

**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 31, 2008**

The Zoning Board of Review held its monthly meeting on the 29th day of July 31, 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: Chairman Kenneth Aurecchia, Vice-Chairman Richard Fascia, Anthony Pillozzi, Bernard Frezza, Joseph Anzelone, Secretary Douglas Jeffrey, Costanzo Caparrelli, Sr. Also present: Joseph Ballirano, Town Solicitor, Susan Leonardi, Recording Secretary, and Dianne Edson, Stenographer

Mr. Pillozzi made the motion to approve the minutes of the May 14, May 29, and June 26 meetings. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

Mr. Aurecchia stated that the application for Spa Shanti on Greenville Avenue will not be heard this evening; they have requested a continuance. He also stated that the application for Padula on Central Avenue was withdrawn.

#### **A. File 2007-38**

Owner/Applicant: Emilio and Anthony Pillozzi  
Location: 30 Hopkins Ave, Rear, AP 57 - Lot 77  
Lot Dimensions: Width: 299.3 ft; Depth: 573.77 ft; Area: 3.14 ± acres.  
Zone: R-40 (Residential – 40,000 sq. ft.) Zone  
Attorney: Christopher Maselli, Esq.  
Surveyor: Veltri Surveying  
Present use: Two Single Family Dwellings  
Development  
Proposal: Divide lot so each home is on own 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. Pillozzi announced that this application was a family matter so he is recusing himself. He has filed the appropriate paperwork with the Ethics Commission and the Zoning Office.

Mr. Christopher Maselli, Esq. presented the application to the Board. The Board approved an application last year for this lot to construct a second home on it. This request is for frontage relief so that the lot may be divided and each home would have its own lot. Both lots would be conforming to lot size after the division. Mr. Maselli stated that the hardship is that it would be impossible to get a mortgage on just one property without involving the other. In a financial planning aspect, it is advisable to split the lot.

Mr. Maselli submitted two photos of the property to the Board. Mr. Anzelone made the motion to accept the photos as Exhibits A and B. Mr. Fascia seconded the motion. A voice vote was taken, all in favor.

Mr. Fascia questioned the access to the homes. Mr. Maselli explained the shared driveway as well as the division to each home.

Mr. Maselli explained the history of the property. At one time, the property was two lots; they were merged by the Town. Mr. Pillozzi would like them unmerged.

No abutters appeared for or against the project.

Mr. Anzelone made the motion to approve the application. Mr. \_\_\_\_\_ seconded the motion. A voice vote was taken. All in favor.

Mr. Pillozzi rejoined the meeting.

**B. File 2008-33**

|                 |  |
|-----------------|--|
| Owner:          | Chris Pistocco   |
| Applicant:      | Michael Korsak   |
| Location:       | 24 North Fairview Avenue, AP 12 - Lot 161  |
| Lot Dimensions: | Frontage: 77.1 ft; Depth: 101.47 ft; Area: 7,823.23 ± square feet.   |
| Zone:           | R-15 (Residential – 15,000 sq. ft.) Zone   |
| Surveyor:       | Louis Federici Associates  |
| Present use:    | Single Family Dwelling   |
| Development     |  |
| Proposal:       | Construct a (20' x 13') 260 sq. ft. dormer<br>Dimensional Variance petitioned under Article III, Section F,<br>Table III-F-1 |
|                 | Minimum Lot Size Required: 15,000 sq. ft.; Minimum Lot Size<br>Requested: 7,823 sq. ft.; Relief Requested for 7,177 sq. ft.  |
|                 | Minimum Lot Frontage Required: 100 ft., Minimum Lot Frontage<br>Requested: 77.4 ft., Relief Requested for 22.6 ft.           |

continued

Minimum Lot Width Required: 100 ft., Minimum Lot Width Requested: 77.4 ft., Relief Requested for 22.6 ft.

Minimum Front Setback Required: 25 ft.; Minimum Front Setback Requested: 12.3 ft.; Relief Requested for 12.7 ft.

Minimum Rear Setback Required: 45 ft.; Minimum Rear Setback Requested: 44.3 ft.; Relief Requested for .7 ft.

Minimum Right Side Setback Required: 20 ft.; Minimum Right Side Setback Requested: 17.2 ft.; Relief Requested for 2.8 ft.

Michael Korsak, after being duly sworn, presented the application to the Board. Mr. Pilozzi verified the relief being requested and the scope of the project.

No abutters appeared for or against the project.

Mr. \_\_\_\_\_ made the motion to approve the application. Mr. Jeffrey seconded the motion. A voice vote was taken. All in favor.

**C. File 2008-35**

|                       |  |
|-----------------------|--|
| Owner/Applicant:      | Colleen and David Muller                                     |
| Location:             | 120 Hopkins Avenue, AP 59 - Lot 51                           |
| Lot Dimensions:       | Frontage: 326 ft; Depth: 217 ft; Area: 78,120 ± square feet. |
| Zone:                 | R-40 (Residential – 40,000 sq. ft.) Zone                     |
| Surveyor:             | Sugrue & Associates  |
| Present use:          | Single Family Dwelling                                       |
| Development Proposal: | Construct a (34' x 25') 850 sq. ft. addition.                |

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

Minimum Left Side Setback Required: 35 ft., Minimum Left Side Setback Requested: 26 ft., Relief requested for 9 ft.

Colleen and David Muller were duly sworn. Mr. Muller stated that the home is only a 2 bedroom home. They have 2 children and need more space. The family wishes to stay in the house because it was built by his grandfather. Mr. Pilozzi verified the relief being requested.

No abutters appeared for against the project.

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

**D. File 2008-39**

Owner/Applicant: Andrew Annaldo, Donald Sepe and Pasquale DiPippo  
 Location: Atwood Avenue, AP 47/1 - Lot 38  
 Lot Dimensions: Frontage: 219 ft; Depth: 600 ft; Area: 124,253 ± square feet.  
 Zone: R-7 (Multi-family) Zone  
 Attorney: Richard Licht, Esq., Adler, Pollack and Sheehan  
 Surveyor: Garofalo and Associates, Inc.  
 Present use: Vacant Land  
 Development  
     Proposal: Construct a 28 unit, multi-family dwelling  
                     Dimensional Variance petitioned under Article III, Section K (9)  
                     (b) (7)  
                     Minimum Front Setback Required: 50 ft.; Minimum Front Setback  
                     Requested: 40 ft.; Relief Requested for 10 ft.  
                     Minimum Rear Setback Required: 50 ft.; Minimum Rear Setback  
                     Requested: 40 ft.; Relief Requested for 10 ft.  
                     Minimum Right Side Setback Required: 40 ft.; Minimum Right  
                     Side Setback Requested: 30 ft.; Relief Requested for 10 ft.  
                     Minimum Left Setback Required: 40 ft.; Minimum Left Side  
                     Setback Requested: 30 ft.; Relief Requested for 10 ft.

Richard Licht, Esq., attorney for the applicant, presented the application to the Board. Mr. Licht gave the Board the history of the project in regard to the Planning Board and the Town Council. The need for the relief was brought to the applicant's attention by the Town Engineer. It was an oversight. Mr. Pillozzi verified the exact location of the project.

Mr. Licht stated that the applicant will be bringing public water and sewer up Atwood Avenue, just past the property. All residents will be allowed to tie in if they wish. The applicant has letters from the water board that there is capacity for the project. They do not have the approval letters yet.

Mr. Anzelone asked how many bedrooms the units would have.

Gus Reitheimer, architect, was duly sworn. Thomas Sweeney, real estate expert, was also duly sworn.

Mr. Pillozzi made the motion to accept both gentlemen as expert witnesses. Mr. Anzelone seconded the motion. A voice vote was taken, all in favor.

Mr. Reitheimer stated that there will be 8 buildings, with a total of 28 units. There will be three on each side of the street. All of the end units in the buildings will be townhouses. The remainder of the buildings will be quadraplexes. The townhouse units will be 2 bedroom, 2 ½ baths. The quadraplexes will be 1 bedroom, 1 bath units. There will be assigned parking spaces.

Mr. Frezza asked about the water issue in the area. Mr. Reitheimer stated that the engineers have developed a water collection system to alleviate some of the water issues. The engineers have also done a drainage study that was submitted to the Planning Board. This system has also been approved by DEM.

Mr. Anzelone asked how many total parking spaces have been designed. Mr. Reitheimer stated that there are 68. The street will be 24 feet wide. It is not an age-restricted community. The units will be for sale, not rentals.

Mr. Reitheimer stated that the buildings will be 56 feet apart, conforming to the Zoning Ordinance. There will be trees between the buildings. Mr. Licht verified that that if the developer met the 50 foot setbacks, they could not meet the 56 feet between the buildings.

Mr. Anzelone was concerned about the parking. He did not feel that 12 extra spaces were enough for guest parking.

Mr. Pillozzi asked how far away the home to the rear of the property was from the property line. He is concerned that 40 feet may not be enough.

Mr. Jeffrey asked about the design of the outside of the buildings. Mr. Reitheimer stated that the buildings are being designed to fit in with the landscape. The base of the building will be a stone base with clapboards above.

Mr. Pillozzi asked about dumpsters and trash. Mr. Reitheimer stated that the townhouse units will have an area in their garage for the barrels. The inside units will have a screened area available to them. Mr. Pillozzi asked about snow removal. The owner of the property will be responsible for that. They are planning to use the areas between the buildings to store the snow, as well as an area at the rear of the property.

Mr. Fascia verified that this will be a private road, not a town road. The fire department has approved the turn around.

Mr. Reitheimer stated that DOT has seen the proposal in regard to curb cuts and road design.

Mr. Pillozzi verified with Mrs. Leonardi that all abutters were properly notified.

Mr. Sweeney submitted a report to the Board, detailing his findings regarding the property. Mr. Sweeney explained the location of the project. In his opinion, the applicant is requesting the least relief necessary to develop this property.

Mr. Jeffrey asked Mr. Sweeney if he thought that it would devalue the units to have the buildings closer together and maintain the 50 foot rear setback. Mr. Sweeney stated that in his opinion it would devalue the units. The developer is trying to leave space, trees and privacy. Mr. Jeffrey stated that he would like to see the rear setback maintained in deference to the residents of Oak Hill neighborhood.

Mr. Sweeney stated that the Planning Board addressed this and were satisfied with the buffer, especially since the applicant will be adding more trees.

Mr. Anzelone suggested moving the project closer to Atwood Avenue. Mr. Fascia agreed, suggesting moving each building 1 ½ feet closer to Atwood Avenue. Mr. Jeffrey stated that if the front buildings were moved closer to Atwood Avenue, they would be harder to sell.

Mr. Aurecchia asked if there were any abutters present from Oak Hill.

John Mallone was duly sworn. Mr. Mallone stated that he is an abutter for the project, but does not live in Oak Hill. He lives directly across the street from the proposal. He is in favor of the project. He wants to tie in to the public sewer and water.

No other abutters appeared for or against.

Mr. Anzelone made the motion to approve the project. No one seconded the motion.

Mr. Pillozzi stated that he likes the project but cannot approve the rear setback relief.

Mr. Aurecchia stated that he also likes the plan. No abutters from Oak Hill came to the meeting.

Ms. Stephanie Manzi, Town Council person for the area, stated that she received phone calls from concerned neighbors. She had thought that they would have come to the meeting.

Mr. Anzelone suggested moving the buildings two feet closer together, thereby leaving a 46 foot setback in the rear.

Mr. Licht stated that the suggestion is agreeable to his clients.

Mr. Ballirano stated that if Mr. Licht amended the application to reflect this relief, the Board can vote on it.

Mr. Licht requested that the application be amended to reflect 6 feet of relief in the rear and 2 feet of relief between each of the buildings..

Mr. Pillozzi made the motion to accept the amended application. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

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

Mr. Aurecchia made the motion to adjourn. Mr. Anzelone seconded the motion. A voice vote was taken, all in favor.

Adjourned at 7:56 p.m.