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JOHNSTON ZONING BOARD OF REVIEW
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MINUTES
January 29, 2015

The Zoning Board of Review held its monthly meeting on the 29th day of January, 2015 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, Chairman, Anthony Pilozzi, Vice-Chairman, Joseph Anzelone, Richard Fascia and Dennis Cardillo. Also present: Joseph Ballirano, Esq., Holli Stott, Recording Secretary and Diane Edson, Stenographer.

Mr. Pilozzi made a motion to keep the slate for the upcoming year 2015. Mr. Fascia seconded. A voice vote was taken; all in favor.

Mr. Fascia made a motion to approve November and December's minutes. Mr. Lopardo seconded. A voice vote was taken; all in favor.

Mr. Frezza announced that the appeal for 28 Mills Drive has been withdrawn and will not be heard.

A. File 2015-01 (Appeal from a decision from the Building Official pursuant to Art. XVIII Sect § 340-129)

LOCATION: 1707 Plainfield Pike
OWNER/ APPELLANT: Arcangelo and AnnMarie DiBiasio
LOT: AP 26 — Lot 115; B-2 Zone
ISSUE: Violation of Ordinance 941 Art. III § 340-8 Table of Use Reg. sub section 11.5

Mrs. AnnMarie DiBiasio, was sworn in, and she explained to the board that she received a violation notice from the Building Official's Office stating that she is violating the Town's Zoning Ordinance. Mr. and Mrs. DiBiasio have owned this property since 1973 and they have been fully licensed for auto sales, auto body and auto repair. Mr. Ballirano asked Mrs. DiBiasio which one of her licenses states that she can operate a junk yard. Mrs. DiBiasio stated that she does not have a license for a junk yard. Mr. Pilozzi explained to Mrs. DiBiasio that she is not here in front of the board for the licenses she currently holds, but if she indeed holds a junk yard license because there is over a 100 cars on the premises that are not registered. Mrs. DiBiasio expressed that each and every business on her property is responsible for their own cars and debris. Mr. Pilozzi explained that because she as the landlord is ultimately responsible for her tenants and what they do at her property.

Mr. Arcangelo DiBiasio, was sworn in and he explained to the board that he has been telling his tenants to clean up their areas and they just do not listen to him. They are behind in their rent also because the economy is not in the best shape. Mr. Pillozzi explained that bottom line the property needs to be cleaned up. The Violation notice was sent the property owners back in October and nothing has been done since then.

Mr. Fascia made a motion to uphold the Building Officials decision based on the evidence presented this evening. Mr. Frezza seconded. A voice vote was taken; all in favor.

C. File 2015-03-A

LOCATION: 27 Tartaglia Street
 OWNER: Keith Pena
 APPLICANT: Gervasio Frangainho
 LOT: AP 27 — Lot 137; 20,905 sq. ft.; R-20 Zone
 EXISTING USE: Residential
 PROPOSAL: Residential

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

| | DIMENSION | MINIMUM REQUIRED | PROPOSED | RELIEF REQUESTED |
|------------------|------------------|-------------------------|-----------------|-------------------------|
| SETBACKS: | LOT SIZE | 20,000 sq ft | 18,284 sq ft | 1,716 sq ft |
| | LOT FRONTAGE | 120' | 100' | 20' |
| | LOT WIDTH | 120' | 100' | 20' |

D. File 2015-03-B

LOCATION: 29 Tartaglia Street
 OWNER/APPLICANT: Gervasio and Maria Frangainho
 LOT: AP 27 — Lot 167; 12,000 sq. ft.; R-20 Zone
 EXISTING USE: Residential
 PROPOSAL: Residential

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

| | DIMENSION | MINIMUM REQUIRED | PROPOSED | RELIEF REQUESTED |
|------------------|------------------|-------------------------|-----------------|-------------------------|
| SETBACKS: | LOT SIZE | 20,000 sq ft | 14,625 sq ft | 5,375 sq ft |
| | LOT FRONTAGE | 120' | 80' | 40' |
| | LOT WIDTH | 120' | 80' | 40' |
| | LEFT SIDE YARD | 25' | 7' | 18' |

Mr. Nabil Rashid and Keith Pena, were both sworn in and Mr. Rashid explained that this is a subdivision and planning sent them to zoning first to the addition relief they would need to complete this project. Basically moving the lot line to make both lots more compliant with the surrounding lots. No construction will be taking place at this location.

No one for or against.

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

E. File 2015-04

LOCATION: Luther Court
 OWNER: Marcia Hutchings
 APPLICANT: Antonio Cassisi
 LOT: AP 3 — Lot 8; 13,902 sq. ft.; R-15 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 | 15,000 sq ft | 13,962 sq ft | 1,038 sq ft |
| | LOT FRONTAGE | 100' | 70' | 30' |
| | LOT WIDTH | 100' | 70' | 30' |
| | LEFT SIDE YARD | 20' | 14.50' | 5.5' |
| | RIGHT SIDE YARD | 20' | 14.5' | 5.5' |

Mr. Antonio Cassisi, applicant, was sworn in and he explained that he would like to build a single family dwelling on this lot with a vegetative buffer along the Atwood Avenue side. The lot will not be subdivided for future construction. The home will be stick built not modular.

No abutters for or against

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

F. File 2015-05

LOCATION: 12 South Olney Street
 OWNER/APPLICANT: Jeff Castle
 LOT: AP 12 — Lot 295; 11,324 sq. ft.; R-15 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 | 15,000 sq ft | 11,324 sq ft | 3,676 sq ft |

Mr. Al Russo, attorney for the applicant, and Jeffrey Castle, applicant were both sworn in and explained to the board this home burnt down about a year and a half ago foundation still existing and Mr. Castle would like to rebuild on this lot. However, he would like to remove the existing foundation

and move it more in the center of the lot so that there is a back and front yard and away from the highway, unfortunately that will impact the abutters.

Mr. Anzelone made a motion for a five minute recess. Mr. Pillozzi seconded. A voice vote was taken; all in favor.

Recess 7:49 pm
8:00 pm

David Jones, abutter at 909 Hartford Avenue, was sworn in and he explained to the board that with the proposed angle of this new house it will be moving closer to his property. Mr. Ballirano suggested a fence or trees as a buffer and he doesn't think that any of those buffers will justify the fact that this house is moving closer to his home.

James Cripe, abutter, was sworn in and he explained that he agrees with what Mr. Jones had stated previously. Mr. Cripe was curious about the style of home and where on the property it will be placed if approved.

Mr. Pillozzi made a motion to deny based on the fact that it's a personal gain for the contractor and that moving the foundation will have an impact on three abutting neighbors. Mr. Cardillo seconded. A voice vote was taken; all in favor.

J. File 2015-07

LOCATION: 5 Cleveland Avenue
OWNER/APPLICANT: Joseph and Mary Ann Villanova
LOT: AP 22 — Lot 505; 10,980 sq. ft.; R-15 Zone
EXISTING USE: Single Family Dwelling
PROPOSAL: Single Family Dwelling w/In-Law

Special Use Permit petitioned under Article XII § 340-8 Table of Use Regulations section 13.3

Mary Ann Villanova, applicant, was sworn in and she explained to the board that she has partially finished the basement and would like to legalize it for an In-Law apartment for herself and husband and have her daughter live upstairs. Mr. Pillozzi explained that if approved she will have to sign an affidavit every year stating that family only lives in this In-Law. Ms. Villanova agreed.

No one for or against.

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

Recess 8:19 pm
8:28 pm

G. File 2015-06-A

LOCATION: 11 Hebdeen Street
OWNER/APPLICANT: Alan and Joann Atkinson
LOT: AP 49 — Lot 80; 34,729 sq. ft.; R-40 Zone
EXISTING USE: Residential
PROPOSAL: Residential

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

| | DIMENSION | MINIMUM REQUIRED | PROPOSED | RELIEF REQUESTED |
|------------------|-----------------|------------------|--------------|------------------|
| SETBACKS: | LOT SIZE | 40,000 sq ft | 34,729 sq ft | 5,271 sq ft |
| | LOT FRONTAGE | 140' | 35.49' | 104.51' |
| | LOT WIDTH | 140' | 35.49' | 104.51' |
| | REAR YARD | 75' | 65.9' | 9.1' |
| | RIGHT SIDE YARD | 35' | 33.9' | 1.1' |

H. File 2015-06-B

LOCATION: 13 Hebdeen Street
 OWNER/APPLICANT: Atkinson Family LLC c/o Wendy Fagan
 LOT: AP 49 — Lot 82; 27,936 sq. ft.; R-40 Zone
 EXISTING USE: Residential
 PROPOSAL: Residential

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

| | DIMENSION | MINIMUM REQUIRED | PROPOSED | RELIEF REQUESTED |
|------------------|-----------------|------------------|--------------|------------------|
| SETBACKS: | LOT SIZE | 40,000 sq ft | 27,936 sq ft | 12,064 sq ft |
| | LOT FRONTAGE | 140' | 103.64' | 36.36' |
| | LOT WIDTH | 140' | 103.64' | 36.36' |
| | REAR YARD | 75' | 20' | 55' |
| | RIGHT SIDE YARD | 35' | 9.6' | 25.4' |

I. File 2015-06-C

LOCATION: 17 Hebdeen Street
 OWNER/APPLICANT: Wendy Fagan
 LOT: AP 49 — Lot 81; 20,364 sq. ft.; R-40 Zone
 EXISTING USE: Residential
 PROPOSAL: Residential

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

| | DIMENSION | MINIMUM REQUIRED | PROPOSED | RELIEF REQUESTED |
|------------------|-----------|------------------|--------------|------------------|
| SETBACKS: | LOT SIZE | 40,000 sq ft | 20,364 sq ft | 19,636 sq ft |
| | REAR YARD | 75' | 13' | 62' |

Mr. Peter Morris, power of attorney for the owner, was sworn in and he explained to the board that there is one well servicing all three properties. Two residential and one commercial. Mr. Morris is

trying to square off the lots and make them more compatible with the surrounding lots with two new wells being dug.

Mr. David Loffredo, contractor, was sworn in and he explained that there will be sewers going up Hebdeen and that will make the property values go up and now the wells will be able to be placed one on each lot correctly.

Mr. John Tzitzouris, Professional Land Surveyor, was sworn in and he explained to the board exactly where the “new” property lines will be if approved.

No one for or against.

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

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

Adjourn 8:38 p.m.