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Counsel for the Board
Joseph Ballirano, Esq.



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Anthony Pilozzi
Bernard Frezza

Alternate Board Members

Dennis Cardillo

Recording Secretary
Susan Leonardi

JOHNSTON ZONING BOARD OF REVIEW
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MINUTES

April 28, 2011

The Zoning Board of Review held its monthly meeting on the 28th day of April, 2011, 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, Joseph Anzelone, Bernard Frezza and Dennis Cardillo. 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 March 31, 2011 meeting. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

File 2011-20

LOCATION: 104R Peck Hill Road
OWNER: Francis J. Dirico c/o Industrial Tower and Wireless, LLC
APPLICANT: Bryant University
LOT: AP 43 —Lot 521; 15.13 acres; I Zone
EXISTING USE: Wireless Communication Tower
PROPOSAL: Install one (1) FM antenna on existing tower

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

David D'Agostino, Esq. presented the application to the Board. Mr. D'Agostino stated that the application was submitted with an I-Zone designation. The property is located in an R=40 Zone. Vision database had the incorrect designation listed. Mr. D'Agostino requested that the application be amended to reflect the correct zone. Mr. Pilozzi made the motion to amend the application. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

Mr. Pilozzi made the motion to accept Exhibits. A – E from the applicant. These exhibits are in the application packet already submitted to the Board. Mr. Frezza seconded the motion. A voice vote was taken; all in favor.

John Bennett of F.M. Expansion Group, was sworn. Mr. Bennett stated that the tower is 460 feet high and the antenna will be installed at the 322 foot height. It will not extend past the current height of the tower.

Thomas Lennon, owner, was sworn. Mr. Lennon stated that the entire property is fenced and the tower is fenced separately.

Exhibits F, G, & H (Addendum of the application) were submitted to the Board. Mr. Pilozzi made the motion to accept the exhibits. Mr. Aurecchia seconded the motion. A voice vote was taken; all in favor.

No abutters appeared for or against the project.

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

FILE 2011-17

LOCATION: 2320 Plainfield Pike
OWNER/APPLICANT: Cleri Property Management
LOT: AP 33 — Lot 59; 19,488 sq. ft.; R-40 Zone
EXISTING USE: Vacant Land / Foundation from former dwelling
PROPOSAL: Construct a 36' x 60' office building

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACK:	— LOT SIZE	40,000'	19,488'	20,512'
	— REAR	45'	31.5'	13.5'
	— REAR	75'	15'	60'
	— LEFT	35'	26.4'	8.6'

Use Variance petitioned per Article III, Section D, Table III D-1, Subsection 6.2

Steven Moretti, Esq. presented the application to the Board. Use variance is being requested to build an office building in a residential zone.

The dimensional variance requested was discussed. Use Variance vs. Zone Change was discussed.

The project will conform to parking requirements, landscaping, run-off, and other town regulations.

Keith Salisbury, abutter, was sworn. Concerned about the types of businesses allowed in the building.

Pauline Hawkins, abutter, was sworn. She is concerned about possible run-off. Vincent Cleri, owner, was sworn. Mr. Cleri stated that he will contain all water on his property.

Robert Abbruzzese, Jr. was sworn. Mr. Abbruzzese is concerned about noise and trucks.

Wayne Salisbury was sworn. Mr. Salisbury is concerned about a stream that runs through the area and possible wetlands.

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

FILE 2011-18

LOCATION: 15 Apple Blossom Drive
 OWNER/APPLICANT: Mike and Karen Martufi
 LOT: AP 55 — Lot 165; 48,307 sq. ft.; R-40 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: Construct a 24'x 36' attached garage

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACK:	—RIGHT	35'	8'	27'

Michael Martufi was sworn and presented the application to the Board. Dimensional variances being requested were discussed.

No abutters appeared for or against the project.

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

FILE 2011-16

LOCATION: 61 Victor Avenue
 OWNER/APPLICANT: Alger J. Mitchell, Jr.
 LOT: AP 15 — Lot 205; 7,500 sq. ft.; R-15 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: Construct a 16'x 20' addition

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACK:	— LOT SIZE	15,000'	7,500'	7,500'
	— FRONTAGE	100'	75'	25'
	— WIDTH	100'	75'	25'
	— LOT COVERAGE	25%	25.55%	.55%
	— REAR	45'	31.5'	13.5'
	— LEFT	20'	4.6'	15.4'
	— RIGHT	20'	5.4'	14.6'

Alger Mitchell, Jr. was sworn and presented the application to the Board. The addition will be for a living room. Dimensional variances were discussed.

No abutters appeared for or against the project.

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

FILE 2011-19

LOCATION: West Side Drive
OWNER/APPLICANT: Joseph M. Driscoll Trust
LOT: AP 46 — Lot 194; 28,148 sq. ft.; R-40 Zone
EXISTING USE: Vacant Land
PROPOSAL: Construct a 44' x 28' single family dwelling

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
LOT:	— LOT SIZE	40,000'	28,148'	11,852'
	— FRONTAGE	140'	40'	100'
	— WIDTH	140'	134'	6'

Guido Salvatore, Esq. presented the application to the Board. Robert Sambocci, Joseph Driscoll, and Jeffrey Campopiano, P.E., were duly sworn.

Mr. Salvatore explained the dimensional variances being requested and the history of the lot. Mr. Driscoll stated that the proposed home is 1250 sq. ft. and is located in an R-40 Zone. There is a Court Order stating that Mr. Driscoll owns the property. Mr. Pilozzi made the motion to accept a copy of the Order as Exhibit A for the applicant. Mr. Ballirano requested to view the document before the motion was completed. Mr. Ballirano stated that the Order is not certified; there is no seal. Mr. Pilozzi withdrew his motion. Mr. Salvatore read the Order in to the record in its entirety.

Mr. Salvatore submitted two deeds to the Board for Exhibits. Mr. Ballirano stated that these documents are also not certified and the type face of the recording information is different on pages 1 and 2. Mr. Salvatore does not know why the typeface would be different. The Exhibits were not accepted by the Board.

The width of the right-of-way was discussed. The application states a 40 foot right-of-way and the plan shows a 50 foot right-of-way. Mr. Salvatore requested that the right-of-way on the plan be amended to 40 ft.

Mr. Ballirano stated that the proposed home would be the only 2-story home on the street. Would the applicant be willing to modify the home so it conforms to the neighborhood? Mr. Driscoll agreed. Mr. Frezza made the motion to allow the application be amended to show a one level home. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor except Mr. Pilozzi who voted Nay. Motion passes 4 to 1.

Mr. Pilozzi wants the home to face West Side Drive, not the side line of the lot. The Town Planner's memo was discussed. Location of the home on the lot was discussed.

Gena Bianco, abutter, was sworn. Ms. Bianco objects to the building of the home. Ms. Bianco submitted photos of the lot to the Board. Mr. Frezza made the motion to accept the photos as Exhibit A for the abutters. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor. The photos show automobile tires, hot water heaters, and other garbage dumped in the trees surrounding the lot. Ms. Bianco stated that she has well water and has to buy bottled water for drinking. The tires have been there for over 30 years. Ms. Bianco stated that she has 2 videos of the property that she took and requested that they also be submitted as Exhibits. Mr. Pillozzi made the motion to accept the videos as Exhibit B for the abutters. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

Mr. Salvatore stated that there is no proof that the tires and other debris are actually on the subject lot. Mr. Nascenzi will visit the property and see the debris for himself. Mr. Pillozzi made the motion to have Mr. Nascenzi visit the property. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

The Zoning Board viewed the videos of the property showing the debris.

Donald Rositer, abutter, was sworn. Mr. Rositer stated that he filmed both of the videos with Ms. Bianco. Ms. Bianco stated that she has property markers for her property as does another of the abutters.

Secretary Anzelone had to leave the meeting due to a personal emergency. Mr. Frezza made a motion to continue the application until Mr. Nascenzi visited the property and a determination of ownership is made. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor. The abutters will still continue to give their testimony this evening.

Denise Bianco and Laura Minicucci were sworn. Ms. Bianco stated that she has walked the property many times. The tires have always been there. She has never seen Mr. Driscoll on the property. The DeMelo's have been maintaining the property for years.

Ms. Minicucci stated that she has seen the tires for years. She has lived there for over 50 years.

Daniel Robbins, Jr. was sworn. Mr. Robbins stated that he has seen tires, box springs, televisions, engine parts and hoses in the trees surrounding the property. He is concerned about fluids that may have leaked into the ground.

Norma Delvecchio was sworn. She is concerned about possible run-off and water issues from building another home in the area.

Wendy Forrest was sworn. Ms. Forrest is concerned about snow removal and where the Town will put it. She had issues this past winter because of the amount of snowfall. She submitted photos of the area during the winter to the Board as Exhibit D for the abutters. Mr. Frezza made the motion to accept the photos as Exhibit D for the abutters. Mr. Pillozzi seconded the motion. A voice vote was taken; all in favor.

John DeMelo was sworn. He lives directly in front of the subject property. He is concerned about his leach field and working well.

Cheryl DeMelo was sworn. She is concerned about water issues. Her cellar floods when it rains.

Stephanie Manzi, Councilwoman for the area, stated that she is also concerned about the tires and other debris.

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

Meeting adjourned at 9:51p.m.