

**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  
***Tel: 401-231-4000 ext 4068 Fax: 401-231-4181***

**MINUTES**

**January 30, 2014**

The Zoning Board of Review held its monthly meeting on the 30th day of January, 2014 at 6:30 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., Susan Leonardi, Recording Secretary, Bernard Nascenzi, Zoning Official and Diane Edson, Stenographer.

Mr. Frezza relinquished his chair to the vice chair for the reorganization of the zoning board since this is the first meeting of the New Year.

Mr. Pilozzi made a motion to have the alternates vote on tonight's meeting. Mr. Frezza seconded. A voice vote was taken; all in favor.

Mr. Pilozzi proposed the up coming years slate for Chairman; Bernard Frezza, Anthony Pilozzi as Vice Chairman and Joseph Anzelone as secretary. Mr. Colannino made a motion to accept Mr. Pilozzi's recommendation. Mr. Lopardo seconded. A voice vote was taken; all in favor. Without any other nominations brought to the floor.

**A. File 2014-02 (Appeal from a decision from the Building Official pursuant to Art. XVIII Sect § 340-129)**

LOCATION: 120 Scituate Avenue  
OWNER/ APPELLANT: Anthony Fuoco  
LOT: AP 25 — Lot 274; R-20 Zone  
ISSUE: Appeal Notice of Violation dated November 21, 2013

Mr. Frezza explained to the audience that the board received a letter from Mr. Acciaro stating that he had a scheduling conflict and this matter will be continued to another meeting date.

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

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

**A. File 2014-01**

LOCATION: 212 Cherry Hill Road  
 OWNER/ APPLICANT: Angela and Giuseppe Cucinotta  
 LOT: AP 20 Lot 353; 25,478 sq. ft.; R-15 Zone  
 EXISTING USE: Three Family  
 PROPOSAL: Two story addition to one unit

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	<b>REAR YARD</b>	<b>45'</b>	<b>33'</b>	<b>12'</b>

Mr. John Tzitzouris, professional land surveyor for the applicant was sworn in and he explained to the board that this home is currently a three family and the owners would like to put an addition on one of the units. Mrs. Angela Cucinotta, owner of the property, was sworn in and she explained to the board that this is the only home her and her husband owns in the town. She also explained to the board that all family lives there and never have any of the units been rented.

Mr. Michael Cucinotta, son of the homeowner, was sworn in and he explained to the board that he has a business license for phone calls only at this location because he plows for the town of Johnston and he needs to received phone calls only if the Department of Public Works needs to get in touch with him.

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

**D. File 2014-05**

LOCATION: 515 Greenville Avenue  
 OWNER: Michael St. Angelo  
 APPLICANT: Michael Orsini  
 LOT: AP 48 — Lot 15; 428,468 sq. ft.; B-1 Zone  
 EXISTING USE: Individual instruction of martial arts  
 PROPOSAL: School conducted as private gainful business for teaching subjects such as dance etc.

**Use Variance** petitioned under Article III § 340-8 Table of Use Regulations 4.14

Michael Orsini, applicant, was sworn in and he explained to the board that he moved his business from Smithfield to Johnston and he was originally going to have individual instruction, but now he will be doing more group instruction. Mr. Orsini’s hours of operation right now will be Monday through Thursday 6:00 pm to 8:30 pm and some Saturday mornings from about 10:00 am to 12:00 pm.

Mr. Ballirano inquired Mr. Orsini with regards to how many students he will have at a given time and Mr. Orsini explained that he is a full time teacher and this is just a passion of his to keep martial arts alive and there will be approximately 15 to 20 students maximum. There are 18 parking spaces and they will not be shared with the other business located at this address. Mr. Ballirano explained that there should be a max with the number of students so that if he decides to move out the next person to

move in there can not go over the maximum amount of students. Mr. Orsini stated that he would like a max of 25 students.

Mr. Michael St. Angelo, owner of the property, was worn in and he explained to the board that there is additional parking on the side of the building if need be.

Mr. Pilozzi made a motion to grant with a cap of 25 students at this time. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

**B. File 2014-03**

LOCATION: 1307 Hartford Avenue  
 OWNER: Winfield Realty, Inc.  
 APPLICANT: Marvin L. Paul  
 LOT: AP 20 — Lot 26; 443,940 sq. ft.; I Zone  
 EXISTING USE: Auto repair  
 PROPOSAL: Tire sales and installation, brake and muffler work  
Use Variance petitioned under Article III § 340-8 Table of Use Regulations sect 9.7

Mr. John Shekarchi, attorney for the applicant and Mr. Marvin Paul, applicant were both sworn in. Mr. Shekarchi explained to the board that this property was approved for this same use about 20 years ago and that Mr. Paul will have the same type of business that has been located there for many years. Hours of operation will be 8:30 am to 5:30 pm Monday thru Friday and on Saturdays 9:00 am to 2:00 pm. Mr. Pilozzi question about if the muffler area will be closed and Mr. Paul responded that they have a container on the property that is emptied regularly. There will not be any oil changes or transmission cleanups done at this business. It will be a less intensive use than what was there prior. The sign will not be lit it will only display the new name of the business.

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

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

**Recess 7:06**

**Back to order 7:19**

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

**C. File 2014-04**

LOCATION: 663 Killingly Street  
 OWNER: National Development Group, Inc.  
 APPLICANT: Cumberland Farms Inc.  
 LOT: AP 14 — Lot 11; 36,676 sq. ft.; B-2 Zone  
 EXISTING USE: Vacant commercial building  
 PROPOSAL: Convenience store with gas station  
Dimensional Variance petitioned under Art III § 340-8 Table of Use Regulations sub sect 9.6 and 13.2, § 340-9 Table of Dimensional Regulations, Art VIII § 340-43 Sections A and E, Art XII § 340-74 Application and criteria for variances and § 340-75 Special Use Permits

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	<b>LOT COVERAGE</b>	<b>40%</b>	<b>60.4%</b>	<b>20.4%</b>
	<b>FRONT YARD</b>	<b>40'</b>	<b>20.8'</b>	<b>19.2'</b>
	<b>REAR YARD</b>	<b>40'</b>	<b>1.7'</b>	<b>38.3'</b>
	<b>LEFT SIDE YARD</b>	<b>40'</b>	<b>28.9'</b>	<b>11.1'</b>
	<b>RIGHT SIDE YARD</b>	<b>40'</b>	<b>32.7'</b>	<b>7.3'</b>

Ms. Beth Noonan, attorney for the applicant, was sworn in and she explained to the board that they would like to demo a vacant building located on Killingly Street and construct a new Cumberland Farms Convenience Store with gas pumps. Mr. Lucien Distefano, project manager for Bohler Engineering, was sworn in as a qualified witness.

Mr. Pillozzi made a motion to accept Mr. Distefano's resume as exhibit A. Mr. Anzelone seconded. A voice vote was taken; all in favor.

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

Mr. Distefano explained existing and proposed conditions including parking spaces, gas pumps and canopy over the gas pumps. Cumberland Farms does not want any access to Traver Ave there will only be access in and out from Killingly Street only. Traver Avenue side will be landscaped to screen neighbors adding about 4,000 sq ft of green space. Mr. Distefano addressed stormwater management and width of Traver Avenue will not be changing. All utilities will be underground and there will be outside seating with three tables and four seats each. The hours of operation will be 24 hours a day 7 days a week. Mr. Fascia questioned when the tanks will be filled and Mr. Distefano explained that they will only be filled during non peak hours including diesel. Mr. Distefano went over the drainage report and maintenance system including catch basins and treatment tanks which will be similar to Hartford Avenue and everything will follow DEM regulations.

Mr. John Barish, abutter to the property, was sworn in and his concerns are about the outside seating. Mr. Pillozzi asked Mr. Barish what he would feel comfortable with and he stated that he would like from 9:00 pm to 6:00 am. Mr. Distefano explained to Mr. Barish that there will be a four foot fence and a gate that will be locked so that no one can get in the seating area during those hours.

Mr. Frank Pace, abutter to the property, was sworn in and he explained to the board that he lives on Leading Street which is across the street from where the proposed Cumberland Farms will be going and traffic is a big issue now without the new building going on this lot. Mr. Pace would like to see traffic going in and out on Traver Avenue with no outside seating because of noise late at night and it might become a hang out.

Ms. Maureen Chelebek's resume was submitted to the board as exhibit B. Mr. Pillozzi made a motion to accept resume. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mrs. Maureen Chlebek, McMahon Transportation, was sworn in and she explained to the board about existing conditions, peak hours, accidents over three years, growth rate, current store closing, curb cuts and internal traffic flow which will all be DOT approved.

Ms. Noonan submitted the master plan decision from the planning board as exhibit C. Mr. Pilozzi made a motion to accept master plan as exhibit C. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Christopher Colorado, owner of the property for the new site of Cumberland Farms, was sworn in and he explained to the board that if need be he would transfer a section of his land over to the town to create an opening of 24 feet.

Ms. Andrea DiMaio, abutter to the property, was sworn in and her concern was that Travis Avenue is not 24 feet wide and Mr. Colorado explained to her that he is amenable to work with the town in order to make the street wider. Ms. DiMaio understood and agreed.

Mr. Travis Chenault, abutter to the property who lives directly east of the property would like lids on dumpsters, scheduled deliveries for store and trash removal and a five foot buffer. Mr. Distefano explained to him that there will be small delivery trucks except for soda and gas and trash will only be picked up during the week and during business hours.

Mr. Distefano also went over the type of lighting that will be used at this location. One security light behind the building and around the perimeter of the building and the canopy for the gas pumps along with a suppression system.

Mr. Pilozzi made a motion to grant the special use permit with the stipulation of the seating area to be closed from 9 pm to 6 am with 3 tables, on the left and right side of the property there will be eight foot arborvitaes planted for a buffer and finally Traver Avenue will remain one way unless the Town overrules that decision. Mr. Anzelone seconded the motion A voice vote was taken; all in favor.

Mr. Pilozzi made a motion to grant the dimensional variance to go along with the special use permit. Mr. Anzelone seconded the motion A voice vote was taken; all in favor.

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

**Adjourn 8:42**