

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 28, 2014

The Zoning Board of Review held its monthly meeting on the 28th day of May, 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., Holli Stott, Recording Secretary, Bernard Nascenzi, Zoning Official and Lisa Reis, Stenographer.

Mr. Pilozzi made a motion to approve April's minutes with the correction of adding Mr. Fascia's name in the roll call. Mrs. Stott noted the correction. Mr. Anzelone seconded. A voice vote was taken; all in favor.

A. File 2013-09

LOCATION: 2643 Hartford Avenue
OWNER/APPLICANT: Cumberland Farms, Inc.
LOT: AP 57 — Lot 297; 55,351 sq. ft.; B-2 Zone
EXISTING USE: Convenience store with gas station and office space
PROPOSAL: Same

***** NOTICE NOT REQUIRED, PROJECT NOT CHANGING*****
*****APPROVAL BY THE BOARD REGARDING PRIVATE AGREEMENT WITH ABUTTER*****

Mr. Ballirano explained to the board that he told the immediate abutter not to send their lead counsel and that he would fill the board in. Mr. Ballirano would like the board to amend their previous decision regarding an eight foot fence for the direct abutter. After construction was completed the grade of land in the back was not the same as the abutters so instead of an eight foot fence they will be placing a ten foot fence and a stone wall to give the abutter the most privacy they can.

Mr. Pilozzi made a motion to amend decision from eight foot to ten foot fence. Mr. Anzelone seconded. A voice vote was taken; all in favor.

B. A. File 2014-18

LOCATION: 23 Almond Drive
OWNER/ APPLICANT: Shirley Baldwin / Cherilyn Tavares

LOT: AP 43 — Lot 331; 83,729 sq. ft.; R-40 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: 6' x 14' covered porch

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	FRONT YARD	40'	36'	4'

Cheryl Tavares, applicant, was sworn in and she explained to the board that they were in front of zoning a few years back for their porch, but never followed through with the project. The addition that is being put on now meets all the requirements. Mr. Nascenzi explained that they are in conformance and never been cited for this project. No abutters for or against.

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

C. File 2014-20

LOCATION: 118 Greenville Avenue
 OWNER: Steven and Barbara Nelson
 APPLICANT: James Connors
 LOT: AP 16 — Lot 275; 7,440 sq. ft.; B-2 Zone
 EXISTING USE: Vacant
 PROPOSAL: Retail space for repair of firearms

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

James Connors, applicant, was sworn on and he explained to the board that he would like to open a gun repair shop with very little sales. Mr. Connors is a thirty eight year veteran of law and has a small business in Foster, but would like to move it to Johnston. The parking lot is going to be on the right side of the building with a retaining wall and greenery in the back for the neighbors. This location was previously a gun shop, but caught on fire and the owner never reopened. Mr. Connors explained to the board about security for the building and safes inside the building for the firearms. Firing of the firearms will be done off location at a gun club for them to be tested.

Brian Main, abutter, was sworn in and he explained to the board that he is in favor of this proposal and supports Mr. Connors business.

Diane Tellier, abutter, was sworn in and she explained to the board that her concerns are when a customer comes in to have their gun repaired if the firearm is legal or not she does not want to attract any illegal gun owners. Mr. Connors explained to Ms. Tellier that any illegal gun owners do not go to legitimate gun repair shops knowing that there will be a risk of getting arrested. Mr. Connors also explained that the building is going to be very secure and you will have to be buzzed in and show identification.

Paul Russo, abutter, was sworn in and he explained to Mr. Connors that when it was a gun store many years ago, when It had caught fire he claims to have heard the bullets going off inside the building and the fire dept. could not enter the building because of this problem. Mr. Connors explained that he will

have a very small amount of ammo and he will get a third safe to store it in. Mr. Russo's other concern was the bars on the windows, he would like them painted to match the exterior of the building. Mr. Connors explained that he will have decorative bars placed on the inside of the building and Mr. Russo was very satisfied.

Error made on the application stating that it's a special use permit, but it is supposed to be a use variance. Mr. Fascia made a motion to amend the application to a use variance. Mr. Pilozzi seconded. A voice vote was taken; all in favor.

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

D. File 2014-21

LOCATION: 157 Borden Avenue
OWNER/APPLICANT: Richard and Diane Santaniello
LOT: AP 22 — Lot 530; 29,810 sq. ft.; R-15 Zone
EXISTING USE: Residential two family
PROPOSAL: Residential two family

Use Variance petitioned under Article III § 340-8 Table of Use Regulations sect 2.3

Mr. Richard Santinello, applicant, was sworn in and he explained to the board that he has a home on Borden Avenue and since all his children are grown and out of the house, he would like to legalize the upstairs so that he can rent it out and help him with the up keep of the grounds since he has had some health problems over the past few years and is unable to handle it alone.

Mr. Veltri, surveyor for the applicant, was sworn in and he explained to the board that everything is in the house is preexisting and no changes will be made. Mr. Veltri submitted pictures to the board as exhibit A.

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

Mr. Veltri explained to the board about every structure that is preexisting on the property including the shed, garage, driveways etc. Mr. Pilozzi explained to Mr. Santinello that this board cannot grant a use for purely financial gain. Mr. Frezza suggested a life use so when either he expires or sells the use goes back to a single family. Mr. Ballirano stated that Mr. Santinello proved his hardship because he is no longer able to physically maintain the property and that we will monitor every year with an affidavit. Mr. Santinello explained that there is one meter and it will remain a one meter and has no intentions on selling the home.

Mr. Ballirano explained that if granted this use will not run with the land, so if title is transferred the use will go back to a one family.

Mr. Anzelone made a motion to take a five minute recess. Mr. Fascia seconded. A voice vote was taken; all in favor.

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

Mr. Ballirano explained to Mr. Santinello that during the recess he did some research and he stated that he could not find any precedent for a life use or a temporary zoning relief and if the board grants the relief it would run with the land and will be permanent which would set a precedent with that area.

No abutters for or against.

Mr. Pilozzi made a motion to deny in regards to Mr. Ballirano's research. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Nascenzi explained to Mr. Santinello that now that the board made their decision and if he rents out that second floor his office will be sending him a violation notice. Mr. Santinello understood.

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

Adjourn 7:40 p.m.