

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

June 25, 2009

The Zoning Board of Review held its monthly meeting on the 25th day of June, 2009, 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, Secretary Douglas Jeffrey, Anthony Pillozzi, Bernard Frezza, Costanzo Caparrelli, Sr., and Joseph Anzelone. Also present: Joseph Ballirano, Town Solicitor, Holli Stott, Acting Recording Secretary, Bernard J. Nascenzi, and Dianne Edson, Stenographer

Mr. Pillozzi made the motion to approve the minutes of the May, 2009 meeting. Mr. Frezza seconded the motion. A voice vote was taken, all in favor.

A. File 2009-16

LOCATION: 12 Industrial Lane
OWNER: Patron Properties, LLC
APPLICANT: Rene Moyen
LOT: AP 53 — Lot 3; 97,656 sq. ft.; I Zone
EXISTING USE: Vacant
PROPOSAL: Fitness center, Sports Training Facility

Special Use Permit petitioned under Article III, Section D, Table III–D–1, Subsection 14.1

Rene Moyen, was duly sworn. Mr. Moyen explained the project to the Board. Mr. Pillozzi questioned the available parking, hours of operation, and basics of the operation. There will be a separate locker room for men and women. Mr. Nascenzi stated that the applicant submitted a parking plan that satisfies all requirements.

No abutters appeared for or against the project.

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

B. File 2009-21

LOCATION: Buck Hill Road
OWNER: Global Tower Partners
APPLICANT: Cellco Partnership D/B/A Verizon Wireless
LOT: AP 30 — Lot 60; 2544 sq. ft.; I Zone
EXISTING USE: 200' Communications Tower
PROPOSAL: Co-locate wireless antennas and equipment on existing tower facility

Dimensional Variance petitioned under Article III, Section F, Table III F-1 and Article III, Section G (7) (c)

Special Use Permit petitioned under Article III, Section D, Table III D-1, Subsection 5.4

Carl Gehring, Esq. was duly sworn and presented the application to the Board. The current structural analysis is included in the packet you received, as well as other reports and documents particular to the project. Mr. Gehring stated that an above ground propane tank will power the generator. The generator will be approximately the same noise level as a window air conditioner. The site is enclosed by an 8-foot high chain link fence in good condition. Mr. Gehring submitted photos of the site to the Board. These were accepted as Exhibit A for the applicant. Motion made by Mr. Pilozzi; seconded by Mr. Frezza. A voice vote was taken; all in favor.

Jeffrey Barbadora, Verizon Consultant, was duly sworn. Mr. Barbadora cited his credentials for the Board. Mr. Pilozzi made the motion to accept Mr. Barbadora as a qualified witness. Mr. Frezza seconded the motion. A voice vote was taken; all in favor. Mr. Barbadora submitted an aerial photo of the site to the Board. Mr. Pilozzi made the motion to accept the photo as Exhibit B for the applicant. Mr. Frezza seconded the motion. A voice vote was taken; all in favor.

Mr. Pilozzi asked if Mr. Gehring's client had looked at other sites in the Town. Mr. Gehring stated that the other sites do not meet his client's needs.

Luis Teves, RF Engineer, was duly sworn. Mr. Teves cited his credentials for the Board and stated that he previously testified before this Board. Mr. Pilozzi made the motion to accept Mr. Teves as a qualified witness. Mr. Fascia seconded the motion. A voice vote was taken; all in favor. Mr. Teves explained how the "dead spot" in coverage was determined. Mr. Teves also explained why the coverage was different for voice and data transmittals. Mr. Teves submitted a study of the propane industry from November, 2004. Mr. Anzelone made the motion to accept the document as Exhibit C for the applicant. Mr. Fascia seconded the motion. A voice vote was taken; all in favor. Mr. Barbadora stated that during his 20 years of experience, he has never had a propane accident. Mr. Fascia asked if it would be possible to convert the generator to diesel power. Mr. Gehring stated that Verizon has a corporate restriction against using diesel fuel. The tank will be properly grounded and will comply with all applicable codes.

Don Haes, Certified Health Physicist, was duly sworn. Mr. Haes stated that he has appeared before this Board many times. Mr. Pilozzi made them motion to accept Mr. Haes as a

qualified witness. Mr. Frezza seconded the motion. A voice vote was taken; all in favor. Mr. Haes stated that he has performed tests on this particular site and the emissions are less than 1 percent of the allowable limits.

Mr. Nascenzi asked about the antennas covering the “dead zone”. Mr. Teves explained that the level the antennas will be installed will cover the area in question. They are installing antennas in accordance with the two licenses Verizon holds for this area. The power on the transmissions will be additive, but not the frequencies.

No abutters appeared for or against the project.

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

C. File 2009-17

LOCATION: 45 Orchard Avenue
OWNER/ APPLICANT: Alan M. Monacchio
LOT: AP 59 — Lot 213; 17,590 sq. ft.; R-40 Zone
EXISTING USE: Single Family Dwelling
PROPOSAL: Construct a 18’x 20’ (360 sq. ft.) storage shed

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

Alan Monacchio, after being duly sworn, presented his application to the Board. Mr. Monacchio explained that the shed will be used to store lawn equipment and tools. It will be built on a cement pad. Mr. Jeffrey questioned the second floor of the shed. Mr. Monacchio stated that this would be a loft area. Mr. Monacchio submitted a drawing to the Board of the shed and home. Mr. Pillozzi made the motion to accept this as Exhibit A for the applicant. Mr. Fascia seconded the motion. A voice vote was taken; all in favor. Mr. Pillozzi questioned the placement and size of the shed. Mr. Pillozzi stated that due to the size of the shed, it is more like an addition to the home. There is only seven feet between the home and the shed; the Board usually requires more space so a fire truck can get through. The shed should be placed in the rear yard, not next to the house.

Mr. Anzelone stated that sheds are not usually that large or placed in the front of the property. Mr. Fascia stated that it is not in conformance with the neighborhood.

Mr. Fascia suggested that Mr. Monacchio request a continuance and return to the Board at a later date with a revised plan. If Mr. Monacchio chooses to go forward and the project is denied, he cannot reapply for two years.

Mr. Monacchio requested a continuance to revise the plans. He asked to be placed on the August, 2009 agenda.

Mr. Pillozzi made the motion to grant the applicant’s request for a continuance. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor.

D. File 2009-22

LOCATION: 2289 Hartford Avenue
 OWNER: State of Rhode Island - RIDEM
 APPLICANT: Johnston Fire Department, Chief Andrew Baynes
 LOT: AP 56 — Lot 15; 84,663 sq. ft.; R-40 Zone
 EXISTING USE: Residential
 PROPOSAL: Construct a 127' x 64' two – bay fire station
Dimensional Variance petitioned under Article III, Section F, Table III-F-1 and G
 (14)(b)

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACK:	— RIGHT	35'	20.79'	19.21'
	-LANDSCAPING	25'	10'	15'

Mr. Ballirano recused himself as the Board’s legal counsel and set himself forth as legal counsel for the Town of Johnston to represent the Fire Department. Mr. Pilozzi made the motion that Mr. Ballirano be allowed to recuse himself so that he may present the Fire Department application. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

Mr. Ballirano presented the application to the Board. He explained the hardship and the relief being requested. The new fire station will have a working traffic light to improve safety. It will also house a rescue unit and have living quarters.

Mr. Fascia asked how the Town would be paying for the fire station. Mr. Ballirano stated that the cost has been covered by projects. There would be a negligible increase, if any, to the taxpayers.

The station will be manned 24 hours a day. There is ample parking for the four fire fighters who will comprise each shift. There are multiple bedrooms and bathrooms to establish separate areas for male/female fire fighters.

Anne Primeau-Faubert and Steven Faubert were duly sworn. Mr. Faubert explained where they reside in direct relation to the proposed project. Mr. Faubert questioned the traffic light. Currently, it is a three way stop light and it will be converted to a four way stop light.

Mr. Faubert asked if the trucks would be stopping traffic on Hartford Ave in order to back into the fire station. Mr. Nascenzi stated that the fire station plans provide for a rear entrance; the trucks will not be backing into the station.

Mrs. Faubert stated that the plans showed a utility extension for gas lines. She wants to know if residents will be allowed to tie into those lines. Mr. Nascenzi stated that the plans are in place for an extension, but is unsure if residents will be allowed to tie into the lines. The possibility of sewer lines being extended was discussed. The radio transmission tower placement was also discussed.

Diane Marie Malley, abutter, was duly sworn. Ms. Malley feels that it is a terrible location for a fire station due to the curve in the road. Mr. Nascenzi stated that warning signs will be installed in both directions. Ms. Malley asked if the road would be widened.

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

Meeting adjourned at 8:48 p.m.