

Chairperson
Kenneth Aurecchia

Vice-Chairperson
Richard Fascia

Secretary
Douglas Jeffrey

Counsel for the Board
Joseph Ballirano, Esq.



Zoning Official
Bernard J. Nascenzi, C.B.O.

Zoning Board Members
Anthony Pillozzi
Joseph Anzelone

Alternate Board Members
Bernard Frezza
Costanzo Caparrelli, Sr.

Recording Secretary
Susan Leonardi

JOHNSTON ZONING BOARD OF REVIEW
100 Irons Avenue, Johnston, Rhode Island 02919
Tel: 401-231-4135; Fax: 401-231-4181

MINUTES
July 26, 2007

The Zoning Board of Review held its monthly meeting on the 26th day of July, 2007, 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 had been requested to be present at this time.

Present:

Chairman Kenneth Aurecchia, Vice Chairman Richard Fascia, Secretary Douglas Jeffrey, Anthony Pillozzi, Bernard Frezza, Costanzo Caparrelli, Sr.

Also present: Joseph R. Ballirano, Town Solicitor, Susan Leonardi, Recording Secretary, Bernard Nascenzi, Building/Zoning Official and Dianne Edson, Stenographer

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

Mr. Pillozzi made the motion to approve the minutes of the June 28, 2007 meeting. This was seconded by Mr. Fascia. A voice vote was taken, all in favor.

Mr. Aurecchia stated that there has been a request to hear one application out of order. The first application heard tonight will be 1302 Associates, Atwood Avenue, and then the rest of the Agenda will be taken in order.

II. New Business

A. File 2007-41

Owner/ Applicant: 1302 Associates, LLC
Location: 1302 Atwood Avenue; AP 44 Lot 30
Lot Dimensions: Frontage: 130 ft; Depth: 426 ft; Area: 53,778± square feet
Zoning District: R-15/B-1 (Residential – 15,000 sq. ft. and Neighborhood Business) Zone
Existing Use: Single Family Dwelling
Development
Proposal: Demolish existing structure and construct a 92' x 43' (3,956 sq. ft.) retail store

Dimensional Variance petitioned under Article III, Section F,
Table III-F-1 and Section H (5) - Parking

Minimum Left Side Setback Required: 20 ft.; Proposed Rear
Setback: 10 ft.; Relief Requested for 10 ft.

Frank Manni, attorney for the applicant, presented the application to the Board. The operation will consist of a fruit stand and a deli. Anthony Sylvia, engineer with Casali and D'Amico, is duly sworn. Mr. Pilozzi made the motion to accept Mr. Sylvia as a qualified expert; this was seconded by Mr. Jeffrey. A voice vote was taken, all in favor. The plan shows customer parking in the front of the building. The area in the rear is for parking for employees, as well as the off-street loading area. The Zoning Ordinance requires 22 spaces, the applicant is proposing 24. Mr. Pilozzi asked how far the building will be from the home on the south side. Mr. Sylvia stated that the building is ten feet off the property line; he does not have the measurement of how far the home is off the property line. The proposed structure is on the existing footprint, so that dimension will not change. The zone line on the property runs north to south, dividing the property. The property is divided between B-1 and R-15 zones. Mr. Pilozzi asked how much of the lot is zoned residential. Mr. Sylvia explained that approximately 30 percent of the lot is business. The rear parking and the loading dock are located in residential zone. Mr. Sylvia explained that the applicant is proposing a 30-foot buffer zone with plantings to help screen this area from abutters. Ralph Mangiarelli, Vincent DeRamo, and Joseph Britto are duly sworn. Mr. Pilozzi asked how loud the outside refrigeration would be. Mr. Sylvia explained that it will be in the low decibel range. Residents will be more likely to hear traffic before they hear the refrigeration unit. Mr. Manni stated that the store will be open Monday through Saturday from 8 am to 6 pm and Sunday from 9 am to 1 pm. Mr. Fascia asked where the dumpster would be located. Mr. Sylvia stated that the dumpster location has not yet been determined. Mr. Fascia stated that he is concerned about the time of dumpster pickups. Mr. Manni stated that currently pickups are made three times per week at about 8 or 9 am. Mr. Pilozzi stated that he had personally checked the existing area and it is kept quite clean. Mr. Frezza verified that the dumpster will be enclosed. Mr. Fascia stated that rodent abatement procedures be adhered to. Mr. Pilozzi asked what time deliveries are made. Mr. Mangiarelli stated that no deliveries are made before 7 am, not usually before 7:30 am. Mr. Pilozzi asked about the physical alteration permit to allow new ingress and egress for the property. Mr. Sylvia explained that the current curb cuts will be closed and the new ones will be located as far from the intersection as possible. Mr. Pilozzi asked about lighting. Mr. Britto explained that all lights will point toward the building and away from abutters. Mr. Pilozzi asked about signage. Mr. Manni stated that the signs will be within the Zoning Code. Mr. Sylvia showed the Board a draft design of the proposed sign. It will face north and south. It will be located closer to the new curb cuts. Mr. Pilozzi verified that the sign will be lit, but on a timer. John O'Leary, abutter, was duly sworn. Mr. O'Leary stated that he is there representing his mother-in-law, Helen Zablinki. Ms. Zablinki is a direct abutter to the subject property. Mr. O'Leary submitted pictures to the Board that relate to the property in question. Mr. O'Leary stated that Ms. Zablinki has lived in this house for 60 years. Mr. O'Leary stated that Ms. Zablinki recognizes that the owner has the right to develop and use the property, but she asks that the matter be tabled until questions are answered and issues are resolved. Mr. O'Leary quoted the RI statute regarding variance criteria. She requests that the left side setback request be denied. She requests a fence be installed on the southern boundary to prevent customers from walking across her property or using her property in any way. She requests that shrubs or trees be planted to reduce the degree of disturbance and

noise pollution. She would like the outdoor refrigeration unit muffled to lessen any disturbance. Mrs. Zablinkski requests that the rear parking spaces be moved away from her property and any outdoor lighting be directed away from her home. Her other concerns have already been addressed this evening. Mr. O'Leary provided the Board with a written list of Mrs. Zablinkski's concerns. Mr. Pilozzi made the motion to accept the photos as Exhibit A for the abutter. This was seconded by Mr. Fascia. A voice vote was taken. All in favor. Mr. Manni stated that his client is willing to address each concern. Mr. Pilozzi asked Mr. Sylvia if it were possible to maintain the 20-foot setback on the left side. Mr. Sylvia requested that a middle point be reached, with a 15-foot setback on that side. They are amenable to installing a fence. Mr. Fascia asked if this was the corner where Christmas Trees are sold. Mr. Sylvia stated that there is a blue house that has been vacant. Mr. Fascia verified that it was not the historical home on a nearby site. Mr. Fascia stated that he is concerned about traffic at that intersection. Mr. Sylvia stated that the next step is to submit a traffic plan to D.O.T. The D.O.T. has data for the area and their estimate is 18,000 trips per day. The proposed project will only add approximately 300 trips per day. Mr. Frezza asked about moving the building north 20 feet. Mr. Sylvia explained that the building was designed to hide the functional areas. If the building were moved north, it would change the layout significantly. Mr. Jeffrey asked the applicants what they would equate the noise of the refrigeration unit to when the store was not operating. Mr. Britto stated that he would equate it to a central air conditioning unit for a home. Mr. Frezza questioned the 10 foot side setback. Mr. Sylvia stated that it is wide enough for the delivery trucks to get through. If the building is moved 20 feet north, there will not be room for trucks. Even if the side setback were changed to 15 feet, it would narrow the right side so trucks could not get through. Mr. Nascenzi stated that the Fire Department will not approve a 10 foot corridor. The minimum corridor for the Fire Department is 15 feet. Mr. Pilozzi stated that the applicant will have no choice but to move the building north 5 feet and have a minimum of 15 feet on each side of the building. Mr. Sylvia requested the opportunity to research the exact Fire Department requirements. Mr. Anzelone verified that the property has public sewer. Mr. O'Leary stated that Ms. Zablinkski's property has a septic system. Mr. O'Leary showed the Board on the photos previously provided. She also has a well. Mr. O'Leary stated that the septic is approximately 25 feet away. Mr. Frezza asked if Ms. Zablinkski would object to shrubs/plantings installed along the new fence on her property, if they were maintained by the applicant. Mr. O'Leary agreed. Christopher DesRochers, after being duly sworn, stated that he is an abutter. He abuts the subject property to the rear. He asked what the distance was from the back of his property to the back of the parking lot. Mr. Sylvia stated that it is approximately 200 feet. Mr. DesRochers asked what the plan was for the rest of the lot. Mr. DeRamo stated that there would be one house in that area. Mr. DesRochers stated that the remainder of his concerns has already been addressed this evening. Kelly Coates, SVP of 195 Associates, stated that 195 Associates is the owner of Stonehill Marketplace, LLC. He states that he believes it is a good policy for every new commercial building on Atwood Avenue to be set back an additional 5 feet for future street widening. Also, these applicants have been tenants of 195 Associates for several years. They have been model tenants and have always kept their word. Mr. Anzelone asked what the current proposed front setback was for the building. Mr. Sylvia stated that it is currently approximately 70 feet from the street edge, including sidewalks. Joana Joseph, after being duly sworn, stated that she is an abutter to the rear of the project. She is concerned about trucks and noise. Mr. Britto stated that she will just see trees and shrubs. Mr. Manni stated that he has a letter from an abutter, Adaline Dacchioli of 420 Central Avenue. She has no objection to the project. Mr. Manni submitted this letter to the Board. Mr. Jeffrey asked Mr. Sylvia if the building and parking were moved back, would that impede future development of the rear of the lot. Mr.

Sylvia stated that it would not. The parking area can be reduced by two spaces and change the design of the parking lot to 60-degree angle parking, which narrows the travel area. Mr. Aurecchia read the entire letter from Adaline Dacchioli. Motion by Mr. Jeffrey to accept as Exhibit 2 for the applicant; seconded by Mr. Fascia. A voice vote was taken, all in favor. Mr. Pilozzi stated that there are many areas left unresolved. He suggested continuing the matter until these matters are addressed. Mr. Fascia made the motion to continue the application; seconded by Mr. Pilozzi. A voice vote was taken, all in favor.

III. Old Business

A. File 2007-22

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| Owner: | 1025 Realty, LLC |
| Applicant: | “Jesuschrist Fountain of Life” Pentecostal Church |
| Location: | 1025 Plainfield Street; AP 1 Lot 98 |
| Lot Dimensions: | Area: 1.505± acres |
| Zoning District: | B-2 (General Business) Zone |
| Existing Use: | Restaurant with Entertainment and Liquor |
| Development | |
| Proposal: | Church or Other Place of Worship Special Use Permit petitioned under Article III, Section D, Table III-D-1; Section P – Special Use Permits |

Mr. Pilozzi stated that his hearing aid was not working properly at the last meeting and he did not hear all the testimony. Until a final decision is written, the Board has the opportunity to reconsider applications. Mr. Pilozzi stated that he would like to continue this matter until the next meeting. This meeting was advertised as “Clarification of Vote” only; which means that the Board cannot do anything but revote. Mr. Pilozzi would like to have a reconsideration of the application, which requires re-noticing of abutters. Mr. Landry, attorney for the applicant, agreed. Mr. Ballirano stated that Mr. Landry would have to request the new agenda item. Mr. Fascia made the motion to reconsider the application; seconded by Mr. Pilozzi. A voice vote was taken, all in favor.

B. File 2005-31

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| Owner/Applicant: | Rhonda Rossi-Ahn |
| Location: | 63 Shore Drive; AP 62 – Lot 27 |
| Lot Dimension: | Area: 27,716± square feet. |
| Zoning District: | R-40 (Residential – 40,000 sq. ft.) Zone |
| Existing Use: | Single Family Dwelling |
| Development | |
| Proposal: | Construct an addition containing a 3-car garage with bedrooms above and a new kitchen. Dimensional Variance petitioned under Article III, Section F, Table III-F-1 |

This was previously approved at the October 27, 2005 Zoning Board of Review meeting. Applicant is requesting a modification to approved plans. Requested change will not affect roof line or height of house.

Michael Ahn and Rhonda Rossi-Ahn, owners, were duly sworn. Mr. Ahn stated that they are back before the Board because some modifications need to be made to the approved plan. Mrs. Rossi-Ahn stated that the architect that designed the house was three feet off in all calculations, so stairways and entry ways need to be changed. The dormers on the roof were originally half dormers; they will not be full dormers. Mr. Nascenzi stated that revised plans will need to be brought to his office to amend the original building permit. Mr. Pilozzi stated that the Building Official has the power to approve these changes. Mr. Nascenzi stated that because the modifications were more than the allowable percentage, the applicant is required to come back before the Board. No abutters appeared for or against. Mr. Pilozzi made the motion to grant the changes; seconded by Mr. Fascia. A voice vote was taken, all in favor.

C. File 2007-31

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| Owner/Applicant: | Joseph Santagata, Jr. |
| Location: | 48 Golden View Drive; AP 45 – Lot 218 |
| Lot Dimension: | Frontage: 200 ft; Depth: 200 ft; Area: 40,000± square feet. |
| Zoning District: | R-40 (Residential – 40,000 sq. ft.) Zone |
| Existing Use: | Single Family Dwelling |
| Development | |
| Proposal: | Construct an additional 75' x 30' (2,250 sq. ft.) single family dwelling. |

Special Use Permit petitioned under Ordinance 2002-21, Buildable Lot Determination 2(3) – Relief from Merger Requirements

Alfred Russo, attorney for the applicant, presented the application to the Board. Mr. Russo stated that when Mr. Santagata purchased the property several years ago, he was told that he was buying two buildable lots. When he went to the Building Department to get a permit to build a home on the second lot, he was told that his lots were merged under the merger doctrine. Mr. Russo stated that this application was filed under Ordinance 2002-21, adopted by the Town Council on June 9, 2003. He would like to introduce copies of the Ordinance and handed copies to the Board. Mr. Russo also handed copies of AP 45, showing Lots 218 and 219, which was in effect when his client purchased the property. This plat was recorded in 1927. The map that was submitted for your package shows that as of today, there is only one lot. Mr. Anzelone made the motion to accept these documents as Exhibits 1, 2, and 3 for the applicant. This was seconded by Mr. Pilozzi. A voice vote was taken, all in favor. Mr. Russo stated that the subject lot is 40,000 square feet. The surrounding area consists of mostly 20,000 square foot lots. Mr. Santagata's lot does have a house on it. He would like to subdivide the lot and construct a second home for them to live in and let his parents stay in the existing

home. Mr. Russo also handed the Board plat cards showing two distinct lots. Mr. Russo asked the Board to look at Section B of Ordinance 2002-21, and he quoted directly from it. He believes that his client meet the requirements of each provision.

1. Conformity with the neighborhood. The two lots will conform to the surrounding neighborhood.
2. The unmerged lots will allow adequate space for fire protection.
3. The unmerged lots will not adversely affect neighborhood properties.
4. The unmerged lots will not create setbacks less than required.

Mr. Russo stated that based upon the above criteria, the Santagata's have met all the above criteria. Mr. Fascia verified that Mr. Russo is talking about subdividing two lots. Mr. Fascia stated that Mr. Russo is actually talking about Section 2 on page 10, not Section 3 of the Ordinance. Mr. Russo stated that Section 2 could also apply to this application. Mr. Anzelone asked who lived in the home on Lot 218 currently. Mr. Santagata stated that he has an in-law apartment and his parents live in the apartment and he and his family live in the rest of the house. Mr. Fascia asked why the applicant didn't put an addition on the house, if more room was needed. Mrs. Santagata stated that because of the pool, there isn't enough room. Mr. Fascia asked if one of the homes would be rented out. Mrs. Santagata stated that her family will live in one and her in-laws will live in the other. Mr. Fascia asked if the lots would meet the R-40 Zoning requirements. Mr. Russo stated that the applicants would have 20,000 sq. ft. per lot and would need relief on the rear setback. Mr. Pilozzi stated that the Board has a copy of a Buildable Lot Determination done by George Corrente. Mr. Russo stated that the process was never completed through the Planning Board. Mr. Pilozzi stated that the application must go back to the Planning Board, if it is granted. Mr. Nascenzi stated that the Buildable Lot Determination was incomplete. It was never filed with the Town. Ordinance 2002-21 specifically states that if the Zoning Board grants the applicants relief on the setbacks, they still have to go to the Planning Board and have the lots unmerged and assigned two lot numbers. Mr. Nascenzi stated that the applicants had submitted plans to him for permits, he denied them. Mr. Nascenzi stated that he would caution the Board against granting any type of relief at this time. The house plans may change. Mrs. Santagata stated that they are willing to build a smaller house. Mr. Pilozzi stated that whatever is voted on tonight is the house that will have to be built. Mr. Russo stated that the applicant will need 10 feet of relief in the front and 37 relief in the rear. Mr. Russo stated that he will withdraw the current application, amend the application and resubmit it for the next meeting. Mr. Pilozzi made the motion to accept Exhibits 4 and 5 for the record. This was seconded by Mr. Fascia. A voice vote was taken, all in favor. Mr. Fascia made the motion to continue the application until the September meeting. This was seconded by Mr. Pilozzi. A voice vote was taken, all in favor.

CLARIFICATION OF DECISION**C. File 2001-19**

Owner: JVNEA Realty, LLC
 Applicant: John Vernancio
 Location: 37 Manuel Avenue; AP 15 – Lots 166 & 181
 Lot Dimension: Frontage: 283 ft; Depth: 100 ft; Area: 16,600± square feet. (Lot 166)
 Frontage: 100 ft; Depth: 100 ft; Area: 10,000± square feet. (Lot 181)

Zoning District: R-15 (Residential – 15,000 sq. ft.) Zone
 Existing Use: Vacant Building
 Development
 Proposal: Dispatch facility for New England Ambulance Company with supporting offices.

Special Use petitioned under Article III, Section P and Article III, Section D, Table III-D-1 Subsection 11 and 14.

Gerald DeCelles, attorney for the application, stated that the matter was before the Board as a referral from the Town Council. “Article XI, Section C (2) of the Johnston Zoning Ordinance states that no member or alternate member may vote on any matter before the Zoning Board unless they have attended all hearings concerning the matter.” This Board is not the same Board that was constituted in 2001, so accordingly and respectfully I suggest there’s nothing for you to do tonight. Mr. Pillozzi referred the matter to Mr. Ballirano. Mr. DeCelles stated that what was discussed at the Town Council meeting has no bearing on this Zoning Board meeting. Mr. Anzelone stated that three of the current members were on the Board, therefore a quorum exists. Mr. Ballirano stated that even though he could not cite the cases, he has read case law and it is his understanding that Boards are allowed to hear the matters as they come back. Because there are 3 members of the Board that heard the original application, there should be no issue on hearing this tonight. Mr. DeCelles stated that there are only 3 stipulations in the original decision; no overnight street parking of vehicles; masts shall be no higher than 10 feet; be active with the building permit or certificate of occupancy within one year. Mr. DeCelles stated that his client has not violated any of the above stipulations. Mr. Pillozzi stated that he wasn’t in favor of this application previously, and he said that there may be a problem now. Mr. Nascenzi stated that he sent the letter to Mr. Vernancio requiring his presence tonight. Mr. Nascenzi stated that Mr. Vernancio has no license to operate a business. Mr. DeCelles stated that the Town of Johnston cannot license an ambulance service that comes directly from the Department of Health. Mr. Fascia stated that the Town cannot license an ambulance service, just dictate the use of the facility. Mr. Aurecchia stated that it is his decision to hear the abutters and what their problems are. Mr. Aurecchia asked if any abutters were in the audience. Craig Griswald, after being duly sworn, stated that he has lived in the neighborhood for fourteen years. He and his tenant both have young children. He is home all day recovering from an illness. He sees the ambulances

speeding on the street. His tenant received a speeding ticket, but the ambulance traveling right behind her received nothing. The speed bump that was installed on the street needs to be bigger. Mr. Griswald stated that he has personally seen the ambulances reach speeds of 30-40 miles per hour in the space of about 2 blocks. Mr. Pillozzi stated to Mr. Vernancio that in the prior hearing, Mr. Vernancio had stated that this level of speed would not occur on the residential street. The ambulances would not pick up speed until they reached Killingly Street. Mr. Vernancio replied that the ambulances do not use the sirens. Mr. Griswald stated that when the ambulance passed them going very fast, he yelled out to have them slow down, the ambulance driver yelled profanity out of the ambulance. Mr. Griswald stated that he called the office of the ambulance company. The gentleman on the phone stated that the situation would be handled. Mr. Fascia asked Mr. Vernancio if N.E. Ambulance handled emergency calls from the Town of Johnston. Mr. Vernancio stated that they do not. They handle calls from Cherry Hill Nursing Home. Mr. Fascia stated that in a residential area, 25 mph is certainly acceptable for an ambulance. It does not result in a time loss of more than 15 seconds. Mr. Vernancio stated that his drivers do not go faster than that on Manuel Avenue. His drivers have never been cited by the Johnston Police. Mr. Griswald stated that this was false. Mr. Vernancio also stated that the Town installed a speed bump on the street. There is no way his drivers could go more than 30 mph over the speed bump. Mr. Griswald stated that the drivers do go faster than that over the speed bump. Mr. Griswald stated that he has videotaped the ambulances and the drivers have waved as they sped by. Mr. Vernancio stated that his drivers believe that this is harassment. Mr. Pillozzi stated that the neighbors have every right to complain. Run your business right, talk to your drivers or fire them. Mr. Frezza stated that he was reading material from the first Zoning hearing. He read a letter stating that the majority of the cases handled by N. E. Ambulance are for transportation, not emergencies. Mr. Griswald states that when the ambulance drivers come to work early in the morning, they exceed the speed limit coming in their own private vehicles. He would like them to slow down. He stated that he is a heart patient and if he had a medical emergency, he would not call this company for help. Mr. Aurecchia asked if that was a sworn statement. Mr. Griswald stated that this is how he feels. Councilman Joseph Wells was duly sworn. Mr. Wells stated that when this application was before the Board many years ago, he spoke in favor of it. Mr. Vernancio had sent letters to abutters, as required, stating that he had 8 ambulances and 2 wheel chair vans. Around 5 p.m. he would start cutting the crew down from 4 ambulances to 3, and so forth, down to 1 ambulance and crew overnight. The empty lot across the street would be designated for employee parking. Mr. Wells stated that he soon began receiving complaints about ambulances and cars parked up and down the street. He visited the property and has a copy of a letter memorializing his conversation with Mr. Vernancio. Mr. Wells stated that during that visit he did discover that Mr. Vernancio had allowed a contractor to use the parking lot as a staging area. Mr. Vernancio stated that he would have the contractor leave and use the lot for his employees. There were also complaints about his employees congregating outside the building, horsing around and using inappropriate language. This situation was also addressed and has not improved. This has not improved because his operation has grown from 8 ambulances and 2 wheel chair vans to close to 30 vehicles. Mr. Wells stated that he and Mr. Vernancio met with the police to try to plan an alternative traffic pattern so that the ambulances would not be using Manuel Avenue as often. For Mr. Vernancio to stand here and state that he has never received any complaints about his operation, is a

bold face lie. Just yesterday, Mr. Wells stated, he drove by the property and the parking lot was full and there were cars parked up and down Manuel Avenue, on the sidewalk. Mr. Wells stated that he can call the police and have each car ticketed for parking on the sidewalk. He has photos taken yesterday of a woman pushing a stroller and walking with a small child. The family had to leave the sidewalk and walk in the street to get around the parked cars. Mr. Wells stated that he made the motion at the Town Council meeting to have the issue brought to the Zoning Board. Mr. Wells stated that he has withdrawn his support for this company in this area. Mr. Wells submitted photos to the Board that he took. He also submitted a copy of the letter to Mr. Vernancio from 2002. Mr. Wells stated that it was his understanding that the building would have only one antenna. There are now 3. Instead of being only 10 feet high, mounted on the face of the building, they are mounted on the top of the building. In regard to the issue with the sirens, Mr. Vernancio stated that less than 10 percent of his business is emergency-related. Mr. Wells stated that he has personally witnessed the ambulance drivers turning on the sirens just to get on Killingly Street and then turning them off. Mr. Vernancio is also having repairs to the vehicles done on the premises. Mr. Wells stated that he has also received complaints that vehicles from other towns and companies are being repaired on the premises. Mr. Aurecchia asked Mr. Wells to explain the photos. Mr. Wells stated that the photos depict some of the parking area, showing ambulances and personal vehicles. Mr. Wells stated that one stipulation of the first Zoning Board hearing was that all ambulances be parked inside the building. Mr. Aurecchia stated that he remembers a stipulation for only repairs to the company vehicles would be allowed. There was also a stipulation for only 1 mast. Mr. Pilozzi stated that the vehicles were to be parked inside. Mr. Pilozzi told Mr. Vernancio to ask his employees to watch their language, especially early in the morning. Mr. Anzelone stated that if the business has grown from 10 vehicles to 30, Mr. Vernancio should be looking for a larger site. Mr. Vernancio stated that when he purchased the building in 2001, it was too large; he never expected to fill it. He has opened 4 offices since in 2001. He currently has 7 offices, with vehicles all over the state. He is in the process of opening another location in Providence and moving all the wheel chair vans there. Mr. Anzelone asked if Mr. Vernancio employed any mechanics. He stated that he employees three. He stated in 2002 he was running a repair service, but the Town Council said he could not so the mechanics only fix his company's vehicles. Mr. Vernancio stated that 4 of the vehicles on the street belong to a four family house that has no driveway. Mr. Vernancio stated that he also had a conversation with the Chief of Police. The Chief stated that there is no Ordinance in Johnston against parking on the street. Mr. Caparrelli asked Mr. Vernancio where he personally resided. Mr. Vernancio stated that he lives in North Providence, but has recently purchased the two-family home next to his business.

Mr. Wells asked about parking requirements as set forth in the Zoning Ordinance. His understanding is that Mr. Vernancio would require 3 spaces plus 1 space for every 250 sq. ft. Mr. Vernancio has 20,000 square feet. He does not have adequate parking for his own employees. Mr. Wells stated that Mr. Vernancio has now purchased the property next door; it appears to Mr. Wells that it is an extension of a non-conforming use. Although it is not a written stipulation, Mr. Vernancio has agreed to have his employee's park in the empty lot. He also stipulated to 8 ambulances and 2 wheel chair vans. He has grown too big for the area. Mr. Pilozzi asked what Mr. Vernancio intends to do with the property he just purchased. Mr. Vernancio stated that he has rented the first floor and is

attempting to rent the second. Mr. Frezza asked Mr. Nascenzi to verify the parking spaces required. Mr. Nascenzi stated that it is a service business. Service businesses require 5.5 parking spaces for every 1,000 square feet of gross leasable space. For a 20,000 square foot building, he would need 110 parking spaces. Mr. Frezza stated that Mr. Vernancio has a lot less than that. His employees' cars are taking over the neighborhood and residents can't even park in front of their own home. Mr. Aurecchia asked Mr. Vernancio about setting up parking for his employees elsewhere and bussing them in. Mr. Vernancio stated that it would be very difficult to do with staggered starting times. Athena Joannidi, after being duly sworn, stated that Mr. Vernancio lied to the Town Council and is lying this evening. I have personally complained to him more than once and his reply was "I can't control my drivers!". Mr. Aurecchia suggested that the neighborhood form a group and log all complaints. This should be used constantly. Ms. Joannidi stated that she has done that. She can't even let her grandchild play in the yard because of the drivers. The ambulance drivers use the sirens and the lights constantly. She has tried complaining directly to the drivers, and was laughed at. The office workers go outside for a break and are using inappropriate language. She stated that she has been to see Chief Tambourini. The police put a unit on the street, but nothing happened. Mr. Vernancio stated that his business is growing faster than he can control. His drivers do not speed. Ms. Joannidi stated that Mr. Vernancio is lying. The drivers do speed on Manuel Avenue.

Mr. Aurecchia stated that he is upset with the way Mr. Vernancio is conducting his business and allowing his employees to act. If you cannot control your employees, get rid of them. The neighbors live there, you are just visiting. They have rights. Mr. Aurecchia stated that he will start paying surprise visits to the area. He will keep a log and photos of what he sees. Mr. Wells stated that Mr. Vernancio needs to get back to what he agreed to 6 years ago. Mr. Wells stated that he will fight for these people as long as he is in office. Mr. Nascenzi stated that Mr. Vernancio is expanding a non-conforming use and he has every right to close down the business. Mr. Wells stated that Mr. Vernancio's letter from 6 years ago is part of the record. He should be held to it. Mr. Fascia stated that he believes that ambulances are governed by the Public Utilities Commission. Mr. Vernancio stated that they are regulated by the Department of Health. Mr. Fascia stated that the neighbors should send their complaints to the Department of Health. Mr. Wells stated that he is going to send a letter.

Recess taken from 9:38 to 9:48

Lynn Folmsbee stated that she has lived on Manuel Avenue since 1983. She stated that employees park their personal vehicles on both sides of Manuel Avenue. She has called N.E. Ambulance several times a year to complain about different things. The employees driving the ambulances use private driveways to turn around. The employees have put snow back in the street after the Town has plowed. One evening she came home from work to find 2 ambulances blocking her driveway. She had to ask them to move. When moving the ambulance, one driver almost knocked down her neighbor's light pole in the front yard. When the driver came back across the street, she drove the ambulance up over Ms. Folmsbees' railroad tie on the edge of her lawn. There seem to be more cars at night, rather than during the day. The drivers also seem to park the ambulances on Manuel Avenue and block half of the road. Mrs. Folmsbee stated that she is proud of her

neighborhood; Mr. Wells worked hard and the street was paved. She stated that Mr. Vernancio should pave his own parking lot; he would probably get more spaces.

Mr. Aurecchia stated to Mr. Vernancio that the residents are proud of their neighborhood; they are excited about their new street. They don't need aggravation from his employees. Mr. Vernancio stated that he is hearing complaints he has never heard before. Mrs. Folmsbee stated that every time she has called and asked for the manager, a woman has gotten on the phone. Mr. DuPonte, abutter, stated that it was his lawn that the driver drove onto and almost knocked down his light pole. The driver's continually drive on his lawn. One employee parked on his lawn and proceeded to leave her car. Mr. DuPonte asked her to move her car. She reluctantly moved her car, just off the grass. He stated that the cars are far from N. E. Ambulance, they park in front of houses, but not near the company. If he has guests, they have no where to park. Erin Blackman, abutter, stated that she lives at 70 Manuel Avenue. She stated that she is probably the only person to say something positive about this company. She stated that there is a very small percentage of employees who are conscientious and try to make a difference. Those people are destroyed by the larger group who don't care and try to take over the neighborhood. There have been ambulances blocking her driveway, forcing her to drive on her own lawn to get out of her driveway. Her elderly neighbor has 3 of the company vehicles parked in front of her house every day. One is a pickup truck that is parked on a sewage cover that is starting to crack. Her neighbor already has flooding issues in her basement. Her neighbor doesn't want to say anything because when her husband was ill a couple of years ago, a couple of workers were nice enough to come over and pick her husband up off the floor. One morning Ms. Blackman was driving down the street following an ambulance. The driver pulled into the parking lot and without looking, backed up and did a 3-point turn. If she hadn't stopped, he would have hit her car. She works as a civilian in the Providence Fire Department. I am a staunch supporter of emergency workers.

Fred Marinaro, abutter, stated that he lives on Victor Avenue, diagonally across from this company. He stated that he has spoken to the employees, dispatchers and Mr. Vernancio about various issues. Some of the drivers choose not to down Manuel Avenue to Killingly; they go through the neighborhood streets. He has stopped the drivers that do not stop at stop signs, he has asked them to slow down. Mr. Wells has had a speed bump installed. He wanted it in front of his home. The delivery trucks also come down his street. He has asked the drivers to use Killingly Street, not the neighborhood streets, but they do it anyway. Mr. Marinaro stated that the company has gotten too big for the neighborhood. He is still repairing other vehicles at his location. His vehicle is parked on the street because of the other vehicles he is repairing. Mr. William Tavarosi, abutter, states that he lives at 47 Manuel Avenue. He states that the employees' cars are blocking fire hydrants. Fire trucks could not get down the street if there were a fire because of all the cars. Mr. Anzelone stated that he is happy when a small business grows, but that Mr. Vernancio should look for a different site. Mr. Vernancio stated that he is in the process of purchasing a larger building in Providence, which will relieve some of the burden in Johnston. He should be closing within 30 days. Mr. Nascenzi stated that he has the authority to close the business down if he is in violation of the Zoning Ordinance. This Board has to affirm, if he is in violation, he will close them down.

Edwyna Lioce, abutter, states that she has the same concerns as everyone else. She also wonders why someone would stay in a neighborhood where they were not wanted. Fran Paliotta, abutter, states that her main concern is the foul language that it used by the employees. A member of the audience stated that Mr. Vernancio stated in May at the Town Council meeting that he would be moving in about 30 days. Mr. Vernancio stated that DEM issues have held him up.

Ronnie Giorgi, employee of N. E. Ambulance, stated that Mr. Vernancio is only getting ½ the information. It's hard to train new people. They are overwhelmed with all their duties and traffic patterns are just too much to take in. Mr. Giorgi stated that there are no company vehicles on the street, just employees cars. Mr. Aurecchia asked Mr. Giorgi how he would feel if his wife had to walk two small children in the street because of cars parked on the sidewalk. He stated that he would call the police and have a citation issued. An audience member said that it doesn't help. Mr. Giorgi stated that he tries to get along with his neighbors; an audience member stated that the residents do get along; it's the ambulance company causing the problems. Mr. Giorgi stated that people have been fired for these types of offenses. It's hard to find good, qualified people. Mr. Aurecchia stated that he realizes that Mr. Giorgi is not one of the problem employees. Mr. Fascia stated that the residents are entitled to a certain quality of life, and N. E. Ambulance is detracting from that quality of life.

George Thomas, constituent of Mr. Vernancio, addresses the Board. He suggested that a coalition be formed, members of the neighborhood and employees of the company to try and work out the problems. It has been done in other communities.

Michael Giorgi, employee of N. E. Ambulance, stated that Mr. Vernancio was unaware of how serious the situation really became. He assured the Board that Mr. Vernancio would make changes and the situation would improve.

Denise DuPonte, stated that she lives at 73 Manuel Avenue and she is afraid for the young children that live on the street. The ambulance drivers do not pay attention.

Mr. Wells thanked the Board for listening to the neighbors and their issues.

Mr. Anzelone made the motion not to reaffirm what was approved previously. But instead to allow Mr. Vernancio some time to look for a larger place. Mr. Aurecchia suggested a motion to affirm the prior decision with a 30-day grace period. Mr. Anzelone made the motion; seconded by Mr. Pillozzi. A voice vote was taken, all in favor.

Mr. Jeffrey made the motion to take Item F out of order, the applicant has a very long ride home. No one objected.

IV. New Business

F. File 2007-38

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| Owner: | Amalgamated Financial Equities X, LLC |
| Applicant: | Triangle Sign & Service |
| Location: | 1410 Atwood Avenue; AP 44 – Lot 432 |
| Lot Dimension: | Area: 36,795± square feet. |
| Zoning District: | B-2 (General Business.) Zone |
| Existing Use: | Retail Store |
| Development | |
| Proposal: | Construct new signage for a T-Mobile store. Sign Variance petitioned under Article III, Section O for the following signs: Subsection 5.1.1 - Awning or Canopy signs Subsection 5.1.11 - Wall signs Subsection 5.1.12 - Pylon Signs Subsection 5.1.4 – Credit Card Signs |

Frank Lombardi, attorney for the owner, presented the application to the Board. Mr. Lombardi stated that Richard Pretorius of Pretorius Signs, is handing a package of information to the Board. Kelly Coates of 195 Associates is here to represent the landlord. To summarize, the applicant is here only for relief of the signage requirements. They will be operating a T-Mobile retail store on the premises. There will be signage on four sides of the building. The prior occupant of the space had similar signage and the signage being requested tonight is actually less than the prior occupant. The relief being requested is in conformance with the surrounding area. Mr. Anzelone questioned the pylon sign, it cannot overhang the sidewalk. Mr. Coates stated that it does not overhang the sidewalk. No abutters appeared for or against. Mr. Pilozzi made the motion to grant the application; seconded by Mr. Fascia. A voice vote was taken, all in favor. Mr. Pilozzi stated that the record should show that the applicant is in conformance with the Ordinance of the Town of Johnston, Article III, and Section O.

Mr. Pilozzi made the motion to accept the minutes of the June 28, 2007 meeting. This was seconded by Mr. Frezza. A voice vote was taken, all in favor.

A. File 2007-33

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| Owner: | Kanya Rajsasombat |
| Applicant: | Champion Windows of Rhode Island |
| Location: | 10 Lyman Avenue; AP 34 – Lot 218 |
| Lot Dimension: | Frontage: 200 ft; Depth: 200 ft; Area: 40,000± square feet. |
| Zoning District: | R-15 (Residential – 15,000 sq. ft.) Zone |
| Existing Use: | Single Family Dwelling |
| Development | |
| Proposal: | Construct a 14 x 20' (280 sq. ft.) patio room on pressure treated deck. |

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

Minimum Lot Size Required: 15,000 sq. ft.; Proposed Lot Size Requested: 4,980 sq. ft.; Relief Requested for 10,020 sq. ft.
Minimum Lot Frontage Required: 100 ft; Proposed Lot Frontage: 50 ft; Relief Requested for 50 feet.

Minimum Lot Width Required: 100 ft; Proposed Lot Width: 50 ft; Relief Requested for 50 feet.

Minimum Left Side Setback Required: 20 ft.; Proposed Left Side Setback: 11.2 ft.; Relief Requested for 8.8 ft.

Minimum Right Side Setback Required: 20 ft.; Proposed Right Side Setback: 18.8 ft.; Relief Requested for 1.2 ft.

Minimum Rear Setback Required: 45 ft.; Proposed Rear Setback: 32.4 ft.; Relief Requested for 12.6 ft.

Robert Puchta, of Champion Patio Rooms, will represent the applicants and present the application to the Board. The applicant is Kanya Rajsasombat and he is requesting to build a 14' x 20' patio room on a pressure treated deck. There were no questions from the Board. No abutters appeared for or against. Mr. Jeffrey made the motion to grant the application; seconded by Mr. Pillozzi. A voice vote was taken, all in favor.

B. File 2007-34

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| Owner/Applicant: | Pasco Izzo |
| Location: | 1837 Atwood Avenue; AP 53 – Lot 191 |
| Lot Dimension: | Frontage: 229 ft; Depth: 403.27 ft; Area: 41,700± square feet. |
| Zoning District: | R-40 (Residential – 40,000 sq. ft.) Zone |
| Existing Use: | Single Family Dwelling with in-ground pool |
| Development | |
| Proposal: | Construct a 28' x 46.1' (1,290 sq. ft.) cabana next to existing in ground pool. |

Dimensional Variance petitioned under Article III, Section G 7 (c)
– Accessory Structures

Alfred Russo, attorney for the applicant, presented the application to the Board. The applicants are requesting to build a cabana larger than 150 sq. ft. Mr. Aurecchia asked if there are any wetland issues. Both Mr. Russo and Mr. Izzo replied that there were not. Mr. Jeffrey clarified that that no one was going to live in the structure. No abutters appeared for or against the project. Mr. Pillozzi made the motion to approve the application; seconded by Mr. Fascia. A voice vote was taken, all in favor.

C. File 2007-35

Owner/Applicant: Donna Massi
 Location: 7 Colwell Drive; AP 34 – Lot 11
 Lot Dimension: Frontage: 75 ft; Depth: 100 ft; Area: 7,500± square feet.
 Zoning District: R-15 (Residential – 15,000 sq. ft.) Zone
 Existing Use: Single Family Dwelling
 Development
 Proposal: Construct a 16' x 24' (384 sq. ft.) deck.
 Dimensional Variance petitioned under Article III, Section G 7(c)

Donna Massi, applicant, is duly sworn. Ms. Massi explained the project to the Board. She is requesting to build a deck connecting her above ground pool with the house. No abutters appeared for or against the project. No questions from the Board. Mr. Pillozzi made the motion to grant the application; seconded by Mr. Fascia. A voice vote was taken, all in favor.

D. File 2007-36

Owner/Applicant: Michael and Maria Coccoli
 Location: 8 Steere Street; AP 49/1 – Lot 52
 Lot Dimension: Frontage: 132.3 ft; Depth: 100.4 ft; Area: 13,282± square feet.
 Zoning District: R-40 (Residential – 40,000 sq. ft.) Zone
 Existing Use: Single Family Dwelling
 Development
 Proposal: Construct a 24' x 24' (576 sq. ft.) 2-car garage with a master bedroom and full bath above

Dimensional Variance petitioned under Article III, Section F, Table III-F-1 and Section L (1) (b-2)

Minimum Lot Size Required: 40,000 sq. ft.; Proposed Lot Size Requested: 13,282 sq. ft.; Relief Requested for 26,718 sq. ft.

Minimum Lot Frontage Required: 140 ft; Proposed Lot Frontage: 130.8 ft; Relief Requested for 9.2 feet.

Minimum Lot Width Required: 140 ft; Proposed Lot Width: 130.8 ft; Relief Requested for 9.2 feet.

Minimum Front Yard Setback Required: 40 ft.; Proposed Front Yard Setback: 26.7 ft.; Relief Requested for 13.3 ft.

Minimum Left Side Setback Required: 35 ft.; Proposed Left Side Setback: 14.4 ft.; Relief Requested for 20.6 ft.

Minimum Rear Setback Required: 75 ft.; Proposed Rear Setback: 49.8 ft.; Relief Requested for 25.2 ft.

Michael and Maria Coccoli, after being duly sworn, stated that they are requesting a build a 24' x 24' garage with a master bedroom and full bath above. No abutters appeared for or against the petition. No questions from the Board. Motion to approve is made by Mr. Pilozzi; seconded by Mr. Aurechia. A voice vote was taken, all in favor.

G. File 2007-39

Owner/ Applicant: Richard and Nancy DiPonte
 Location: 4 Kimball Avenue; AP 28 – Lot 170
 Lot Dimension: Lot Frontage: 88.3 ft; Lot Width: 159 ft; Area: 14,400± square feet.
 Zoning District: R-20 (Residential – 20,000 sq. ft.) Zone
 Existing Use: Single Family Dwelling
 Development
 Proposal: Construct a 24' x 36' (864 sq. ft.) detached 2-car garage

Dimensional Variance petitioned under Article III, Section G 7 (c)
 – Accessory Structures

Richard and Nancy DiPonte, after being duly sworn, stated twelve years ago they came before the Board to build this garage. They were approved, poured the slab and never went any further. Since it has been so long, the Zoning Official stated that they must come back before the Board. Mr. Fascia verified that the garage to be constructed is the same one that was approved at the prior hearing. No abutters appeared for or against. Motion to grant application by Mr. Jeffrey; seconded by Mr. Fascia. A voice vote was taken, all in favor.

H. File 2007-40

Owner/ Applicant: Kathleen and William Birch
 Location: 25 Weaver Road; AP 61 – Lot 93
 Lot Dimension: Lot Frontage: 150 ft; Lot Width: 130 ft; Area: 22,369± square feet.
 Zoning District: R-40 (Residential – 40,000 sq. ft.) Zone
 Existing Use: Single Family Dwelling
 Development
 Proposal: Construct a 16' x 28' (448 sq. ft.) family room with farmer's porch

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

Minimum Lot Size Required: 40,000 sq. ft.; Proposed Lot Size Requested: 22,369 sq. ft.; Relief Requested for 17,631 sq. ft.

Minimum Front Yard Setback Required: 40 ft.; Proposed Front Yard Setback: 15.2 ft.; Relief Requested for 24.1 ft.

Minimum Rear Setback Required: 75 ft.; Proposed Rear Setback: 71.1 ft.; Relief Requested for 3.1 ft.

Kathleen and William Birch, after being duly sworn, stated that they wish to add a 16' x 28' family room with farmer's porch. Mr. Fascia verified that the property will be in conformance with the neighborhood. No abutters appeared for or against. Mr. Pilozzi made the motion to grant; seconded by Mr. Jeffrey. A voice vote was taken, all in favor.

J. File 2007-42

Owner/ Applicant: Stephen and Dina Ucci
 Location: 12 East Scenic View Drive; AP 46 – Lot 125
 Lot Dimension: Area: 23,522± square feet.
 Zoning District: R-40 (Residential – 40,000 sq. ft. Zone
 Existing Use: Single Family Dwelling
 Development
 Proposal: Construction of an addition and attached garage

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

Minimum Lot Size Required: 40,000 sq. ft.; Proposed Lot Size Requested: 23,522 sq. ft.; Relief Requested for 16,478 sq. ft.

Minimum Front Yard Setback Required: 40 ft.; Proposed Front Yard Setback: 18 ft.; Relief Requested for 22 ft.

Minimum Rear Setback Required: 75 ft.; Proposed Rear Setback: 28 ft.; Relief Requested for 47 ft.

Minimum Left Side Setback Required: 35 ft.; Proposed Left Side Setback: 32 ft.; Relief Requested for 3 ft.

Minimum Right Setback Required: 35 ft.; Proposed Right Side Setback: 31 ft.; Relief Requested for 4 ft.

Stephen Ucci, attorney and owner, presented the application to the Board. He is asking to construct an addition and a garage. The house will conform to the rest of the neighborhood. Mr. Pilozzi asked if the septic system were appropriate for the addition. Mr. Ucci stated that the septic is being updated. No abutters appeared for or against the project. Mr. Pilozzi made the motion to grant; seconded by Mr. Frezza. A voice vote was taken, all in favor.

Motion to adjourn is made by Mr. Fascia; seconded by Mr. Aurecchia. A voice vote was taken, all in favor.

Adjourned at 10:46 p.m.