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Counsel for the Board
Joseph Ballirano, Esq.



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Zoning Board Members
Anthony Pilozzi
Joseph Anzelone

Alternate Board Members
Bernard Frezza
Stanley Nadrowski

Recording Secretary
Susan Leonardi

JOHNSTON ZONING BOARD OF REVIEW
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MINUTES

September 24, 2009

The Zoning Board of Review held its monthly meeting on the 24th day of September, 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: Chairman Kenneth Aurecchia, Anthony Pilozzi, Bernard Frezza, and Joseph Anzelone. Also present: Joseph Ballirano, Town Solicitor, Bernard Nascenzi, Building/Zoning Official, Susan Leonardi, Recording Secretary, and Dianne Edson, Stenographer

Mr. Pilozzi made the motion to approve the minutes of the August, 2009 meeting. Mr. Fascia seconded the motion. A voice vote was taken, all in favor.

A. File 2009-37

LOCATION: 277 Scituate Avenue
OWNER: Tower Macera LLP
APPLICANT: Lino & Edgar Truck Repair, Inc.
LOT: AP 44 — Lot 165; 44,503 sq. ft.; I Zone
EXISTING USE: Commercial Business Storage
PROPOSAL: Heavy truck repair

Special Use Permit petitioned under Article III, Section D, Subsection 9

Frank Sciacca, Esq. presented the application to the Board. Mr. Sciacca stated that the applicants wish to operate a heavy truck repair business. The location they have chosen is near a number of businesses that use large trucks. There is ample parking available.

Audelino Quiznones and Edgar Mota were duly sworn. The hours of operation would be 8:00 a.m. to 5:00 p.m., Monday through Friday. The structure has security lighting and no additional lighting will be installed.

Mr. Pilozzi asked about waste oil removal. Mr. Quiznones stated that he has a contract with a removal company with a set schedule in place. The dumpster will be placed in an enclosure.

No abutters appeared for or against the project.

Mr. Frezza made the motion to approve the application. Seconded by Mr. Fascia. A voice vote was taken; all in favor.

B. File 2009-35

LOCATION: 6 Higgins Street
 OWNER/APPLICANT: Diane Mazur
 LOT: AP 16 — Lot 342; 5,400 sq. ft.; R-15 Zone
 EXISTING USE: Single family dwelling
 PROPOSAL: Relocation of existing shed (192 sq. ft.)

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

Diane Mazur and James Collins were duly sworn. Ms. Mazur stated that she is before the Board to move a shed that is already constructed. It was built encroaching on the neighbor's land and is larger than is allowed by Ordinance. It is replacing a shed that was in poor condition. A survey was done and it showed that the shed was on the neighbor's land.

Sheila Dzikiewicz, abutter, was duly sworn. Ms. Dzikiewicz asked when the shed had to be moved by. It is on her land. Mr. Nascenzi explained the appeal waiting time and the building permit process.

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

C. File 2009-34

LOCATION: 24 Old Simonsville Road
 OWNER: R.O.C. Corporation
 APPLICANT: T-Mobile Northeast, LLC
 LOT: AP 25 — Lot 54; 420,789 sq. ft.; R-40 Zone
 EXISTING USE: Greenhouses
 PROPOSAL: Install one 120" monopole, equipment cabinets and coaxial cable

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

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACK:	— FRONT	120'	32'	88'
	— WIDTH	120'	32'	88'
	— HEIGHT	35'	120'	85'

Simon Brighenti, Esq. presented the application to the Board. He introduced his associates to the Board. Mr. Brighenti explained how the monopole would operate, how the antennas would be internal, and other attributes of the tower. Mr. Brighenti showed maps detailing the coverage currently available in Johnston and what the coverage would be after the installation of the new tower with the antennas.

Mr. Brighenti explained the relief being requested and the photo simulations.

Mark Cook, Site Selection Specialist, was duly sworn. Mr. Cook gave the Board a history of his qualifications. Mr. Pillozzi made the motion to accept Mr. Cook as a qualified witness. Mr. Aurecchia seconded the motion. A voice vote was taken; all in favor. Mr. Cook explained how sites are selected and which other sites in Johnston were looked at. Mr. Cook stated that he had a Statement of Conditions to submit to the Board. Mr. Aurecchia asked why this document was not included in the packets. Mr. Ballirano stated that the Board does not have to accept submissions at the meeting. Mr. Aurecchia stated that it would not be accepted.

Mr. Brighenti stated that other communication companies would be allowed to install antennas in the pole, but not on the outside of it. Mr. Pillozzi stated that Johnston has over 30 cell towers at the present time. He is concerned about the radio waves emitting from these towers and the health of nearby residents. He doesn't want another tower so close to other existing towers. Mr. Cook stated that the other existing towers will not fill in the coverage gaps.

The dimensional relief being requested was discussed.

Mr. Aurecchia asked how T-Mobile determined more antennas were needed. Was a log kept? Other way of determining dropped calls? Mr. Cook did not bring that information with him this evening, but would be happy to provide it at a later time.

Mr. Fascia asked if T-Mobile owned the land. Mr. Cook stated that T-Mobile is leasing a 48' x 48' section of the property. The lease will run approximately 20-25 years. There will not be a strobe light at the top of the pole.

Mr. Cook stated that he had a list of the other sites that were looked at and deemed unsuitable for this coverage area. Mr. Aurecchia asked why the Board did not receive it earlier. Mr. Cook apologized. Mr. Pillozzi made the motion to accept the list as Exhibit A. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

Muhammad Ibrahim, Engineer, was duly sworn. Mr. Ibrahim stated that T-Mobile has received customer complaints regarding dropped calls in the subject area of Johnston. Mr. Brighenti stated that the signals are monitored and that data is collected to ascertain whether a call was completed or not. Mr. Pillozzi stated that this data was not given to the Board. Mr. Cook stated that this information can be provided at a later date.

Mayor Polisena stated that he does not appoint this Board, so there is no conflict in regard to him stating his position. He feels that this tower is detrimental to the Town of Johnston. Towers do not belong in residential neighborhoods.

Barbara Stabile, abutter, was duly sworn. Ms. Stabile stated that subject property is not being maintained properly. She is a direct abutter and has had a problem for seventeen years. The promised buffer between her home and the subject property was never installed. Ms. Stabile submitted photos of the property to the Board. Mr. Pillozzi made the motion to accept the photos as Exhibit A for the abutters. Mr. Frezza seconded the motion. A voice vote was taken, all in favor. Ms. Stabile stated that she has had numerous issues with these owners over the years. Mayor Polisena is aware of them.

John Turner, abutter, was duly sworn. Mr. Turner stated that he has a different company's cell service and it works fine. He lives near the site for this tower and does not want to look at it everyday.

Henry Przybylowicz, abutter, was duly sworn. Mr. Przybylowicz stated that he does not want the tower near his home.

Cecile Paoletta, abutter, was duly sworn. She stated that she is concerned about property devaluation.

Dorota Latuszynski, abutter, was duly sworn. She stated that she is concerned about radio waves and the possible health side effects.

Wayne Solomon, affirmed. He is a direct abutter and he is concerned about the property values, health issues, looking at this tower everyday, etc... He is also concerned that the tower could fall down, injuring people and causing property damage.

Isnair Kotarah, abutter, was duly sworn. He is concerned about the health side effects.

Mr. Pillozzi made the motion to deny the application. Mr. Fascia seconded the motion. A voice vote was taken; all in favor of denying the motion.

D. File 2009-10

LOCATION: Truman Street
 OWNER/APPLICANT: Linda Mollicone
 LOT: AP 48/1 — Lot 28; 13,000 sq. ft.; R-20 Zone
 EXISTING USE: Vacant Land
 PROPOSAL: Construct 26' x 36' single family home with garage

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
LOT:	— SIZE	20,000' sq.	13,000' sq.	7,000' sq.
SETBACK:	— REAR	50'	38.1'	11.11'

Alfred Russo, Jr., Esq. presented the application to the Board. Mr. Russo explained the relief being requested. He explained that most of the issues from the prior meeting have been resolved.

Mr. Pillozzi stated that his concern is the size of the house for the lot. Mr. Anzelone stated that the lot is in conformance with the neighborhood.

Mr. Russo stated that a Buildable Lot Determination exists for this property. Mr. Pillozzi stated that the Determination was written in 2004, but not recorded until after the initial meeting in 2009.

Mr. Nascenzi stated that if the applicant stayed within the footprint, a variance would not be needed.

Mr. Fascia asked if Ms. Mollicone had considered building a smaller home. Ms. Mollicone stated that there are similar size homes in the neighborhood.

Joan Tavares, abutter, was duly sworn. Ms. Tavares stated that the backhoe from the relative's property is parked across the street from her house. She asked if the home was being built for resale. She thinks the house is too large for the lot size.

Mr. Russo asked if his client could have a continuance for one month to research the Buildable Lot Determination and to take photos of the homes in the neighborhood.

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

E. File 2009-36

LOCATION: 2 Morgan Mill Road
 OWNER: Val Goia Properties, LLC
 APPLICANT: Learn & Play Center
 LOT: AP 6 — Lot 159; 42,330 sq. ft.; I Zone
 EXISTING USE: Play Center/Karate Instruction
 PROPOSAL: Day Care Center

Special Use Permit petitioned under Article III, Section D, Subsection 4.11

Nina Gaubin and Catherine Pena were duly sworn. Ms. Pena presented the application to the Board. She stated the objective of the business and the hours of operation. They will accept DHS and be state licensed.

Mr. Pillozzi is concerned about the safety of the children due to other businesses being in the building.

Thomas Pagliarini, owner of the building, was duly sworn. Mr. Pagliarini stated that he and the applicants have met with DCYF and are in the process of adhering to their guidelines and making the necessary adjustments to the site. The applicants cannot get their license until the State is satisfied with the changes. The business on the lower level will have a separate entrance.

No abutters appeared for or against the project.

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

F. File 2009-38

LOCATION: Shun Pike
 OWNER/APPLICANT: Joseph Vinagro, Sr.
 LOT: AP 32 — Lot 44; 226,038 sq. ft.; I Zone
 EXISTING USE: Existing foundation only
 PROPOSAL: Construct an equipment storage building on existing foundation

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACK:	— REAR	50'	35.8'	14.2'
	— RIGHT	50'	26.6'	23.4'

Donna Caisse, Esq. presented the application to the Board.

David DiMaio, for Mr. Vinagro, was duly sworn. Mr. DiMaio stated that the building would be used for equipment storage. They have had some problems with theft.

Kevin Moran, Engineer, was duly sworn. Mr. Pilozzi made the motion to accept Mr. Moran as a qualified witness; he has appeared before this Board on numerous occasions. Mr. Fascia seconded the motion. A voice vote was taken; all in favor. Mr. Moran explained the structure of the building.

No abutters appeared for or against the project.

Mr. Pilozzi made the motion to approve the project. Mr. Fascia seconded the motion. A voice vote was taken; all in favor.

G. File 2009-30

LOCATION:	25 Falmouth Street
OWNER:	Pinnacle Towers LLC
APPLICANT:	T-Mobile Northeast, LLC
LOT:	AP 10 — Lot 174; 8,613 sq. ft.; R-15 Zone
EXISTING USE:	Wireless Communication Facility with 3 towers
PROPOSAL:	Install 9 antennas and 3 concrete pads for equipment

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

Joshua Delman, Centerline Communications, was duly sworn and presented the application to the Board. He explained how the antennas would provide better coverage to their subscribers.

John-Markus Pinard, Site Acquisition Specialist, was duly sworn. Mr. Pinard explained how this particular site was chosen. T-Mobile does not currently have any antennas in this area.

Mr. Pilozzi asked about site maintenance. Mr. Delman stated that the area will be monitored once per month.

Mr. Ibrahim stated that the nine antennas will provide approximately one mile of coverage. He showed maps detailing the coverage difference with and without the antennas.

Mr. Fascia questioned the cause/effect relationship between radio waves and health issues. Mr. Delman submitted a study to the Board. Mr. Pilozzi made the motion to accept this as Exhibit A for the applicant. Mr. Frezza seconded the motion. A voice vote was taken; all in favor except Mr. Fascia. Mr. Fascia stated that the study should have been submitted to the Board prior to this evening.

Mr. Delman stated that the applicant will install signs instructing people to stay 5-6 feet away from the facility. It is safe at that distance.

Mayor Polisena stated that he feels that this is a health concern.

Joseph Sarandrea, abutter, was duly sworn. Mr. Sarandrea stated that he sees the tower from his yard; he feels that there are enough antennas on the tower already; concerned about health issues;

concerned about the additional weight on the tower from the antennas; concerned about property values.

Jacquelyn Sarandrea, abutter, was duly sworn. Ms. Sarandrea stated that teenagers use the site for illegal activities. The area is dirty. Trash is everywhere.

Mr. Delman stated that the applicant will do their part to keep the area clean.

John Stroker, abutter, was duly sworn. He has lived in the area for over 40 years. He was never notified when the tower was built. He thinks nine antennas is too many.

Mr. Anzelone made the motion to deny the application. Mr. Anzelone gave his reasons for denial. Mr. Pilozzi seconded the motion and stated his reasons. A voice vote was taken; all in favor to deny the application.

Meeting adjourned at 11:15 p.m.