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Joseph Ballirano, Esq.



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Zoning Board Members
Anthony Pillozzi
Joseph Anzelone

Alternate Board Members
Bernard Frezza
Costanzo Caparrelli, Sr.

Recording Secretary
Susan Leonardi

JOHNSTON ZONING BOARD OF REVIEW

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MINUTES

September 25, 2008

The Zoning Board of Review held its monthly meeting on the 25th day of August, 2008, at 7:00 p.m., at the Johnston Senior Center, 1291 Hartford Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Vice-Chairman Richard Fascia, Anthony Pillozzi, Bernard Frezza, Joseph Anzelone. Also present: Joseph Ballirano, Town Solicitor, Bernard Nascenzi, Building Official, and Dianne Edson, Stenographer

Mr. Pillozzi made the motion to approve the minutes of the August 28, 2008 meeting. Mr. Fascia seconded the motion. A voice vote was taken, all in favor.

A. File 2008-47

Owner/Applicant: Mohamed Sasa
Location: 40 Hopkins Avenue, AP 59- Lot 57
Lot Dimensions: Width: 270 ft; Depth: 528 ft; Area: 3.90 ± acres
Zone: R-40 (Residential – 40,000 sq. ft.) Zone
Attorney: Christopher Maselli, Esq.
Present use: Single Family Dwelling with Guest House
Development
 Proposal: Divide lot and construct additional single family dwelling on rear lot
 Dimensional Variance petitioned under Article III, Section F, Table III-F-1
 Minimum Lot Frontage Required: 140 ft., Minimum Lot Frontage Requested: 0 ft., Relief Requested for 140 ft.
 Minimum Lot Width Required: 140 ft., Minimum Lot Width Requested: 0 ft., Relief Requested for 140 ft

Mr. Nascenzi stated that he received a request to continue this application to the October, 2008 meeting. Mr. Pillozzi made the motion to accept the request on behalf of the applicant. Mr. Fascia seconded the motion. A voice vote was taken, all in favor.

Mr. Veltri stated that there are many abutters in the audience, plus they have a petition. Mr. West verified the date of the next meeting.

B. File 2008-45

Owner/Applicant: James and Carleen Derziotis
 Location: 1243 Atwood Avenue; AP 24 - Lot 108
 Lot Dimensions: Area: 16,829 ± sq. ft.
 Zone: B-1 (General Business.) Zone
 Surveyor: Veltri Survey Inc.
 Present use: Auto Service Facility
 Development
 Proposal: Install carport on right side of building over existing concrete pad and car lift unit

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

Minimum Right Side Yard Setback Required: 20 ft. Minimum Right Side Yard Setback Requested: 6 ft.; Relief Requested for 14 ft.

Nick Veltri, surveyor, stated that the applicant has not shown up yet. Mr. Pilozzi stated that the Board is familiar with this application and the area. In a prior meeting, an abutter mentioned that the applicant keeps a nice, neat property and is not a problem in the area. The applicant is asking for a simple variance.

Mr. Veltri submitted paperwork to the Board from the neighbors. Mr. Pilozzi made a motion to accept the notices. Mr. Frezza seconded the motion. A voice vote was taken, all in favor.

No abutters appeared for or against the project.

Mr. Pilozzi made the motion to approve the application. Mr. Frezza seconded the application. A voice vote was taken, all in favor.

C. File 2008-40

Owner: Belo Holdings c/o Belo Corporation
 Applicant: Metro PCS, Massachusetts, LLC
 Location: Ludlow Street, AP 1 - Lot 73
 Lot Dimensions: Area: 29.77± acres
 Zone: R-40 (Residential – 40,000 sq. ft.) Zone
 Attorney: Jackie Slaga., Esq.
 Architect: Bay State Design
 Present use: Wireless communications tower.
 Proposed: To collocate 6 Metro PCS antennas on tower and installation of up to six cabinets on the ground for battery back-up and equipment.

Special Use Permit petitioned under Article III, Section D, Table III-D-1, Subsection 5.4 – Collocation of cellular antennas on communications tower.

Jackie Slaga, Esq., presented the application to the Board. Mr. Pilozzi verified that it is a pre-existing tower. The tower itself would not be altered in any way. Mr. Nascenzi stated that any time an alteration is performed, the tower needs to be inspected. He will request a report. Ms.

Slaga agreed. It is an existing tower and her client, the applicant, is requesting to install additional antennas on the structure. The lot is maintained and the fence is in good condition.

Mr. Pilozzi verified that the abutters were noticed appropriately.

Judy D'Ambra, abutter, was duly sworn. Ms. D'Ambra stated that she received a notice stating that the meeting was to be held at the Ferri Middle School. She and others have been waiting there.

Mr. Ballirano stated that Ms. D'Ambra has provided proof that the notice was defective. Out of an abundance of caution, the applicant needs to stop now and request a continuance so that they abutters can be correctly noticed. Even though the agenda was posted correctly stating the meeting would be at the Johnston Senior Center.

Ms. Slaga stated that she worked off the assessor's database to produce the radius and the abutters' list. Ms. D'Ambra stated that some of her neighbors were included as abutters on prior applications for this tower, but this time they were not. Mr. Pilozzi stated that some applicants choose to notify out side the 200' radius and some do not.

Mr. Nascenzi stated that the applicant will need to come back after the abutters are properly notified. Ms. Slaga stated that she received the notice from the Zoning Office. Mr. Nascenzi stated that the Zoning Secretary was taken ill and hospitalized. Temporary help was gotten in to help with the applications. Ms. D'Ambra asked why the meeting wasn't cancelled. Mr. Nascenzi stated that the meeting could not be canceled due to State Law.

Mr. Frezza made the motion to continue the application to the next meeting. Mr. Fascia seconded the motion. A voice vote was taken, all in favor.

D. File 2008-44

Owner:	Ron Russo
Applicant:	Joseph Acosta
Location:	123 Putnam Pike, AP 39 - Lot 13
Lot Dimensions:	Area: 15,328± sq. ft.
Zone:	B-2 (General Business) Zone
Present use:	Vacant Land
Development Proposal:	Operation of an auto repair facility

Special Use Permit petitioned under Article III, Section D, Table III-D-1, Subsection 9.7

Joe Acosta, after being duly sworn, presented the application to the Board. Mr. Pilozzi verified the use being requested as an auto repair/towing business. He just received his license this week for the towing portion of the business. There was an auto body shop there previously, but it has been vacant for about a year.

Mr. Pilozzi verified that Mr. Acosta knew that a solid fence must screen any vehicle storage from abutters. Mr. Acosta stated that the business will operate from 7:30a.m. to 5 p.m., Monday through Friday. Saturday from 9:00 a.m. to 3:00 p.m. Closed on Sundays. His tow truck will be parked at his residence in the evening.

Shawn Judge, abutter, after being duly sworn, asked if Mr. Acosta owned the other business in the building. Mr. Acosta stated that he does not. That is his landlord. Ms. Judge stated that the other business does not have a solid fence, cars come in late at night and the stored vehicles block the street. Mr. Nascenzi stated that he has no knowledge of this.

Ms. Judge stated that the other business is also selling cars. She is concerned due to the large number of children in the area.

Mr. Pilozzi told Ms. Judge to take some pictures and bring them to the Building Official's office. Mr. Pilozzi stated that she needed to document her actions by either calling the police and getting an incident report or contacting the Building Official's office.

Mr. Acosta asked for a continuance so that his landlord, Mr. Russo, can appear before the Board.

Monica and Christopher Dansereau were duly sworn. Ms. Dansereau stated that they live directly across the street from the subject property. She stated that she hears the tow trucks backing up at night. She has heard them at 6:00 a.m. Ms. Dansereau stated that she has called the police on numerous occasions. Mr. Pilozzi told Ms. Dansereau to contact the Building Official's office.

Ms. Dansereau mentioned that the air guns are very noisy and there are two very bright lights that shine into her home. Mr. Nascenzi stated that the Town has a noise ordinance and a light ordinance.

Mr. Frezza made the motion to grant the continuance. Mr. Pilozzi seconded the motion. A voice vote was taken, all in favor.

E. File 2008-48

Owner/Applicant:	Matthew Annicelli
Location:	13 Golini Drive; AP 48 – Lot 203
Lot Dimensions:	Width: 100.72 ft; Depth: 185 ft; Area: 9,327± sq. ft.
Zone:	R-20 (Residential – 20,000 sq. ft.) Zone
Surveyor:	Ocean State Planners, Inc.
Present use:	Single Family Dwelling
Development	
Proposal:	Construct an office/exercise room over existing garage

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

Minimum Lot Size Required: 20,000 sq. ft.; Minimum Lot Size Requested: 9,327 sq. ft.; Relief Requested for 10, 673 sq. ft.

Minimum Lot Width Required: 120 ft.; Minimum Lot Width Requested: 100.72 ft.; Relief Requested for 192.8 ft.

Minimum Lot Frontage Required: 120 ft.; Minimum Lot Frontage Requested: 100.72 ft.; Relief Requested for 192.8 ft.

Minimum Front Yard Setback Required: 30 ft. Minimum Front Yard Setback Requested: 25.18 ft.; Relief Requested for 4.82 ft.

Minimum Right Side Yard Setback Required: 25 ft. Minimum Right Side Yard Setback Requested: 5.52 ft.; Relief Requested for 19.75 ft.

Minimum Left Yard Setback Required: 25 ft. Minimum Left Side Yard Setback Requested: 7.32 ft.; Relief Requested for 17.65 ft.

Matthew Annicelli was duly sworn. Mr. Annicelli presented the application to the Board. He explained that he is requesting to put a room over his existing garage for an office/gym for personal use. Mr. Pilozzi verified that the office would be for personal use only. Mr. Annicelli stated that it would be for his family only.

No abutters appeared for or against the project.

Mr. Frezza made the motion to grant the application. Mr. Pilozzi seconded the motion. A voice vote was taken, all in favor.

F. File 2008-49

Owners:	195 Associates, LLC and Provida, LLC
Applicant:	195 Associates, LLC
Location:	1380 & 1386 Atwood Avenue; AP 44/2 Lots 357 & 359 and AP 44/4 Lot 66A
Lot Dimensions:	Area: 17.48± acres
Zone:	B-2 (General Business.) Zone
Attorney:	Frank Lombardi, Esq.
Surveyor:	Garofalo & Associates, Inc.
Architect:	Dooling & Company
Present use:	Retail Shopping Center
Development Proposal:	Install 15 wall signs for new retail operations

Dimensional Variance petitioned under Article III, Section J, Subsection 5.1.9 – Wall Signs

Frank Lombardi, Esq., presented the application to the Board. Mr. Lombardi submitted the green cards and notice to the Board. Mr. Lombardi submitted a compilation of records to the Board. Mr. Aurecchia asked why this information was not previously submitted. Mr. Lombardi stated that the Board did receive this information before. It is merely a compilation of everything. It is merely tabbed and collated to be read in an easy fashion.

Mr. Lombardi explained the signage being requested to the Board.

Kelly Coates of 195 Associates was duly sworn. Mr. Coates explained that all of the signs would be lit internally.

Mr. Lombardi stated that all of the tenants of Stonehill Marketplace are national companies. The relief being requested is consistent with the industry standards. The applicants have brought experts to provide testimony.

Mr. Fascia stated that for reasons of full disclosure, his son is an employee of Game Stop, one of the tenants. This will in no way affect his objectivity on this matter.

Mr. Lombardi requested that the summary be admitted as a full exhibit. Mr. Pilozzi made the motion to accept the summary as Exhibit A for the applicant. Mr. Frezza seconded the motion. A voice vote was taken, all in favor.

Thomas Sweeney, real estate expert, was duly sworn. Mr. Pilozzi made the motion to accept Mr. Sweeney as a qualified witness because he has appeared before the Board many times. Mr. Fascia seconded the motion. A voice vote was taken, all in favor.

Mr. Lombardi verified that Mr. Sweeney has reviewed the project and all variances. Mr. Sweeney detailed his findings for the Board. Mr. Lombardi asked if the proposed signage was in conformance with industry standards. Mr. Sweeney confirmed that it was.

Mr. Ballirano asked if the signage was commensurate with the size of the building. Mr. Sweeney stated that it was.

Mr. Coates thanked the Board for all of their help through the process of building the retail center.

Joe Kilty from Sleepy's, Joe Lapasi from Deals/Dollar Tree, David Segin from Game Stop, Adam Paolino representing Aspen Dental all appeared and were prepared to testify.

Mr. Pilozzi made the motion to grant the application. Mr. Frezza seconded the motion. A voice vote was taken, all in favor.

Adjourned at 8:08 p.m.