

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
Lou Fabrizio

JOHNSTON ZONING BOARD OF REVIEW
100 Irons Avenue, Johnston, Rhode Island 02919
Tel: 401-231-4000 EXT 4068 Fax: 401-231-4181

MINUTES

May 26, 2016

The Zoning Board of Review held its monthly meeting on the 28th day of April, 2016 at 6:30 p.m., at the Johnston Senior Center, 1291 Hartford Avenue Johnston, RI 02919.

Present: Vice-Chairperson Pilozzi, Secretary Joseph Anzelone, Member Fascia, Member Lopardo Alternate Member Cardillo, Alternate Member Colannino, Building Official Bernard Nascenzi, Legal Counsel Joseph R. Ballirano, Esquire, Lou Fabrizio Recording Secretary.

Pledge of Allegiance. A moment of silence for Chairman Bernard Frezza.

Mr. Anzelone made a motion to approve the minutes for the April meeting. Seconded by Mr. Lopardo. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

A. File 2016-05

Location: 117 Hopkins Avenue
Owner: Dennis & Joan Spicuzza
Lot: AP 59 — Lot 72; R-40 Zone
Existing Use: Single Family Dwelling
Proposal: Single Family Dwelling with 4 Horses
Use Variance Petitioned under Article III § 340-8 Table of Use Regulations section 2.3

Dennis & Joan Spicuzza were dully sworn in. Dennis stated that his property is located in an R40 zone and would like to be approved for four horses maximum. His daughter has been riding horses since she was very young and competes in competitions. Four would be the maximum allowed. Mr. Pilozzi opened up to the public for comments. James Longo, neighbor 115 Hopkins Ave, was dully sworn in. He stated that there is an odor but has never filed a complaint about the horses or odor. He stated that he does not live at his property all year, most of the year he resides in Florida. . Mr. Pilozzi asked if he rents out his property, and if so have they complained about the horses or odor. Mt. Longo answered that he does rent out his property, and that they have not complained about anything thus far. Mr. Longo stated that he has to worry about rats. Mr. Pilozzi stated that, if granted, the building department and code enforcement will take any complaints under advisement regarding the horses and its affects. Mr. Pilozzi asked Mr. Spicuzza to come up to board and explain how he takes care of droppings. M. Spicuzza stated that he called DEM and bought a manure grinder. Mr. Pilozzi stated that he has received three letters from abutting neighbors in favor of this use variance. Exhibit A was submitted into the record. Anthony Capuano, abutter, was dully sworn in. He stated that property is well maintained and Mr. Spicuzza does a great job with the property.

Mr. Fascia made a motion to approve. Mr. Cardillo seconded the motion. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

File 2016-05- Approved

B. File 2016-13

Location: Golden View Drive
 Owner/ Applicant: John E. Ruggieri Jr.
 Lot: AP 45/1 — Lot 232; R-40 Zone
 Existing Use: Vacant
 Proposal: Single Family Dwelling 1144 sq. ft.

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

| | DIMENSION | MINIMUM REQUIRED | PROPOSED | RELIEF REQUESTED |
|------------------|-----------------|------------------|----------|------------------|
| SETBACKS: | LOT SIZE | 40,000 | 20,000 | 20,000 |
| | BUILDING HEIGHT | 30 | 25 | 0 |
| | LOT COVERAGE | 15% | 6% | 0% |
| | REAR YARD | 75 | 111 | 0 |
| | LEFT SIDE YARD | 35 | 28 | 7 |
| | RIGHT SIDE YARD | 35 | 25.3 | 9.7 |

Attorney Joseph Shekarchi addressed the board. The proposal is for a single family dwelling in an R40 zone. The applicant hired Nick Veltri for an engineering design plan to make sure there would be zero runoff into abutting properties, as drainage has been a significant issue. Mr. Anzelone made a motion to accept the Stormwater management plan as exhibit A. Seconded by Mr. Lopardo. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. Also, the applicant asked that water approval, town water approval, and septic system. Mr. Anzelone made a motion to accept exhibit A, B, C, Seconded by Mr. Lopard. VOICE VOTE WAS TAKEN; ALL IN FAVOR. Nick Veltri, Applicants Engineer, was dully sworn in. Mr. Veltri stated that the lots were reduced, so all were 20,000 square feet. Some were double lots. Mr. Pillozzi stated that approval would be subject to the Building Officials final approval on the water situation. Mr. Fascia made a motion to approve. It is in conformance with the code and does not represent any overwhelming impact to the neighborhood. Mr. Anzelone seconded. WHEREUPON A VOICE VOTE WAS TAEKN; ALL IN FAVOR.

File 2016-13- Approved

C. File 2016-14

LOCATION: 6 Primose Lane
 OWNER/APPLICANT: Robert & Jennifer Tonucci
 LOT: AP 45 — Lot 484; R40 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: Single Family Dwelling with Addition

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

| | DIMENSION | MINIMUM REQUIRED | PROPOSED | RELIEF REQUESTED |
|------------------|-----------------|---------------------|----------|---------------------|
| SETBACKS: | LOT SIZE | 40,000 | 75,508 | N/A |
| | BUILDING HEIGHT | 30 | 28 | N/A |
| | LOT COVERAGE | 15% | N/A | N/A |
| | REAR YARD | 75 | 75 | 75 |
| | LEFT SIDE YARD | 35 | 35 | 35 |
| | RIGHT SIDE YARD | 35 | 19 | 16 |

Robert & Jennifer Tonucci, owners, were dully sworn in. Ms. Tonucci stated that the proposal is to add an addition to the existing house. The top will be a family room and the bottom will be another family room. This addition would be on the side of the house. It would leave about 19 feet to the abutting property. Mr. Anzelone made a motion to approve the property addition at 6 Primose Lane. Seconded by Mr. Lopardo. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

File 2016-14- approved

D. File 2016-15

Location: 2770 Hartford Avenue
 Owner: Dario Ruggieri
 Applicant: Maria Evangelista
 Lot: AP 57-3 — Lot 14; B2 Zone
 Existing Use: Vacant
 Proposal: Childcare/Preschool

Use Variance Petitioned under Article III § 340-8 Table of Use Regulations section 2.3

Maria and Paul Evangelista were dully sworn in. Ms. Evangelista stated that currently there is a vacant part of the building, where the proposal is to make half a bathroom, a hallway that would lead to another bathroom, childrens bathroom. The applicant stated that they would be adding 20 children. Mr. Lopardo made a motion to approve the proposal. Seconded by Mr. Pilozzi. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

File 2016-15- Approved

E. File 2016-16

Location: 2949 Hartford Avenue
Owner/ Applicant: Shun Pike Realty
Lot: AP 57 — Lot 57; B2 Zone
Existing Use: Commercial
Proposal: RI Gun Smith

Special Use Permit Petitioned under Article III § 340-8 Table of Use Regulations section 12.2 and 13.2
Article XII § 340-75 Special Use Permits

The applicants Robert Castelli, Edward Pellegrino, and Gregory Lageux, Jr. were dully sworn in. Mr. Pellegrino stated that they would like to open up a full service supporting gun shop. This would be selling firearms. Mr. Pellegrino stated that he served US Marines, lance corporal. Also, a NRA instructor, chief range safety officer, and over 35 years' experience. There will be bars on the windows, cameras, 15 ton pressure switch on the door. Mr. Cardillo made a motion to approve based on the facts it is in the commercial area. Mr. Pilozzi seconded. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

File 2016-16- Approved

F. File 2016-17

Location: 73&75 Shun Pike
Owner/ Applicant: RI Resource Recovery
Lot: AP 43 — Lot 588; Industrial Zone
Existing Use: Industrial
Proposal: Two Mobile Office Trailers and Two Connex Boxes for Storage

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

Rob Stolzman, attorney, addressed the board. This item is due to the yearly review put in upon approval last year. It was suggested to maybe extend the yearly renewal to possibly several years since there has been no issues. Mr. Anzelone made a motion to approve the renewal appropriate application and that a yearly renewal to the zoning board would no longer be needed. Instead, there will be a letter to the Building Official, yearly. Mr. Pilozzi seconded. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

Mr. Anzelone made a motion to adjourn as zoning board. Seconded by Mr. Lopardo. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

Prior to adjournment the board shall convene as the Board of Appeals and hear the following matter:

A. File 2015-63 (Appeal from a decision from the Building Official pursuant to Art. XVIII Sect § 340-129)

Location: Atwells and Union Ave
Owner/ Applicant: John Cairo
Lot: AP 18 - Lot 203; R-15 Zone
issue: Master Plan Decision dated October 8, 2015

Al Russo, Attorney for applicant, addressed the board. Mr. Russo stated that at the previous meeting of the hearing there was testimony about the back of the lot and under questioning the applicant said if relief was given for that lot, the applicant would not subdivide the lot at a later date and build on the additional lot. Mr. Cairo, dully sworn in, addressed the board stating he was nervous and did not realize his mistakes.

Mr. Anzelone made a motion to recess for five minutes. Seconded by Mr. Lopardo. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. Mr. Anzelone made a motion to reconvene as the board of appeals. Seconded by Mr. Cardillo. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. Mr. Fascia made a motion to take this case and remand it back to the Planning Board for reconsideration without any previous testimony statements or transcript of the original Zoning Board. Furthermore, we stipulate that he stipulates not to build anything on that property, should he get a lot number for 18 months. Seconded by Mr. Lopardo. WHEREUPON A VOICE VOTE WAS TAKEN; MOTION PASSES 3 TO 1.

File 2015-63- Remand back to the Planning Board.

Mr. Anzelone made a motion to adjourn. Seconded by Mr. Pillozzi. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. (8:27PM)

Adjournment: Mr. Anzelone made a motion to adjourn. Seconded by Mr. Pillozzi. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. (Meeting Adjourned at 8:14 P.M.)