

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

September 26, 2013

The Zoning Board of Review held its monthly meeting on the 26th day of September 26, 2013 at 6:00 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, Albert Colannino, Richard Fascia, Thomas Lopardo and Dennis Cardillo. Also present: Joseph Ballirano, Esq., Holli Stott, Recording Secretary, Bernard Nascenzi, Zoning Official and Diane Edson, Stenographer.

Mr. Pilozzi made a motion to accept the minutes for the month of August. Mr. Anzelone seconded. A voice vote was taken; all in favor.

A. File 2013-28

LOCATION: Arcadia Avenue
OWNER: Franco and Lynne Petrone
APPLICANT: Jeffrey Castle
LOT: AP 12 — Lot 38; 4,200± sq. ft.; R-10 Zone
EXISTING USE: Vacant
PROPOSAL: Single Family Dwelling

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	LOT SIZE	10,000'	4,200'	5,800'
	LOT FRONTAGE	100'	60'	40'
	LOT WIDTH	100'	60'	40'
	FRONT YARD	25'	20'	5'
	REAR YARD	40'	18'	22'

Frank Manni, attorney for the applicants, was sworn in and he explained to the board that his clients would like to build a single family home. Mr. and Mrs. Petrone, owners of the property and Jeffrey

Castle, contractor for the project, were all sworn in. Mr. Pilozzi explained to the applicant that this lot is on a dead end street with not a lot of room to park any commercial vehicles while this home is being constructed, never mind any emergency vehicles if they need access to this home. This application was brought to the zoning board six years ago and it was approved, but was never acted upon so it expired after a year.

Mr. Pilozzi explained to Mr. Manni that the road is not improved and it is ultimately the contractor's responsibility to improve the road not the town.

Mr. Stephen Marandola, Jr. and Sr., abutters to the property were sworn in and they explained to the board that Mr. Marandola, Jr.'s property located at 10 Zoar Avenue abuts the back of the subject property and he is very concerned that the lot is too small and there is no room for a lot of traffic on this particular street because the street is so narrow.

Mr. Manni asked the board if he could please consult with his clients and continue this application until the end of the meeting.

Mr. Pilozzi made a motion to continue until the end of the meeting. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Amendment of Approval Request

B. File 2013-19

LOCATION: Brown Avenue
 OWNER/APPLICANT: John and Louise D'Amico
 LOT: AP 55 — Lot 104; 44,372.50 sq. ft.; R-40 Zone
 EXISTING USE: Vacant Land
 PROPOSAL: Single Family with In-Law
Special Use Permit petitioned under Article XII § 340-75 Special Use Permit, Article III §340-8 Table of Use Regulations, subsection 2

Mr. John D'Amico, applicant, was sworn in and he explained to the board that DEM is approving the distance between both wells to be 88 feet. Mr. Nascenzi explained to the board that his office received the DEM approval and it meets all the requirements needed.

Mr. Pilozzi made a motion to enter the approval from DEM on the applicant's behalf. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Pilozzi made a motion to amend their original approval for their well from 200 feet to 88 feet. Mr. Anzelone seconded. A voice vote was taken; all in favor.

C. File 2013-33

LOCATION: 28 Irons Avenue
 OWNER/ APPLICANT: Gina Sorbara and Christine Johnson
 LOT: AP 35 Lot 25; 12,000 sq. ft.; R-15 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: 8' x 8' Pergola in front yard

Dimensional Variance petitioned under Article V § 340-25 Authorized departures from yard regulations

This item was not heard due to non payment from the applicants. Mr. Nascenzi gave the applicants 30 days to remove the structure and at the time of the meeting they had 14 days left. No abutters appeared for this application.

D. File 2013-32

LOCATION: 167 Borden Ave
 OWNER/ APPLICANT: Frank Ciaramello Jr.
 LOT: AP 22 Lot 525; 19,987 sq. ft.; R-15 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: 24' x 24' garage with loft space for storage

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	BUILDING HEIGHT	15'	22'	7'
	REAR YARD	45'	13'	32'
	RIGHT SIDE YARD	20'	6'	14'

Mr. Gustavo Perez, contractor for the applicant, was sworn in and he explained to the board that the applicant is out of town and they would like to postpone this application until next month. Mr. Pillozzi explained that since the applicant knows that the contractor is representing them this item will have to be heard tonight. Mr. Perez understood and he explained to the board that the owners of this property would like to build a 24 x 24 garage for storage and no living quarters. Mr. Nascenzi explained to the board that there have been numerous complaints and regarding quite a few people living there and cars parked all over the property. There are also police reports involving the State Police, but unfortunately there were time restraints in obtaining these reports. Mr. Nascenzi explained to the board and Mr. Perez about the building code for different roof designs in regards to overhead space.

Mr. Ronald Rubeira, abutter from 7 Cleveland Avenue, was sworn in and he explained to the board that there are always about nine or more cars parked at this residence along with a tow truck and an unregistered van. Mr. Frezza asked Mr. Rubeira if they work on cars at this residence and Mr. Rubeira stated that they work on cars inside the stockade fence.

Mr. Philip Chaves, abutter from 17 City View Parkway, was sworn in and he wanted to confirm what Mr. Rubeira stated previously.

Mrs. Marie Rubeira, abutter from 7 Cleveland Avenue, was sworn in and she explained to the board that she has called the police on a car that has been left outside her house with a phony plate on it and after the owner had received the notice he moved the car back into the yard and took the plate off. The owner of the property placed a shed on the property without any permits and has also taken down tree limbs without any permission from the town. Mrs. Rubeira also explained to the board that the owners have a large engine lift located in the backyard along with debris placed all over the yard.

Mr. Vincent Francis, abutter from 3 Cleveland Avenue, was sworn in and he explained to the board that he believes that if the garage is approved and since they are already doing automotive repairs that it will only get bigger and more of a nuisance.

Mr. Joseph Villanova, abutter from 5 Cleveland Avenue, was sworn in and he explained to the board that he has seen tow trucks and flat beds dropping off cars to be repaired.

Mr. Lopardo made a motion to deny. Mr. Anzelone and Mr. Fascia both seconded. A voice vote was taken; all in favor.

Mr. Pillozzi made it clear to the contractor and the abutters that since the application have been denied they can not return to zoning for two years.

E. File 2013-28

LOCATION: Arcadia Avenue
 OWNER: Franco and Lynne Petrone
 APPLICANT: Jeffrey Castle
 LOT: AP 12 — Lot 38; 4,200± sq. ft.; R-10 Zone
 EXISTING USE: Vacant
 PROPOSAL: Single Family Dwelling

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	LOT SIZE	10,000'	4,200'	5,800'
	LOT FRONTAGE	100'	60'	40'
	LOT WIDTH	100'	60'	40'
	FRONT YARD	25'	20'	5'
	REAR YARD	40'	18'	22'

Mr. Manni came back up in front of the board and consulting with his clients he requested to withdraw this application.

Mr. Pillozzi made a motion to withdraw this application. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Pillozzi made a motion for a quick recess before hearing the last item on the agenda. Mr. Frezza and Mr. Anzelone seconded. A voice vote was taken; all in favor.

Recess 7:00

Back to Order 7:08

F. File 2013-31

LOCATION: Green Earth Avenue
OWNER: Rhode Island Resource Recovery Corp.
APPLICANT: Pink-N-Pull
LOT: AP 31 — Lot 68; 670,681 sq. ft.; B-2 Zone
EXISTING USE: Vacant
PROPOSAL: Automotive recycling facility
Special Use Permit petitioned under Article III § 340-8 Table of Use Regulations

Mr. Andrew Teitz, attorney for the project, was sworn in and he explained to the board that this applicant is looking for a special use permit for an automobile recycling center. Mr. Teitz explained where the location of the plant will be located and that they will abide by all regulation regarding wetlands and buffers. The cars will be drained of all fluids, batteries and mercury switches removed them shipped over to the other site which is the Schnitzer shredder also located in Johnston. Mr. Teitz handed brochures to the board explaining what there process is all about.

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

Mr. Mark Austerman, Vice President of Operations, was sworn in and he explained to the board about his background and what Pick-n-Pull is all about.

Mr. Pilozzi made a motion to accept Mark Austerman as a qualified witness. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Austerman went over what types of tools that the public can use when disassembling the cars when they are in the rows for the public to get at. As well as hours of operation and what days the cars will be processed and moved off the site and shipped to the other location.

Mr. David Westcott, a professional planner and environmental scientist with Mason and Associates, was sworn. Mr. Pilozzi made a motion to accept Mr. Westcott as a qualified witness. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Westcott brought up three key points. First about the Town's Comprehensive plan and how this will generate jobs and tax revenue for the town, second all of the stormwater run off will be treated prior to discharge and finally this project does not have any impact on surrounding wetlands.

Mr. Russell Parkman, engineer from GZA Geo Environmental, was sworn in and he explained to the board about the process of the storm water run off and all the buffers that will be maintained while this plant is being developed.

Mr. Thomas Sweeney, expert witness, was sworn in and explained to the board that this plant conforms with the surrounding areas and will not have a negative impact on any of the surrounding properties in the area.

Mr. Gordon Duke, abutter located at 82 Maple Avenue, was sworn in and he explained to the board that his concern is having this "junk yard" 1000 feet from an interstate highway. Mr. Nascenzi

explained to Mr. Duke that he has carefully read over the amendments and that each town is allowed to enact their own enabling act along with zoning and comprehensive plan updates.

Mrs. Tammy Cardillo, audience member, was sworn in and she asked the applicant if they need to obtain a license from the State as well as the Town. Mr. Teitz explained to Mrs. Cardillo that all required licenses will be obtained prior to opening of the plant and that he is not sure how this business will be listed with the state and town.

Mrs. Connie Calcione, abutter from Scituate Avenue was sworn in and she explained to the board that her concerns are about noise when crushing the automobiles. Mr. Teitz explained to Mrs. Calcione that it will be difficult hearing any noise in a residential area especially with the background noise of interstate 295.

Mr. Pilozzi made a motion to grant with two stipulations one, there will be no stacking of the cars higher than eight feet high and second there will be no shredding of automobiles on Sundays. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

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

Adjourn 8:32