

**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**  
100 Irons Avenue, Johnston, Rhode Island 02919  
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## **MINUTES**

**November 29, 2012**

The Zoning Board of Review held its monthly meeting on the 29th day of November 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, Chairperson, Anthony Pilozzi, Vice-Chairman, Joseph Anzelone, Richard Fascia, Albert Colannino, Thomas Lopardo and Dennis Cardillo. Also present: Holli Stott, Recording Secretary, Joseph Ballirano, Esq., Bernard Nascenzi, Zoning Officer and Lisa M. Reis, Stenographer.

Mr. Pilozzi made the motion to approve the minutes of last months meeting. Mr. Lopardo seconded. A voice vote was taken; all in favor.

### **A. File 2012-69**

LOCATION: 167 Putnam Avenue  
OWNER: 167 Putnam Ave LLC  
APPLICANT: Pristine Detailing  
LOT: AP 40— Lot 227; 60,113sq. ft.; B-2 Zone  
EXISTING USE: Vacant Commercial Building  
PROPOSAL: Auto Detailing

**Special Use Permit** petitioned under Article XII § 340-75 Special Use Permit

Mrs. Lemaire was worn in and she explained to the board that they are trying to open a hand wash car wash at this location. Mrs. Cheryl Grossi was sworn in on behalf of the owner, Michael Greico. Mrs. Lemaire explained to the board that this business will be going in the rear of the building and Hertz Rental Cars will be in the front. The applicants are applying for a special use permit and if any signage is needed they will reappear in front of this board to receive the necessary relief if any needed.

Mrs. Lemaire explained that they will only be washing the outside and inside of the vehicles and there will be no automotive fluids spilling or any kind. Mrs. Lemaire also explained the hours of operation which will be eight to six Monday through Friday and eight to four on Saturdays.

In the town planner's memo, she explained that they would like to move back the lot line thirty feet from the residential zone.

Mr. Anzelone made the motion to amend the application. Mr. Lopardo seconded. A voice vote was taken; Mr. Pilozzi opposed. Vote four to one.

Mr. Pilozzi expressed his concerns about DEM and curb cuts. Mr. Nascenzi assured him that everything will be followed according to procedure for drainage and curb cuts etc. The applicant is well informed that before they open a business they have to be approved by the Town Council and receive their business license.

Mr. Manuel Vierra, abutter who lives right behind the property on Norma Street, was sworn in and he explained to the board that his concerns are about drainage and the tanks that the owner of the property placed in back of the building along with the pvc piping. When it rains the water goes into his yard and he is concerned that with all this excess water being drained out its going to cause a bigger problem than what he already has.

Mr. George Simone, abutter to the property, explained to the board that his concerns are about water and when it rains heavily the water obviously runs down hill and floods his yard and with all of this extra water it's going to just escalate the problem.

Mr. Anzelone and Mr. Nascenzi assured both abutters that everything that has to do with any type of drainage DEM will have to approve any and everything.

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

**B. File 2012-59**

LOCATION: 117 Hopkins Avenue  
OWNER/APPLICANT: Dennis Spicuzza  
LOT: AP 59 — Lot 72; 110,120 sq. ft.; R-40 Zone  
EXISTING USE: Single Family  
PROPOSAL: Change In-Law into apartment

**Use Variance** petitioned under Article III, § 340-8 Table of Use Regulations subsection 2.2

Mr. Dennis Spicuzza, applicant for the project, was sworn in and he explained to the board that he would like to change his in law apartment into a rental apartment which is attached to his single family dwelling unit. His mother is becoming very ill and the space could be used for a caregiver if they need to stay overnight since his mother will be living with them in the single family dwelling. The attached unit has its own entrance. Mr. Pilozzi explained to the applicant that his tax rate may change in the future considering he may be collecting a rent in the future.

No abutters for or against.

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

**C. File 2012-68**

LOCATION: 1841 Atwood Avenue  
 OWNER/APPLICANT: Pasquale Dipippo  
 LOT: AP 53 — Lot 190; 61,760 sq. ft.; R-40 Zone  
 EXISTING USE: Single Family Dwelling  
 PROPOSAL: 26' x 26' Storage Shed

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	<b>— RIGHT SIDE YARD</b>	<b>35'</b>	<b>30.2</b>	<b>4.8'</b>

Mr. Pasquale Dipippo, applicant for the project, was sworn in and he explained to the board that he would like to build a 26 x 26 shed in the rear of his house for storage, since there is no basement currently. He would like to store his lawn care equipment, pool supplies etc. The shed will have electricity only no running water.

No abutters for or against.

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

**D. File 2012-58**

LOCATION: 504 Killingly Street  
 OWNER: Bank Newport  
 APPLICANT: Killingly Express Wash, LLC  
 LOT: AP 12 — Lot 333 & 360; 68,829 sq. ft.; B-2 Zone  
 EXISTING USE: Vacant land  
 PROPOSAL: Car Wash

**Special Use Permit** petitioned under Article XII § 340-75 Special Use Permit, subsection (a), Article III §340-8 Table of Use Regulations, subsection 9.8

Mr. John Mancini, attorney for the project, was sworn in and he explained to the board that in the vacant lot they would like to build a car wash. Since this property is on the Johnston/Providence line the building will be taxed through the town of Johnston and the signage will go through the city of Providence. Mr. Mancini explained to the board that the hearing has been properly advertised and he handed the zoning clerk, Mrs. Stott, the return receipts.

Mr. Pilozzi made the motion to enter the notifications for the abutters and the other residents as exhibit A. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Mancini handed the board three different photographs of different locations of examples of what the proposed carwash will look like.

Mr. Pilozzi made a motion to accept the photographs as exhibit B. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Pillozzi made a motion to accept Mr. Garafalo as an expert witness. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Mancini handed the board Mr. Garafalo's resume and brief job description. Mr. Pillozzi made a motion to accept Mr. Garafalo's resume and job description as exhibit C. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Garafalo was sworn in as an expert witness in land use regulations, and he explained to the board about the layout of the proposed project including frontage. There is a PAP submitted to DOT for any type of traffic flow issues. Mr. Garafalo went over with the board all types of landscaping that will be used if approved. Mr. Garafalo also explained drainage in the building also in the front and rear of the building.

Mr. Garafalo explained all about the lighting plan around the building when opened and closed. A traffic study has been completed a few years back and has been updated to current traffic flow. The road will be restriped and there will be a left only lane into this property.

Mr. Pillozzi made a motion to accept Mr. Lombardo as an expert witness. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Pillozzi made a motion to accept the applicants entire packet submitted to the zoning board as exhibit D. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Lombardo explained to the board about economic development and investment along with public agreement.

Mr. Pillozzi made a motion to accept Mr. Caprio as an expert witness. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Caprio read his report to the board explaining location, square footage, surrounding abutters and landscaping.

Ms. Carol Pisani, abutter at 42 Maribeth Drive, was sworn in and she explained her concerns to the board about the noise ordinance in the town, the chain link fence for the abutters and what type of soap will be used. Mr. Mancini went over every detail reassuring her about the drainage system, the fencing that will be used including any trees or shrubs that will be used.

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

Mr. Lopardo made a motion for a ten minute break. Mr Frezza seconded. A voice vote was taken; all in favor.

**Recess 9:00**

**Back to Order 9:20**

**E. File 2012-62**

LOCATION: 8 Dyerville Avenue  
OWNER: R. Elaine Riccardelli  
APPLICANT: Vincent D'Ella  
LOT: AP 13 — Lot 174; sq. ft.; I Zone  
EXISTING USE: Commercial Building  
PROPOSAL: Dry Cleaning plant  
**Special Use Permit** petitioned under Article XII § 340-75 Special Use Permit

Vincent D'Ella and Sylvia Santilli were both sworn in and they explained to the board that this location will be a dry cleaning plant. Mr. D'Ella will be cleaning the clothes at the Johnston location and shipping them back to his store in Smithfield for his customers to pick up. Mr. D'Ella continued to explain to the board about the actual dry cleaning machine, what kind of chemicals are used and how all the chemicals are contained.

Mr. Pilozzi questioned Mr. D'Ella about the chemicals flammability and what the process is if it did spill into the water system. Mr. D'Ella reassured Mr. Pilozzi that DEM checks in regularly and if anything was to happen it would be addressed right away.

Mr. Pilozzi made the motion to deny because the applicant does not have an expert testimony and he is not comfortable with Mr. D'Ella's testimony. Mr. Frezza seconded. A roll call was taken and Mr. Anzelone, Mr. Pilozzi, Mr. Lopardo, Mr. Ballirano and Mr. Frezza denied the application.

Mr. Pilozzi suggested to the applicants that if they would like to get an expert to testify on their behalf the applicants would not have to wait the full two years to come back in front of the board to explain their case in further detail.

#### **F. File 2012-63**

LOCATION: 636 Killingly Street  
OWNER: Domenic Cassisi  
APPLICANT: Taisha Quinones  
LOT: AP 15 — Lot 231; 6,000sq. ft.; B-2 Zone  
EXISTING USE: Vacant Commercial Building  
PROPOSAL: Johnston Tire  
**Special Use Permit** petitioned under Article XII § 340-75 Special Use Permit

Tasha Quinones, applicant for the project was sworn and she explained to the board that she would like to open a tire shop at the above address. She will be selling and mounting tires at this location. Mr. Pilozzi explained that this is a residential area and he is not comfortable with this type of business going in a residential zone.

Ms. Quinones was questioned by Mr. Frezza where the tires will be stored and what she plans on doing with the old tires that are no longer useable. She explained that she has someone in place to contact to haul away the old tires. Mrs. Quinones also explained that she would like to have cars there by appointment only so that there will only be a few cars there at a time.

Mr. Marc Asselin, abutter from 1 Hunter Avenue, was sworn in and he explained that he has some pictures that he would like to submit to the board as an exhibit showing unregistered cars and trash in between the garage and houses.

Mr. Pilozzi made a motion to accept the pictures as exhibit A. Mr. Anzelone seconded. A voice vote was taken; all in favor.

After reviewing the pictures, Mr. Nascenzi asked the abutter why he never reported this to the Building Office that way he could have sent out an official notice and had the owner of the property clean up the property. Mr. Asselin was not aware of that option.

Mr. Steven Finn, abutter from 7 Hunter Avenue, was sworn in and he explained to the board that he concerns are about traffic flow and how bad it is getting in and out of Hunter Avenue onto Killingly Street.

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

**G. File 2012-64**

LOCATION: 75 Pocasset Street  
OWNER/ APPLICANT: Pocasset Mill LLC  
LOT: AP 2, 3 —Lot 134, 422; 3.26 acres; R-7 and B-2 Zone  
EXISTING USE: Vacant Mill – Proposed apartments  
PROPOSAL: Signage for apartments

**Dimensional Variance** per Article VIII, § 340-41 Signs prohibited in all districts, § 340-40 Signs permitted in R districts and § 340-43 Signs permitted in B districts

Ronald DeCola, representing the applicant, was sworn in and he explained to the board that he is request relief for signage on two separate lots. One at the end of Pocasset Street and one at the entrance in the back of the property.

Mrs. Carol Marrocco, abutter at 9 Willow Street, was sworn in and she explained to the board that her concerns have to do with the sign going on Plainfield Street and while the construction was being conducted the cross walk sign was removed and never replaced. There are school buses that pick up and drop off and there is a daycare across the street and with the new sign going in place and the cross walk sign not being present she is afraid that the new sign will be blocking all sorts of views. Mr. Pilozzi explained to Mrs. Marrocco that the proposed sign will not block any sort of view either coming or going to or from the property.

Mr. Anzelone made the motion to approve both signs. Mr. Lopardo seconded. A voice vote was taken; all in favor.

**H. File 2012-65**

LOCATION: 2225 Plainfield Pike  
OWNER: Macera Luigi Trustee  
APPLICANT: Gladko Ride Transportation LLC  
LOT: AP 32— Lot 15; 68,250sq. ft.; IL Zone  
EXISTING USE: Commercial Building  
PROPOSAL: Transportation

**Special Use Permit** petitioned under Article XII § 340-75 Special Use Permit

Mr. Oganess Cevorkian and Louis Macera were both sworn in and Mr. Macera explained to the board that he is looking to open a telephone only business to tell the drivers where to go and to pick up residents and bring them to their adult day care which will be talked about on the next application. The vans will be handicap accessible and there will also be plenty of parking at the adult day care for the residents who are able to drive there themselves.

No abutters for or against.

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

**I. File 2012-66**

LOCATION: 2225 Plainfield Pike  
 OWNER: Macera Luigi Trustee  
 APPLICANT: Svetlo Adult Day Care  
 LOT: AP 32— Lot 15; 68,250sq. ft.; IL Zone  
 EXISTING USE: Commercial Building  
 PROPOSAL: Adult Day Care

**Special Use Permit** petitioned under Article XII § 340-75 Special Use Permit

Mr. Macera explained that the State Fire Marshall has been to this site on several occasions and once an approval is received from this board the applicants can move forward to try and obtain the remaining approvals from other necessary boards and state facilities.

No abutters for or against.

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

**J. File 2012-67**

LOCATION: 14 Osgood Avenue  
 OWNER/APPLICANT: Riverda Silliman  
 LOT: AP 17 — Lot 136; 6,628 sq. ft.; R-15 Zone  
 EXISTING USE: Single Family Dwelling  
 PROPOSAL: Detached Garage

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— LOT SIZE	15,000'	6,628'	8,372'
	—FRONT YARD	25'	14'	11'
	— REAR YARD	45'	7'	38'
	— LEFT SIDE YARD	20'	9'	11'

Mrs. Barbara Silliman, applicant for the project was worn in and she explained to the board that her and her elderly father, who is not present due to an illness, would like to build a detached garage to park her car because her and her father are getting to old to shovel out the driveway and use the snow blower.

No abutters for or against.

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

Mr. Anzelone made the motion to recess as the Johnston Zoning Board of Review. Mr. Pillozzi seconded. A voice vote was taken; all in favor.

Mr. Anzelone made the motion to convene into the Johnston Board of Appeals. Mr. Pillozzi seconded. A voice vote was taken; all in favor.

**A. File 2012-56 (Appeal from a decision from the Building Official pursuant to Art. XVIII Sect § 340-129)**

LOCATION: 1757 Plainfield Pike  
OWNER/ APPLICANT: Dennis Cardillo  
LOT: AP 27 — Lot 146; 161,172 sq. ft; R-20 Zone  
EXISTING USE: Single Family Dwelling  
ISSUE: Violation of section §340-9 Table of Use Regulations subsection 9.13, section 261-7 Maintenance of Land and section 325-1 Abandonment of vehicles prohibited

Mr. Ballirano explained to the board of appeals that Mr. Nascenzi, Building/Zoning Official, has been to the above address over the past few months on several occasions regarding several complaints. Mr. Nascenzi explained that when he first went to the property at the time it was very overgrown and there were heavy equipment, backhoes and trailers. The property also had piles of junk, scrap metal and wood being stored. Mr. Nascenzi cited the property owner and to clean up the necessary items and remove some of the trailers. Thirty days later, Mr. Nascenzi went back to the property and most of items were removed, but Mr. Cardillo needed more time to remove more items, so Mr. Nascenzi extended the 30 day period. Mr. Cardillo explained to Mr. Nascenzi that he has received farm status for this property. Mr. Cardillo has now planted vegetables, cleaned up the overgrown brush on his property and the rest of the wood has been removed. Mr. Ballirano explained that even though Mr. Cardillo has cleaned up the property the council woman in that area is still getting complaints about the property.

Mr. Cardillo, owner of the property was sworn in and he explained to the board that there are only six trailers left which has farm tractors for plowing and wheel barrowing. These trailers are needed to keep all of his equipment contained and out of the weather. All the trailers are moveable so they are not considered accessible structures and variances are not needed in this case. Mr. Cardillo only works his farming equipment during business hours and Mr. Cardillo agreed that he will follow the town's ordinances for working equipment.

Mr. Anzelone made the motion to recognize these structures as being far related. Mr. Lopardo seconded. A voice vote was taken; all in favor.

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

Mr. Cardillo was warned to refrain and be careful of his activities going forward so as to be in compliance and a good neighbor.

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

**Adjourn 11:00 p.m.**