

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
Stanley Nadrowski

Recording Secretary
Susan Leonardi

JOHNSTON ZONING BOARD OF REVIEW
100 Irons Avenue, Johnston, Rhode Island 02919
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MINUTES

February 4, 2010

The Zoning Board of Review held its monthly meeting on the 4th day of February, 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, Vice-Chairman Richard Fascia, Anthony Pillozzi, Douglas Jeffrey, Bernard Frezza, and Joseph Anzelone. Also present: Joseph Ballirano, Town Solicitor, Bernard Nascenzi, Building/Zoning Official, Holli Stott, Recording Secretary, and Dianne Edson, Stenographer

Mr. Pillozzi made the motion to nominate the same slate of Officers that is currently sitting. Mr. Anzelone seconded the motion. A voice vote was taken, all in favor.

Mr. Jeffrey made the motion to nominate Mr. Pillozzi as the Zoning Board designee to the Municipal Land Trust. Mr. Aurecchia seconded the motion. A voice vote was taken; all in favor.

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

Mr. Aurecchia stated that the application for Ridgeway Avenue would not be heard this evening. It will be heard at the February 25, 2010 meeting. Mr. Pillozzi read a letter from Councilwoman Manzi requesting the continuance. Mr. Pillozzi made the motion to grant the continuance. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor.

A. File 2010-01

LOCATION: 165 Dyerville Avenue
OWNER/APPLICANT: Marvin Realty, Inc.
LOT: AP 13 —Lots 206 and 211; 40,000 sq. ft.; R-7 Zone
EXISTING USE: Vacant Building
PROPOSAL: Adult Daycare

Special Use Permit petitioned under Article III, Section D, Table III–D–1, Subsection 2.

Donald DeCiccio, Esq. presented the application to the Board. Oganés Avakyan and Oganés Avakyan were both duly sworn. Richard Licht, Esq. stated that he is present on behalf of Schnitzer North,

6/11/2010

which owns Metals Recycling. He is questioning whether the application should be heard this evening. Mr. Aurecchia stated that the testimony will be heard. Mr. DeCiccio stated that the applicant's will lease the property. The Avakyans' will be the onsite managers. They are under application for a nursing care administrator's license. Mr. Fascia asked if there would be a kitchen in the building. Mr. DeCiccio stated that there would be and it would meet all appropriate codes.

Brian Knight, business owner, was duly sworn. Mr. Knight stated that there is a tool and die business and a linking machine company also in the building. There are no heavy trucks visiting the premises.

Mr. Avakyan stated that there would be transportation by van provided for the seniors. The center would provide breakfast, activities and a registered nurse would check their health. Lunch will also be provided. Medicare would pay for the services. Home care would also be provided if necessary.

Mr. Licht stated that the Zoning Ordinance of the Town of Johnston does not provide for this type of use. He believes that the application is before the Board improperly. He believes that Zoning Board does not have the authority to grant the application. The Town Council would have to decide which zone was appropriate for this application. The Zoning Ordinance requires that the application must be heard before the Planning Board first for a recommendation.

Mr. Ballirano stated that he believes that the applicant needs to go to Town Council and get a classification created.

Peter Scotti, Real Estate Expert, was duly sworn. Mr. Jeffrey made the motion to accept Mr. Scotti as an expert witness. Mr. Pilozzi seconded the motion. A voice vote was taken; all in favor. Mr. Scotti does not believe that this building is an appropriate location for this use. Mr. Scotti submitted a report to the Board. Mr. Fascia made the motion to admit the report. Mr. Pilozzi seconded the motion. A voice vote was taken; all in favor.

Makala Silvia, abutter was duly sworn. Ms. Silvia complained about the dust, smell, sand and dirt coming from Metals Recycling. Ms. Silvia supports the application.

Gloria Macaruso, abutter, was duly sworn. Ms. Macaruso supports the application. It would be a nice, quiet addition to the neighborhood.

Michael Silvia, abutter, was duly sworn. He is in favor of the application and feels that it would benefit the neighborhood.

Mr. Jeffrey made the motion to deny the application. Mr. Fascia seconded the motion. A voice vote was taken; 3 in favor, 2 against. Mr. Aurecchia stated that four votes are needed to grant / deny an application.

Mr. DeCiccio requested that the application be withdrawn and the applicants will apply to the Planning Board. Mr. Anzelone made the motion to allow the applicant to withdraw and apply to the Planning Board. Mr. Fascia seconded the motion. A voice vote was taken; four in favor, 1 against. Motion passes.

B. File 2010-03

LOCATION: 1577 Atwood Avenue
 OWNER/APPLICANT: C & B Cherry Hill LLC
 LOT: AP 20-1 —Lots 39, 206, 82,217,218,284; AP 20-2 – Lots 58 and 280;
 882,000 sq. ft.; PMUD Zone
 EXISTING USE: Commercial
 PROPOSAL: Install one (1) pylon sign and two (2) wall signs for new TD Bank location

Dimensional Variance petitioned under Article III, Section J, Subsection 5.1.12 – Pylon Sign and 5.1.6 – Wall Signs.

John Revens, Jr., Esq. presented the application to the Board. Mr. Revens explained that this will be a LEED building. A LEED building is a “green” building.

Chris Nowicki, architect, was duly sworn. Mr. Nowicki explained the traffic flow, ingress/egress, and drive-thrus.

Mr. Revens explained the signage being requested.

Peter Scotti, Real Estate Expert, was accepted as an Expert Witness by the Board. Mr. Pilozzi made the motion to accept Mr. Scotti. Mr. Fascia seconded the motion. A voice vote was taken; all in favor.

Mr. Scotti stated that the proposed signage will not have an adverse effect on the surrounding property. The proposed use is in compliance with the Town of Johnston Comprehensive Community Plan.

No abutters appeared for or against the project.

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

Mr. Pilozzi asked Mr. Nascenzi for an update regarding the 1025 Plainfield Pike building. Mr. Nascenzi stated that the building has been brought into compliance. After the fire, the electrical was brought up to code and they were allowed to reopen.

Mr. Pilozzi asked Mr. Nascenzi about restrictions on wood boilers. Mr. Nascenzi stated that William Conley, Esq., Town Solcitor, was working on an ordinance.

Mr. Anzelone asked about another situation on Taunton Avenue. Mr. Nascenzi stated that Mr. Del Ponte was working on the situation.

C. File 2010-04

LOCATION: 2446 Plainfield Pike
 OWNER/APPLICANT: Domenic J. and Helia Calcione
 LOT: AP 33 —Lot 2; 11,325 sq. ft.; R-40 Zone
 EXISTING USE: Single Family Home damaged by fire
 PROPOSAL: Rebuild Single Family Home

Dimensional Variance petitioned under Article III, Section F, Table III–F–1 & Article III, Section U.

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
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LOT:	— SIZE	40,000' sq.	11,325'sq.	28,675' sq.
	— FRONTAGE	140'	77'	63'
	— WIDTH	140'	77'	63'
	— HEIGHT	30'	35'	5'
SETBACK:	— REAR	75'	59.5'	16.5'
	— LEFT	35'	21'	14'
	— RIGHT	40'	19'	21'

Domenic Calcione, was duly sworn and presented the application to the Board. He stated that the new structure will be on the same foundation as the home that burnt. It will actually be slightly smaller.

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.

D. File 2010-02

LOCATION: 1225 Hartford Avenue
 OWNER: Michael A. Pezza
 APPLICANT: Clear Wireless, LLC
 LOT: AP 20 —Lot 124; 8,400 sq. ft.; B-2 Zone
 EXISTING USE: Wireless Telecommunications
 PROPOSAL: Install six (6) antennas on existing tower

Joseph Giammarco, Esq. presented the application to the Board. Ryan Monte De Ramos, Radio Frequency Engineer, was duly sworn.

Mr. Giammarco explained that Clear Wireless is a subsidiary of Sprint Nextel. Clear Wireless uses both panel and dish antennas. Mr. Giammarco explained how the system operates. The installation requires minimal upkeep and maintainance.

Mr. Pilozzi stated that the original tower never appeared before the Zoning Board. Mr. Nascenzi stated that the building is non-conforming and the building permits are null and void, including the ones issued in 2004. Mr. Giammarco requested a continuance.

John Ricci, abutter, is duly sworn. Mr. Ricci stated that the tower is an eyesore.

Donna Ricci, abutter, is duly sworn. Mrs. Ricci stated that the neighbors were never informed that the tower was being built. She asked Mayor Macera about it. He claimed he knew nothing about it.

Eloise Desalvo, abutter, is duly sworn. Ms. Desalvo stated that the tower is not registered with the FCC. The antennas were not registered with the FCC until 2009.

Mr. Nascenzi stated that he does not want the tower there and he is unaware of the issues. He is working with Mr. Conley and Mr. Ballirano to resolve the issue.

Alex Psznowsky, abutter, is duly sworn. He objects to the expansion on the tower.

Mr. Jeffrey made the motion to continue the application to March 25, 2010. Mr. Pilozzi seconded the motion. A voice vote was taken; all in favor. Application continued to the March 25, 2010 meeting.

Meeting adjourned at 9:46 p.m.