LaPointe cannot change the nature of the business without going to the Town Council for a new license. Mr. Cassiere feels that the texture of the neighborhood will change. He stated that there are other properties on Hartford Avenue, zoned "commercial" that are already for sale, why doesn't Mr. LaPointe go there? Barry Strauss, after being duly sworn, stated that he is against the project. He is concerned about the quality of the neighborhood and traffic. Mr. Pilozzi assured Mr. Strauss that the business will be monitored and any violations will be addressed immediately. Brian Monihan, after being duly sworn, stated that he believes the Board is underestimating the amount of traffic that will be generated by allowing this business. Kenneth Frey, after being duly sworn, stated that he is concerned about the chemicals and the nearby lake. Mr. Pilozzi asked Mr. LaPointe how large of a supply of cleaning chemicals will be stored on site? Mr. LaPointe stated that he stores approximately 15-20 boxes of quart bottles, approximately 4 gallons. In addition there is approximately 20 gallons of floor wax. There will be a truck, approximately once per month delivering this supply of chemicals. Mr. Pilozzi stated that there are other trucks in the neighborhood, oil delivery, UPS, Fed Ex etc.... Mr. Monihan stated that he thinks the Board is underestimating the amount of traffic that

will be generated. Stacey Vierra, after being duly sworn, stated that the house is currently for sale and has 3 bedrooms. She verified that the family owns 2 cars and does not use the front entrance off of Hartford Avenue. Mr. Monihan stated that he would rather have a large family move in than have this business be allowed there. Mr. Aurecchia asked Mr. Monihan if he wanted more traffic than less? Mr. Monihan replied he did not. Mr. Aurecchia stated that a large family would generate more traffic than this business probably would. Mr. Michaelenka asked why a person would want a 3 bedroom, 2 bath home for a business? Mrs. Cassiere stated that the neighbors are only trying to keep the neighborhood a neighborhood. Mr.

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Pilozzi stated that the Board has to follow the code. If they do not, the Town can be sued. Mr. Frey stated that it is a close-knit neighborhood and they do not want that to change. Mr. Pilozzi stated that the Board is looking for facts that this business will disrupt the quality of life. Mr. Aurecchia stated that is it s a close-knit neighborhood. 9 neighbors showed up, where are the rest? Someone from the audience stated that it was 4th of July weekend. Mr. Pilozzi asked if there was anyone in the audience for the project. Tina Maccarone, after being duly sworn, stated that she lives next to Joe's Junk, and that she would rather have a Monday-Friday, 9-5 business there than what she currently has next door to her now. Mr. Pilozzi asked Mr. LaPointe why he needs a sign. Mr. LaPointe stated that he feels the business needs to be identified. Mr. Pilozzi disagreed. Mr. LaPointe cited the Sign Ordinance of the Town of Johnston. In a residential

area, a 2' x 2' sign is allowed. He is asking for a 4' x 4'. Mr. Pillozzi stated that the request is denied. Mr. LaPointe asked for a small sign on the front door. Mr. Pillozzi stated that it was to be tasteful. Mr. LaPointe stated that it would be very small.....Jan-Pro and the address. Mr. LaPointe asked the Board's permission to put a small sign on the side of the house, near the driveway to identify the business. Mr. Pillozzi agreed. Mr. Aurecchia made the motion to grant the Use Variance. The granting will have the following stipulations: (a) A sign no larger than 12" x 12" on the left side of the house or on the front door (b) signs directing the flow of traffic. Seconded by Mr. Anzelone. A voice vote was taken, Mr. Aurecchia aye, Mr. Frezza not able to vote, Mr. Pillozzi aye, Mr. Fascia nay, Mr. Cianci aye, Mr. Maselli aye. Motion passes 4 in favor, 1 denial. Mrs. Maccarone verified the voting members and their votes.

Motion to adjourn by Mr. Anzelone, seconded by Mr. Pillozzi. A voice vote was taken, all in favor.

Meeting adjourned at 9:51 p.m.