

**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 Pilozzi  
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  
*Tel: 401-231-4117; Fax: 401-231-4181*

**MINUTES**  
**April 29, 2010**

The Zoning Board of Review held its monthly meeting on the 29th day of April, 2010, 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 Pilozzi, Dennis Cardillo, 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. Pilozzi made the motion to approve the minutes of the March 25<sup>th</sup> meeting. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor.

Mr. Nascenzi would like the board to know that from now on we will be receiving professional opinions from the town planner according to our zoning ordinances.

**A. File 2010-10**

LOCATION: 26 Lakeshore Drive  
OWNER/APPLICANT: William and Barbara Schiefen  
LOT: AP 61 —Lot 57; 8,991 sq. ft.; R-40 Zone  
EXISTING USE: Single Family Dwelling  
PROPOSAL: Construct second floor addition

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
LOT:	—SIZE	40,000 sq. ft.	8,991 sq. ft.	31,009 sq. ft.
	— FRONTAGE	140'	134.08'	5.92'
	— WIDTH	140'	134.08'	5.92'
	—COVERAGE	15%	16%	1%
SETBACK:	—FRONT	40'	10'	30'
	—REAR	75'	28.6'	46.4'
	— LEFT	35'	9.67'	25.37'

Mr. William and Barbara Schiefen get sworn in and propose their project to the board adding a second story to the lower level of the house to create a bedroom and a bathroom. No expansion to the footprint they will be building straight up and no one else will be moving in. No one is against the project. Mr. Frezza notions to grant and Mr. Pillozzi seconds all in favor and a voice vote was taken and granted.

**B. File 2010-14**

LOCATION: 1379 Atwood Avenue  
 OWNER: Frank Leone Revocable Family Trust  
 APPLICANT: Lockwood/McKinnon Co., Inc  
 LOT: AP 23 —Lot 96; 31,702sq. Ft; B-2 Zone  
 EXISTING USE: Commercial Property  
 PROPOSAL: Construct a new Taco Bell Restaurant with a drive-thru and accompanying signage.

**Special Use Permit** petitioned under Article III, Section D, Table III D-1, Subsections 8.10

**Dimensional Variance** petitioned under Article III, Section F, Table III F-1, Article III, Section O, Subsections 1.1.2 Directional Signs, 5.1.1 Awning or Canopy Signs, 5.1.6 Free-standing Signs, 5.1.7 Menu Board, 5.1.11 Wall Signs, 5.1.12 Pylon Signs

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACK:	— LEFT	40'	18.6'	21.4'

Mr. Lombardi was sworn in to represent the owners Frank Leone as well as Lockwood/Mckinnon; they are seeking relief for signage, dimensional variance and drive thru to build a new restaurant. Mr. Lombardi explains project. Mr. Nascenzi explained that the fire department can reach the building in case of a fire. Mr. Leone owner of the building is sworn in and explains what his business was prior to this new development. What the land was used for and why. Mr. Thomas Capraro who is a real estate appraiser is sworn in and explains the value of the project will not have any negative impact on the property values in the area. Mr. William Gloebel was sworn in as the engineer on the project explained dimensions of the parking lot and the building. Exhibit A was submitted which was a signage table. Mr. Gloebel explains the signage package that the restaurant will be getting along with the explanation of the landscaping. Mr. Pillozzi makes a motion and Mr. Frezza seconds, voice vote was taken and project is granted.

**C. File 2007-27-REMAND FROM SUPERIOR COURT**

LOCATION: Ridgeway Avenue  
 OWNER/ APPLICANT: VicGenka Realty, LLC  
 LOT: AP 45-1 —Lot 79; 5,137 sq. ft.; R-40 Zone  
 EXISTING USE: Vacant Land  
 PROPOSAL: Single Family Home

**Dimensional Variance** petitioned under Article III, Section F, Table III–F–1, section L (1).

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
LOT:	— SIZE	<b>40,000' sq.</b>	<b>5,137'</b>	<b>34,863'</b>
	— FRONTAGE	<b>140'</b>	<b>51.37'</b>	<b>88.63'</b>
	— WIDTH	<b>140'</b>	<b>51.37'</b>	<b>88.63'</b>
SETBACK:	— FRONT	<b>40'</b>	<b>24'</b>	<b>16'</b>
	— REAR	<b>75'</b>	<b>44'</b>	<b>31'</b>
	— LEFT	<b>35'</b>	<b>13.67'</b>	<b>21.33'</b>
	— RIGHT	<b>35'</b>	<b>13.68'</b>	<b>21.32'</b>

Mr. Ballirano states that the decision does not need to be read into the record, but for the benefit of the record he summarizes the matter to date. Mr. Pilozzi goes fourth with the summary. Mr. Gallogly is the attorney for Vic Genka and Mr. Volpe is the attorney for the abutters. Mr. Fascia asks for both attorneys to come forward and give some sort of testimony for each side. Mr. Gallogly brought a certified copy of the decision from the superior court. Mr. Pilozzi makes a motion to accept and Mr. Jeffrey seconds. Mr. Gallogly explains that the remand was very specific and not for a new hearing. Mr. Volpe comes fourth and states his case that he concurs with the opposing attorney. Mr. Pilozzi tries to submit a memo from the town planner and Mr. Ballirano states that the record is 100% closed. Mr. Jeffrey does not feel comfortable hearing this at this time and would like to move it to another month. Mr. Pilozzi would like to make the motion on the clarification that the abutters will get a vote that night. Mr. Jeffrey makes a motion and Mr. Anzelone seconds. Project is moved to May 27<sup>th</sup> meeting. Mr. Ballirano will have a report and the board will make a decision based on new evidence from both attorneys.

Mr. Anzelone motion to adjourn, Mr. Fascia and Mr. Jeffrey second.

Meeting adjourn at 9:49 pm