

MINUTES

August 31, 2017

The Zoning Board of Review held its monthly meeting on the 31st day of August, 2017 at 6:30 p.m., at the Johnston Senior Center, 1291 Hartford Avenue Johnston, RI 02919.

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

Anthony Pilozzi made a motion to approve the July 27th meeting minutes. Seconded by Joseph Anzelone. VOICE VOTE WAS TAKEN; ALL IN FAVOR.

I. Old Business:

A. File 2011-23:

Location: 20 Butler Drive

Lot: AP 65— Lot 113; R-40 Zone, 7000 square foot lot

Discussion: Request of Applicant for minor amendment to the Zoning Board approval of dimensional variances granted in 2011. Successor Applicant inadvertently misunderstood the size of the house approved by the Zoning Board. Applicant applied for and received a building permit to build a 48 x 28 house instead of a 44 x 26 house which Board approved. Relief needed to perfect title as house is fully constructed.

Anthony Pilozzi made a motion to continue Butler Drive to a further date. Seconded by J. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

II. New Business

A. File 2017-41:

Location: Atwood Avenue

Owner/Applicant: Amalgamated Financial Group VI LP, Carpionato Group

Lot: AP 44— Lot 422, 432; B-2 Zone

Existing Use: Commercial Retail

Proposal: Commercial Use with Signage

Dimensional Petitioned under Sign Variance Article VIII, Section 340-43

Variance Sign Regulations

Mr. Pilozzi made a motion to approve the application. My findings of

fact are as follows:

I agree with all the opinions shown in the application and all the relief requested and it meet

all the zoning criteria in code 941 and the relief they're looking for is not a lot of relief, whatsoever, 4 feet, 5 feet, 5 feet is not a lot of relief. One on the Starbucks building is about the largest I think its 36 square feet per unit which would come to about a hundred square feet of relief in the rear there which is no problem. This way the potential customers can set entire business owes that side of that building if they were shopping for instance at is Stop & Shop and the wanted to go for coffee after you could see the Starbucks sign and the rest in the back. So I'll base my findings of fact and my motion to approve on the information presented by the applicant. Also, including pages 4, 5 and 6 in findings of facts. Seconded by J. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

B. File 2017-46:

Location: 2 Cherry Hill Road

Owner/Applicant: Life Care Centers of America

Lot: AP 18— Lot 247; R-15 Zone

Existing Use: Commercial Retail

Proposal: Commercial Use with Signage

**Dimensional Petitioned under Sign Variance Article VIII, Section
340-43**

Variance Sign Regulations

**Anthony Pilozzi made a motion to approve. It is in conformance with
code 941. The relief requested is minor. Seconded by R. Campanelli.
WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.**

C. File 2017-42

Location: 180 Shun Pike

Owner/Applicant: Robert Cardillo

Lot: AP 33— Lot 84; R-40 Zone, 5.16 Acres

Existing Use: Single Family Dwelling

Proposal: Apple Processing Plant

**Use Variance Use Variance- Section 340-8 Table of Use
Regulations**

Anthony Pilozzi made a motion to grant the Use Variance with three stipulations. 1. Apples Only. 2. Any deviation to other products you come back to the board. 3. 20 percent residue not used in the processing. Also, subject to a business site review. Additionally, the project will be contingent upon a proper and lawful attachment or hookup to a sewer system. Seconded by Joseph Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

D. File 2017-44

Location: 5 Tulip Hill Road

Owner/Applicant: Steven & Michelle Creamer

Lot: AP 55— Lot 176; R-40 Zone, 11.17 Acres

Existing Use: Single Family Dwelling

Proposal: Single Family Dwelling with 36x24 Detached Garage

Dimensional Structures **Petitioned under 340-25, Subsection C. Accessory**

Variance

Anthony Pilozzi made a motion to approve the relief needed. The structure is in conformance with Code 941. They've proved their hardship. They have some vehicles that they want in for the winter and they need the extra space and they also own quite a parcel there so there's no problem here other than the fact that this accessory structure exceeds the limit allowed in our zoning so the relief I'll make it based on my findings of fact, the relief asked for is the least relief necessary, so I move to grant. Seconded by J. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

III. Matters to be Heard by the Zoning Board of Review Sitting as the Board of Appeal:

Prior to adjournment the board shall convene as the Board of

Appeals and hear the following matter:

A. File 2017-48- Ken Pelagalli, Owner; Highland Avenue; AP 16 Lot 592; R-15 Zone; Violation 340.33 RIPMC Commercial Vehicle Not Allowed in a Residential Zone

Anthony Pillozzi made a motion to uphold the Code Enforcement Officer Department of Public Works, Mr. DePontes decision, we should not grant any leeway on this. This land safety security systems truck should not be there and the appeal is not relevant to the zoning issue at hand it's not a zoning issue at all, he's not in conformance with Code 941 in that area; that the commercial vehicles should not be taken home overnight, especially if they're of any size so I'll base my motion to uphold the Town of Johnston's decision and to deny the appeal of Mr. Pelagalli. Stipulation to immediately remove the truck from the premises. Seconded by R. Fascia. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

IV. Adjournment of the Business of August meeting of Johnston Zoning Board of Review

Joseph Anzelone made a motion to adjourn. Seconded by Anthony Pillozzi. Voice vote was taken; all in favor. (7:55 P.M.)

Per order of the Zoning Board of Review

Thomas Lopardo, Chairman