

**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**  
**July 30, 2015**

The Zoning Board of Review held its monthly meeting on the 30th day of July, 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, Thomas Lopardo, Al Colannino and Richard Fascia. Also present: Joseph Ballirano, Esq., Holli Stott, Recording Secretary, Bernard Nascenzi, Zoning Official and Diane Edson, Stenographer.

Mr. Frezza explained to the board that if the gun shop on Greenville Ave does not replace the trees in the back of their property and the old the Cumberland Farms needs to remove the unregistered cars from their property he wants both of them to be at the next meeting. Mr., Nascenzi explained that he will take care of it.

Mr. Pilozzi made a motion to approve May’s minutes. Mr. Anzelone seconded. A voice vote was taken; all in favor.

**A. File 2015-35**

LOCATION: 15 Rosemont Avenue  
OWNER/ APPLICANT: Johnston Housing Authority  
LOT: AP 16 — Lot 82, 83, 84 and 85; 6,800 sq. ft.; R-15 Zone  
EXISTING USE: Single Family Dwelling  
PROPOSAL: Moving property line

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

	<b>DIMENSION</b>	<b>MINIMUM REQUIRED</b>	<b>PROPOSED</b>	<b>RELIEF REQUESTED</b>
<b>SETBACKS:</b>	LOT SIZE	15,000 sq ft	6,800 sq ft	8,200 sq ft
	LOT FRONTAGE	100’	80’	20’
	LOT WIDTH	100’	80’	20’
	FRONT YARD	25’	24’	1’

	REAR YARD	45'	17'	28'
	RIGHT SIDE YARD	20'	18'	2'

Mr. David aRusso, executive director, was sworn in and he explained to the board that they purchased this land five years ago and they would like to move the lot line to separate the parking lot and create a buildable lot to construct a single family dwelling that can be sold.

No one for or against

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

**B. File 2012-09**

LOCATION: Pleasant Street  
 OWNER/APPLICANT: Daniel Mazzulla, Jr., Donna Pizzi and Kristen Mazzulla  
 LOT: AP 4 — Lot 112; 5,000 sq. ft.; R-15 Zone  
 EXISTING USE: Vacant  
 PROPOSAL: Construct 26' x 44' single family dwelling with garage

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
<b>SETBACKS:</b>	LOT SIZE	15,000 sq ft	5,000 sq ft	10,000 sq ft
	LOT FRONTAGE	100'	50'	50'
	REAR YARD	45'	31'	14'
	LEFT SIDE YARD	20'	12'	8'
	RIGHT SIDE YARD	20'	12'	8'

Mr. Albert Russo, attorney for the applicant, was sworn in and he explained to the board that his client received approved for this applicant a few years back and they would like to extend the approval for another three years.

No one for or against

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

**C. File 2015-10 – Remand from Superior Court**

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
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<b>SETBACKS:</b>	LOT SIZE	15,000 sq ft	11,324 sq ft	3,676 sq ft
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Mr. Al Russo, attorney for the applicant explained to the board that they denied this applicant a few months back and it went to superior court and it got remanded back to the zoning board for reconsideration. Mr. Veltri showed the board the compromising plan and explained to the board that the setbacks will be minimum. It went from 25 feet to 44 feet. Mr. Veltri turned the foundation and moved it over five feet. Mr. Castle is willing to place any landscaping for the neighbors to make the property move appealing.

Mr. David Jones, abutter, was sworn in and his concern is that the house is moving two feet closer than before. Mr. Veltri showed Mr. Jones exactly where the house will be going and that he is not encroaching on the property lines as much as he was previously. Mr. Jones agreed that it was a better proposal today than back in January.

Mr. Pillozzi made a motion to approve with the stipulations that the owner plant arborvitaes and that the height of the dwelling will be less than 32 feet. Mr. Anzelone seconded. A voice vote was taken; all in favor.

#### D. File 2015-30

LOCATION: Shun Pike  
 OWNER/ APPLICANT: Shun Properties, LLC  
 LOT: AP 32 — Lot 17; 497,079 sq. ft.; I Zone  
 EXISTING USE: C and D Facility  
 PROPOSAL: 8,750 sq. ft. addition and 12,000 sq. ft. canopy to existing 60,000 sq. ft. metal frame building and 17,604 sq. ft. addition to existing pole barn canopy structure

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
<b>SETBACKS:</b>	BUILDING HEIGHT	40'	52'	12'
	REAR YARD	50'	45.2' and 32.8' (Additions C/D)	4.8' and 17.2'
	RIGHT SIDE AYRD	50'	33.3' (Addition B)	16.7'

Mr. Kevin Moran, registered civil engineer with DiPrete engineering, was sworn in and he explained to the board that they would like to add several additions to two existing structures. Two additions will be enclosed and one will be one will be a roof covering. Mr. Morin showed the board where and how far back these proposed additions will be. In total there will be five additions.

No one for or against

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

**E. File 2015-31**

LOCATION: 4 Loud Street  
 OWNER/ APPLICANT: Peter Carosi  
 LOT: AP 16 — Lot 312; 6,570 sq. ft.; R-15 Zone  
 EXISTING USE: Single Family Dwelling  
 PROPOSAL: Remove deck and construct dining room addition

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
<b>SETBACKS:</b>	LOT SIZE	15,000 sq ft	6,570 sq ft	8,430 sq ft
	LOT FRONTAGE	100'	73'	27'
	LOT WIDTH	100'	73'	27'
	REAR YARD	45'	26'	19'
	LEFT SIDE YARD	20'	14'	6'
	LEFT SIDE YARD	20'	13'	7'

Mr. Steven Medeiros, architect for the project, was sworn in and he explained to the board that his client would like to build an addition to the dining room and kitchen due to extended family and small living space. The addition will not impact the neighbors.

No one for or against

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

**F. File 2015-32**

LOCATION: 1386 Atwood Avenue  
 OWNER: 195 Associates, LLC  
 APPLICANT: Anchor Sign  
 LOT: AP 44- Lot 359; 605,048 sq. ft.; B-2 Zone  
 EXISTING USE: Commercial  
 PROPOSAL: Commercial

**Dimensional Variance** petitioned under Article VIII § 340-43 Signs permitted in B Districts subsection I Wall signs

Mr. Joe Fungerbuk, contractor from Anchor Sign, was sworn in and he explained to the board that the new Chipotle will be opening at 1386 Atwood Avenue and they need signage relief for an extra sign. Mr. Medeiros showed the board the elevations and dimensions of the signs.

No on for or against.

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

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

**Recess 7:26 pm  
7:39 pm**

**G. File 2015-33**

LOCATION: 31 Barnes Avenue  
OWNER/ APPLICANT: Marie Martin  
LOT: AP 34 — Lot 346; 9,760 sq. ft.; R-15 Zone  
EXISTING USE: Single Family Dwelling  
PROPOSAL: Single Family dwelling with addition  
**Dimensional Variance** petitioned under Article III § 340-9 Table of Dimensional Regulations

	<b>DIMENSION</b>	<b>MINIMUM REQUIRED</b>	<b>PROPOSED</b>	<b>RELIEF REQUESTED</b>
<b>SETBACKS:</b>	LOT SIZE	15,000 sq ft	9,601 sq ft	5,399 sq ft
	LOT FRONTAGE	100'	80'	20'
	LOT WIDTH	100'	80'	20'
	LEFT SIDE YARD	20'	7.5'	12.5'
	RIGHT SIDE YARD	20'	12.5'	7.5'

Mr. Al Russo, attorney for the applicant, explained to the board that his client would like build an addition for an additional bedroom for their children and for additional storage space. Mr. Veltri explained to the board the layout of the house and why they are in need of this addition.

No one for or against

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

**H. File 2015-34**

LOCATION: 644 Killingly Street  
OWNER: Raymond Kleib  
APPLICANT: Kyle Krizman  
LOT: AP 15- Lot 228; 16,633 sq. ft.; B-2 Zone  
EXISTING USE: Auto Repair Shop  
PROPOSAL: Same  
**Dimensional Variance** petitioned under Article VIII § 340-43 Signs permitted in B Districts

Mr. Raymond Kleib, Jeff Carter and Kyle Krizman were all sworn in and Mr. Carter explained to the board that they would like to install a free standing sign on the property for their new business. Mr. Veltri showed the board where the sign will be placed on the property and all setbacks. The sign will be on a timer and it will only be working from 7 am to 7 pm.

No one for or against.

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

**I. File 2015-37**

LOCATION: 71 Pine Hill Road  
 OWNER/APPLICANT: Heather Harris McCaffrey  
 LOT: AP 58 — Lot 32; 29,213 sq. ft.; R-40 Zone  
 EXISTING USE: Single Family Dwelling  
 PROPOSAL: Reconfiguring lot line

**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	31,586 sq ft	8,414 sq ft
	LOT FRONTAGE	140'	94.05'	45.95'
	LOT WIDTH	140'	94.05'	45.95'
	REAR YARD	75'	65.41'	9.59'
	REAR YARD	35'	33.34'	1.66'

Mr. William McCaffrey, was sworn in and he explained to the board that they would like to move the lot line to make his lot and his neighbor's lot more conforming. No additions will be built or new dwellings. If granted he will be deeding his neighbor about 1,560 square feet.

No one for or against

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

**J. File 2015-38**

LOCATION: 5 Grand View Avenue  
 OWNER/ APPLICANT: Joseph D. Baldini Heirs and Lacerte Estate  
 LOT: AP 11 — Lot 539; 8,400 sq. ft.; R-15 Zone  
 EXISTING USE: Single Family Dwelling  
 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	8,400 sq ft	6,600 sq ft
	FRONT YARD	25'	10'	15'
	REAR YARD	45'	16.5'	28.5'
	LEFT SIDE YARD	20'	10.5'	9.5'

**K. File 2015-39**

LOCATION: Theresa Avenue  
 OWNER/ APPLICANT: Joseph D. Baldini Heirs and Lacerte Estate  
 LOT: AP 11 — Lot 539; 8,400 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
<b>SETBACKS:</b>	LOT SIZE	15,000 sq ft	8,400 sq ft	6,600 sq ft
	FRONT YARD	25'	20'	5'
	REAR YARD	45'	22'	23'

Mr. Joseph Shekarchi, attorney for the applicant, was sworn in and he explained to the board that these lots have been in the family for generations and they should have never been merged. So now they have to go in front of the planning and zoning boards to subdivide and request the relief needed for each lot. Mr. Shekarchi made color coded handouts to give to the board so that they can see it more clearly.

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

Mr. Shekarchi explained that the new dwelling will have adequate off street parking to support two to three cars.

Ms. Beverly Gilbeault, Ms. Jean Tomao and Mr. Michael Tomao, were all sworn in and their concerns are adding more cars to that area will increase the traffic on that one-way street. Including the buses when the school year starts it is very hard to get down that street. During the hours of 2 pm till about 3 pm is when the street is very congested. They called the police several times and nothing has been resolved. Mr. Pilozzi suggested for them to talk to their council person and attend a town council meeting.

Mrs. Lauren Garzone, school committee member, was sworn in and she explained to the board that her concerns are with flooding in that area. Mr. Nascenzi explained to her that the builders are responsible for water containment on their lot during and after construction. Mrs. Garzone understood and told the board that she will address the school situation with the abutters at another time.

Mr. Pilozzi made a motion to approve the first application file # 2015-38 with stipulations of notifying the buyer/contractor of the traffic problems and onsite parking. Mr. Anzelone seconded. A voice vote was taken; all in favor

Mr. Pilozzi made a motion to approve the second application file # 2015-39 with stipulations of notifying the buyer/contractor of the traffic problems and onsite parking. Mr. Anzelone seconded. A voice vote was taken; all in favor

**L. File 2015-40**

LOCATION: 246 Fountain Avenue  
 OWNER/ APPLICANT: Russell and Beverly Bernier  
 LOT: AP 28 — Lot 5; 12,672 sq. ft.; R-20 Zone  
 EXISTING USE: Single Family Dwelling

PROPOSAL: 32' x 24' Deck around pool

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

Mr. Russell Bernier, applicant, was sworn in and he explained to the board that he would like to build a 32' x 24' deck attached to his oval above ground pool including stairs and a locking gate.

No one for or against

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

**M. File 2015-36**

LOCATION: Enfield Street

OWNER: Mario and Lucy Loppo

APPLICANT: Dynamic Enterprises, LLC

LOT: AP 10 — Lot 32; 12,000 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	12,000 sq ft	3,000 sq ft

Mr. Al Russo, attorney for the applicant, explained to the board that his client would like to build a single family dwelling at the location and the only relief needed is area because all the lots in that area are legal non-conforming.

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

**N. File 2015-29 (Appeal from a decision from the Building Official pursuant to Art. XVIII Sect § 340-129)**

LOCATION: 228 Putnam Avenue

OWNER/ APPELLANT: Fernando Goncalves

LOT: AP 41 — Lot 31; B-2 Zone

ISSUE: Appeal Notice of Violation dated June 2, 2015 for remanufacturing appliances

Mr. Anzelone made a motion to recess as the zoning board of review and to reconvene as the board of appeals. Mr. Fascia seconded. A voice vote was taken; all in favor.

Mr. Nascenzi explained to the board that he had received several complaints regarding the above property regarding remanufacturing appliances, therefore he sent out our code enforcement officer to do a complete inspection. Mr. Nascenzi explained that the owner had to move most of the appliances from inside the building to outside the building in order to repair his roof, however after the roof was completed the appliances still remained outside to use for parts for other machines which classifies as remanufacturing. Mr. Nascenzi explained that if he wants to continue this use then he will have to get a variance granting such use.



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Mr. Ballirano explained to the Mr. Goncalves that he should have brought an expert with him to testify on his behalf proving that they are not remanufacturing machines at this location that way maybe the board could overturn the Building Officials decision.

Mr. Pilozzi made a motion to uphold Mr. Nascenzi's decision. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Pilozzi made a motion to adjourn as the board of appeals and the zoning board of review. Mr. Anzelone and Mr. Fascia seconded. A voice vote was taken; all in favor.

**Adjourn 9:03 p.m.**