

Chairperson
Bernard Frezza

Vice-Chairperson
Anthony Pilozzi

Secretary
Joseph Anzelone

Counsel for the Board
Joseph Ballirano, Esq.



Building Official
Bernard J. Nascenzi, C.B.O.

Zoning Board Members
Richard Fascia
Thomas Lopardo

Alternate Board Members
Dennis Cardillo
Albert Colannino

Recording Secretary
Holli Stott

JOHNSTON ZONING BOARD OF REVIEW
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MINUTES

May 31, 2012

The Zoning Board of Review held its monthly meeting on the 31st day of May 2012 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: Bernard Frezza, Chairman, Anthony Pilozzi, Vice-Chairman, Joseph Anzelone, Richard Fascia, Albert Colannino, Thomas Lopardo and Dennis Cardillo. Also present: Holli Stott, Recording Secretary, Bernard Nascenzi, Zoning Official and Dianne Edson, Stenographer

Mr. Ballirano announced to the board that from now on we will be following the town council rules and we will no longer be hearing any new business after 10:30 p.m. If there is any new business not heard after 10:30 p.m. they will roll over to the next month and will have agenda priority.

Mr. Pilozzi made the motion to approve the minutes of the April 26, 2012 meeting. Mr. Fascia seconded the motion. A voice vote was taken; all in favor.

New Business

A. File 2012-21

LOCATION: 700 Greenville Avenue
OWNER/ APPLICANT: Michael and Robert Ducharme
LOT: AP 55 — Lot 63; 9,037.34 sq. ft.; R-40 Zone
EXISTING USE: Single Family Dwelling
PROPOSAL: Mixed use, convert living room into yoga studio
Use Variance petitioned under Article III, § 340-8 Table of Use Regulations Subsection 4.14

Robert and Ann Ducharme, owners of the property were sworn in and Mr. Ducharme explained to the board that he wants to convert there living room into yoga and healing art center. The property was used for a doctors office a few years back and they converted the doctors office into a living room after they purchased the property and now they would like to teach yoga and healing arts in that area. Mr. Pilozzi explained that their property is zoned a R-40 and that this type of use is not permitted in this

zone. Mr. Ballirano explained to Mr. Pilozzi that the reason why they were here is to ask the board for a use variance to conduct this type of business in their home.

Mr. Ducharme then explained to the board that he will be conducting classes between the hours of 6:30 a.m. and 7:30 p.m. with no more than eight to twelve students. Mr. Ducharme supplied the board with their parking plan to show where the cars will be parking and the entrances and exits for traffic flow. Their hardship is that the sq footage of the space that they would like to use is only 800 sq feet and is not able to be used on its own. This space will be used strictly for yoga and healing arts classes, no in any way will there be gym equipment.

No one for or against

Mr. Pilozzi made a motion to deny. No one seconded.

Mr. Anzelone made a motion to approve with stipulations that there will be no classes held on Saturday and Sunday nights and only twelve cars and fifteen people and a given time. Mr. Fascia seconded the motion. A voice vote was taken; all in favor.

B. File 2012-26

LOCATION: 71 Peck Hill Road
 OWNER/ APPLICANT: Albert J. Jacavone
 LOT: AP 33 — Lot 26; 101,125 sq. ft.; R-40 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: 40'x30' Barn

Dimensional Variance petitioned under Article V, § 340-25 Authorized departures from yard regulations, subsection C, Accessory Structures

Al Russo was sworn in and he is representing the owners/applicants of the property he explained to the board that Mr. Jacavone would like to place a 30 x 40 barn on his 2.3 acre property for the storage of small backhoes and tractors. Mr. Pilozzi reinstated the fact that if approved this barn is just for storage and not an apartment of to start some sort of business. Mr. Jacavone agreed.

No one for or against

Mr. Anzelone made a motion to approve. Mr. Pilozzi seconded the motion with the stipulations that the barn is only to house his farm equipment not to be used later on as a house or a business. A voice vote was taken; all in favor.

C. File 2012-27

LOCATION: 60 Armento Street
 OWNER/ APPLICANT: Sonny Realty
 LOT: AP 35 — Lot 42; 41,000 sq. ft.; I Zone
 EXISTING USE: Slaughter House
 PROPOSAL: Pen to house animals

Special Use Permit petitioned under Article XII § 340-75 Special Use Permit, subsection (b), Article III §340-8 Table of Use Regulations, subsection 1.6, Article XI § 340-68 (a) Continuance of nonconforming development, § 340-71 (a) Extension or enlargement of nonconforming use.

Mr. DeAngelis was sworn in as the attorney for the owners/applicants he explained to the board that the owners of this facility would like to put a roof over the cement wall that was constructed back in February to house animals. Mr. Nascenzi then explained to the board that he had received a phone call that this project was going up without any permits. Mr. Michael Quattrucci was sworn in and he explained to the board how long they have been in business and what their general procedure is. He also explained to the board that U.S.D.A. regulates everything that their business does and that they recommended that the buffer in the rear of the building should be removed. Mr. Quattrucci then explained that the additional pen is to move the animals around to keep everything clean and in order. Mr. Joel Quattrucci was sworn in and he explained to the board that he has negotiated with a landscaping company to replace the buffer between his property and the residential properties around him. He will be placing seven ten foot white pine trees almost exactly in the same spot where the other buffer was placed. He also explained to the board that the blocks used to make this wall are concrete interlocking blocks engineered approved.

Joel then explained to the board that the U.S.D.A tightens their requirements every year and that they have to follow their requirements. The additional pen would allow the workers to clean other pens and keep the animals rotating between clean pens, but the U.S.D.A did not require this roof to be constructed over this pen. Mr. Pilozzi read a letter/formal complaint from three abutting neighbors who could not make it the public hearing. Mr. Pilozzi submitted the letter/formal complaint as exhibit A and Mr. Fascia seconded.

Barbara Martino of 11 Pezzi Street is sworn in and explained to the board that she is a direct abutter and that the wall that they constructed is exactly on the property line. Mrs. Martino then handed the board pictures of the pen and where she placed the wall. Mr. Pilozzi made a motion to enter these pictures into the record and Mr. Fascia second. Ms. Martino explained to the board when she bought the house and when she sees the animals, if they are left out over night, for how long. Ms. Martino then started to read a petition signed by various neighbors to deny the roof over the newly holding pen. Mr. Pilozzi made a motion to accept it into the record for exhibit B for the abutters, Mr. Anzelone seconded the motion. A voice vote was taken; all in favor. Mr. Veltri was sworn in as the professional surveyor on the project and he explained to the board that there is about seven feet in between both property lines. So Ms. Martino needs to get her survey so that they can compare.

Mr. Raymond Russo of 9 Pezzi Street is sworn in and he explained to the board that the smell of the slaughter house is unbearable and the noise that comes from the refrigeration unit and the animals kicking and mooing. Mr. Nascenzi explained to the board that the buffering of the noise for the refrigeration is very, very hard to do. Mr. Quattrucci explained that business has decreased and that he will do whatever it takes to make the neighbors happy.

Mr. Peter DelPonte, code enforcement officer, is sworn in and he explained to the board that he has been called to the slaughter house only a couple of times within the last five years for smell. Which at that time they could use baking soda to contain the smell. Mr. Quattrucci intervened and stated that only one day a week the smell really arises which is on a Wednesday when everything gets moved around. Mr. Quattrucci stated that once his refrigeration is in place this should stop all smell issues.

Mr. Al Potter of 14 Irons Avenue was sworn in and he explain to the board that horse hair fibers is being used for noise abatement out west and he suggested that Mr. Quattrucci should use that around his cooling/heating system and that he can purchase it at any farm and feed store.

Mrs. Barbara Russo of 9 Pezzi Street was sworn in and she explained to the board that throughout the years the noise and smell has increased she had called the police several times on the smell and noise. The police officer stated that it had smelled like bad rancid meat. She also stated that the swearing and cursing from the drivers delivering the animals has decreased.

Mrs. Deborah Fellela of 3 Diaz Street was sworn in and she stated to the board that she has been living there for more than 20 years and she just started noticing a smell and the squealing of animals just recently along with the numerous amounts of rats in the area. She suggested that they contact DEM and they do some sort of study on the smell that way either fines can be implied or a corrective action can be taken.

Ms. Judith Moretti of 7 Diaz Street was sworn in and she explained to the board that she has three children and that a few weekends prior they can't go to the house from playing because the smell was so bad. She also has seen rats in her area and Mr. Pilozzi advised her to contact the town council for further assistance.

Mrs. Alexandra Capron of 13 Irons Avenue was sworn in and she explained to the board that she has a very bad rat problem; they are eating her vegetables in the garden and digging holes in her yard. She also stated that she witnessed some of the workers burning off hair on the horns of animals.

Mr. Robert Russo who is the Town Council President is sworn in and he explains to the board that he has never received more complaints about noise, smell or rats than he has within the past few months. Mr. Lopardo wanted to clarify that the owners of the business are not doing enough to keep the area clean.

Mr. Anthony Marcella of 6 Pezza Street was sworn in and he explained to the board that his cat is taking home rats and the smell has gotten a lot worse over the past six months.

Mr. Pilozzi make a motion to take a ten minute break, Mr. Frezza seconded the motion. A voice vote was taken; all in favor

Recess 9:38

Back to order 9:56

Mr. Pilozzi started by saying that after all the testimony the board is in consensus and he would like to make a motion to deny. Mr. Frezza seconded the motion. A voice vote was taken; all in favor. Application denied.

D. File 2012-19

LOCATION: 1356 Atwood Avenue
OWNER: Triple M Properties, LLC
APPLICANT: Elvio Sciacca
LOT: AP 44 — Lot 361; 6262 sq. ft.; R-10 Zone
EXISTING USE: Mixed Use, Residential and Commercial
PROPOSAL: 5.5'x18' Addition

Dimensional Variance petitioned under Article III, § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— SIZE	10,000'	6262'	3738'
	— FRONTAGE	100'	70.08'	29.92'
	— WIDTH	100'	70'	30'
	— FRONT YARD	25'	21.80'	3.20'
	— REAR YARD	40'	29.5'	10.5
	— RIGHT SIDE	15'	11.5'	3.5'

Mr. Sciacca, attorney for the owner was sworn in and he presented to the board that the owner of the property would like to build an addition to lease it for office space since it is a mixed use. Mr. Sciacca, owner of the property was sworn in and he explained to the board that he wants to enclose the portion of the overhang to lease it out.

Mr. Pitochelli, councilman for the town of Johnston district two was sworn in and he spoke very highly of the owner of this property. He stated that the property is very well taken care of and he upkeep has been tremendous.

No one against the project.

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

E. File 2012-20

LOCATION: 2154 Hartford Avenue
 OWNER/APPLICANT: Bel-Air Motor Inn, LLC
 LOT: AP 54 — Lot 87; 71,002.80 sq. ft.; B-2 Zone
 EXISTING USE: Eighteen Room Motel
 PROPOSAL: Using twelve of the eighteen rooms as extended stay rooms

Use Variance petitioned under Article III, § 340-8 Table of Use Regulations subsection 14.1

Mr. Al Russo, attorney representing the applicant was sworn in and he explained to the board that the applicant was not present due to a family illness. Mr. Russo then went on asking the board for a continuance until next month. He also explained that the owner of the property has been trying to work with town officials to clear up any violations on the property. Mr. DelPonte came forward to speak on the property and he stated that there is very poor management at this location. Mr. DelPonte has been up to the location on several occasions and he observed that people have been staying there way more than two or three days. He also explained that if people wanted to stay longer the owner of the property would have to make a lot of renovations, like kitchenettes and so forth in order of people to stay an excess of two weeks

Officer Mark Baros, Johnston Police Officer was sworn in and he explained to the board that he was dispatched to the location back in may if this year for a threatening text message dispute between a resident and the live in manger. The patrolman searched the room in which he resides in and found narcotics and a rifle. Mr. Pilozzi made a motion to accept the police reports from the previous year,

but Mr. Russo objected and asked if the keeper of records can bring it to next months meeting so that the owner of the property can be there.

Mr. Anzelone made a motion to continue until next month. Mr. Fascia seconded the motion. A voice vote was taken; all in favor.

Mr. Anzelone made a motion to adjourn. Mr. Fascia seconded the motion. A voice vote was taken; all in favor.

Adjourn 10:36