

**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**

**March 28, 2013**

The Zoning Board of Review held its monthly meeting on the 28th day of March 2013 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, Albert Colannino, Thomas Lopardo and Dennis Cardillo. Also present: Holli Stott, Recording Secretary, Joseph Ballirano, Esq., Bernard Nascenzi, Zoning Officer and Dianne Edson, Stenographer.

Mr. Pilozzi noticed a minor change in the previous month's meeting minutes. Miss Stott noted the change and Mr. Pilozzi made a motion to approve the minutes of last months meeting. Mr. Cardillo seconded. A voice vote was taken; all in favor.

Mr. Pilozzi made a motion to approve the amended minutes. Mr. Frezza and Mr. Cardillo seconded. A voice vote was taken; all in favor.

Mr. Frezza presented a letter to the board as a formal request to continue the hearing for the Special Use Permit scheduled for this evenings meeting for Hartford Avenue until next month.

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

Mr. Ballirano brought it to the board's attention that at the end of the meeting the board may want to discuss a future protocol for continuances so abutters and if they have hired an attorney to be present everybody will be well aware of what is going on.

### **A. File 2013-07**

LOCATION: 44 Dean Avenue  
OWNER/ APPLICANT: Edmund W. Cornwell  
LOT: AP 40 — Lot 164; 32,236 sq. ft.; R-15 Zone  
EXISTING USE: Single Family Dwelling  
PROPOSAL: Attach 18' x 26' pole barn/garage to existing garage

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4/26/2013

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

Mr. and Mrs. Edmund Cornwell, owners of the property, were sworn in and Mr. Cornwell explained to the board that he and his wife would like to attach an 18 x 26 foot pole barn addition to his existing garage. Mr. Cornwell would like to build this addition to house his tractor, boat and other things on the property. Mr. Pilozzi noted that there is a brook in his back yard and if he gets too close to the brook then he would need to get special permission from the DEM, but Mr. Cornwell advised Mr. Pilozzi that he is about 65 – 70 feet away from the brook and no other special usage will be needed, except from the zoning board and building department. Mr. Cornwell will not be adding another driveway because there is already a turn around there made out of gravel.

Mr. Ballirano brought it to the board's attention that the board might need to take into consideration that if this project is approved there should be some stipulations on the decision in case the Cornwell's sell their home in the future that way the new owners can not just do anything they want with this legal structure since its going to be a pretty big substantial structure. That way the new home owner will have to return back to the Zoning Board for them to grant whatever type of use they are looking for.

Mr. Nascenzi explained to the board that this project was starting to be built with out permits. Mr. Cornwell's contractor, who is also a building inspector for another town, called Mr. Nascenzi and told him that he would be emailing him a set of the plans and Mr. Nascenzi agreed, but when he drove by the structure he noticed that it was about 45 – 50 percent of the way complete, so in turn Mr. Nascenzi issued a stop work order and sent Mr. Cornwell a violation notice.

Mr. Ronald Laninfa, abutter to the property, was sworn in and he explained to the board that his privacy is being invaded upon because Mr. Cornwell has a two story garage and when Mr. Laninfa uses his swimming pool he can see Mr. Cornwell and whom ever working in the garage and it makes Mr. Laninfa and his family very uncomfortable. Mr. Laninfa explained to the board that Mr. Cornwell likes to restore antiques which he is fine with, but now it is invading in on his privacy. Mr. Laninfa explained to the board that Mr. Cornwell also has two other structures on his property, which is not on his site plan, and he is afraid that with this addition it is going to be too much on his property and an eyesore for the surrounding neighbors. Mr. Nascenzi explained that if the structure is less than 64 square feet then it does not need to be listed on the survey nor need as building permit per The State of Rhode Island Building Code.

Mr. Paul Vartanian, abutter to the property, was sworn in and he explained to the board that his concerns are with Mr. Cornwell's equipment in his back yard and if Mr. Cornwell is granted this relief to add this addition then he is concerned what other types of equipment will be added to the property.

Mr. Ballirano brought it to the board's attention that once a public hearing is opened and issues are raised by the abutters then the board can request a viewing of the property before, during or after a public hearing. Mr. Nascenzi expressed that the board should of went to the property prior to this hearing.

Mr. Cornwell explained to the board about why some of the heavy equipment is on his property and what he uses it for.

Mr. George Simonin, abutter for the property, was sworn in and he explained to the board that if the relief gets granted tonight then there has to be some sort of limit into having heavy equipment and trailers and such. Mr. Frezza explained that there is a limit for everyone's property throughout the town. Mr. Simonin also questioned about the trees that were cut down and Mr. Cornwell explained that the trees were cut down because of the choke vines were ruining the appearance of the tree. Mr. Simonin's concerns are about the same as the previous two abutters, trailers, tractors and heavy equipment and when is enough going to be enough.

Mr. Ballirano suggested to the board and to the applicant if they would like to have a formal viewing of the property. It will be advertised in the newspaper and Town Hall stating that we would be there at a certain day and time for a formal meeting at the site, open a motion, reopen the meeting and walk the property and then recess to the next meeting for the decision.

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

**Recess 8:58**

**Back to order 9:03**

Mr. Pillozzi made a motion to reconvene. Mr. Cardillo seconded. A voice vote was taken; all in favor.

Mr. Ballirano explained to Mr. Cornwell that while the board was in recess they came up with the best option. And that is to schedule a formal viewing of the property and they current meeting will be recessed until April 22, 2013 at 5:00 pm at the property.

Mr. Pillozzi made a motion to recess the meeting until April 22, 2013 at 5:00 pm at Dean Avenue for a formal viewing. Mr. Lopardo seconded the motion A voice vote was taken; all in favor.

**Recessed 9:17 pm**