

MINUTES

March 29, 2018

The Zoning Board of Review held its monthly meeting on the 29th day of March, 2018 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 Lobello, Alternate Member Colannino, Alternate Member Dennis Cardillo, Legal Counsel Joseph R. Ballirano, Esquire, Bernard Nascenzi, Building Official, Deb Pavone, Acting Zoning Clerk.

Agenda

March 29, 2018

NOTICE IS HEREBY GIVEN THAT THE ZONING BOARD OF REVIEW WILL HOLD THE REGULARLY SCHEDULED MONTHLY MEETING AT 6:30 PM AT THE JOHNSTON SENIOR CENTER, 1291 HARTFORD AVENUE, JOHNSTON, RHODE ISLAND. All persons interested in the following proposals are requested to be present at this time. The assembly facilities are accessible to the handicapped. Persons requiring special accommodations shall call the Zoning Office at least 48 hours in advance of the meeting (401) 231-4000 ext. 4117. Persons utilizing TDD equipment may contact the Town through "Relay Rhode Island" at 1-800-745-6675. The agenda for the evening will be as

follows, subject to change:

I. Roll Call

II. Minutes

Anthony Pilozzi made a motion to approve the meeting minutes for the November and February meeting. Seconded by Joseph Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

III. New Business

A. File 2017-57

Location: 985 Plainfield Street

Owner/Applicant: Abacus Real Estate LLC

Lot: AP 1— Lot 96; B-2 Zone, 8,160 Sq. Ft.

Existing Use: Commercial Office Buildings

Proposal: Detached Rear Trailer to be used for Additional Offices.

Accessory

Structures Petitioned under 340-(14), Subsection C, Misc Uses.

Accessory Structure

Continued.

B. File 2018-5

Location: Atwells Ave

Owner/Applicant: John Cairo

Lot: AP 18— Lot 106; R-15 Zone, 6,400 Sq. Ft.

Existing Use: Vacant

Proposal: Single Family Dwelling

**Dimensional Petitioned under 340 Article III Table of Dimensional
Variances
Variance**

DIMENSION	REQUIRED	PROPOSED	RELIEF	REQUESTED
SETBACKS: REAR YARD	45	17	28	
LOT SIZE	15000	12800	2200	

Anthony Piloizzi made a motion to grant the application. Asking for the least relief necessary. Motion to grant. Seconded by Joseph Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN

Joseph Anzelone Aye

Anthony Piloizzi Aye

Richard Lobello Nay

Richard Fascia Nay

Vote 3 to 2. Application does not pass

C. File 2018-6

Location: Susan Circle

Owner/Applicant: Kenneth Penza

Lot: AP 9— Lot 498; R-15 Zone, 10,220 Sq. Ft.

Existing Use: Vacant

Proposal: Single Family Dwelling

Dimensional Petitioned under 340 Article III Table of Dimensional

Variances

Variance

DIMENSION REQUIRED PROPOSED RELIEF REQUESTED

SETBACKS: LOT SIZE 15000 10220 4780

Anthony Pilozzi made a motion to grant the applicant ask asking for the least relief necessary and the lot was created prior to 12/14/1994. It's a legal nonconforming lot of record and to deny my findings of fact are we would be denying him the rightful use of the property which is tantamount to a taking. It will be tantamount to a taking and on my motion, a stipulation on the side of the lot where it borders the neighbor's pool, that they put up some mature arborvitaes at least higher than the current fence that's there to give the abutter on that side privacy because their pool is right there. Seconded by Joseph Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

D. File 2018-4

Location: Westside Drive

Owner/Applicant: Alia Sasa/Ryan Anderson

Lot: AP 46— Lot 194; R-40 Zone, 27,878 Sq. Ft.

Existing Use: Vacant

Proposal: Single Family Dwelling

Dimensional Petitioned under 340 Article III Table of Dimensional

Variances

Variance

DIMENSION REQUIRED PROPOSED RELIEF REQUESTED

SETBACKS: LOT SIZE 40000 27887 12113

Continued

E. File 2018-7

Location: 43 Brown Ave

Owner/Applicant: Richard & Elizabeth Comella

Lot: AP 57— Lot 181; R-15 Zone, 10,220 Sq. Ft.

Existing Use: Single Family Dwelling

Proposal: Attached Breezeway & Garage

**Dimensional Petitioned under 340 Article III Table of Dimensional
Variances**

Variance

DIMENSION REQUIRED PROPOSED RELIEF REQUESTED

SETBACKS: LOT SIZE 40000 14817 25183

LOT FRONTAGE 140 1 110 30
LOT COVERAGE 15% 18.2% 3.2%
FRONT YARD 40 1 15 25
LEFT SIDE 40 10.5 29.5

Anthony Pilozzi made a motion ; findings of fact that the hardship has been proven. Mr. Comella's handicapped. He needs this garage, this addition. Seconded by Richard Lobello. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

F. File 2018-8

Location: 63 Borden Ave

Owner/Applicant: Linda Monello

Lot: AP 15— Lot 311; R-15 Zone, 9.528 Sq. Ft.

Existing Use: Vacant

Proposal: Single Family Dwelling

Dimensional Variance **Petitioned under 340 Article III Table of Dimensional Variances**

DIMENSION	REQUIRED	PROPOSED	RELIEF	REQUESTED
SETBACKS: LOT SIZE	15000	9528	5472	
LEFT SIDE	20	14	6	
RIGHT SIDE	20	12	8	

G. File 2018-9

Location: 1975 Atwood Avenue

Owner/Applicant: Gateway Healthcare/Petruska

Lot: AP 48— Lot 426; R-20 Zone, 67,411 Sq. Ft.

Existing Use: Vacant Offices

Proposal: Accounting Firm

Special Use Permit **Petitioned under 340 Article XII 340-74,75**

Anthony Pillozzi made a motion to deny based on findings of fact that it would not be in best interest of buyer. Seconded by Richard Fascia. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

H. File 2018-10

Location: 3 Ivy Trail Drive

Owner/Applicant: Joseph & Rosanne Pasquale

Lot: AP 57— Lot 215; R-40 Zone, 19,706 Sq. Ft.

Existing Use: Single Family Dwelling

Proposal: Detached Garage

**Accessory Petitioned under 340 Use Classification Subsection
13(1) Accessory Structure – left side variance
Structure**

Anthony Pilozzi made a motion to approve findings of fact are, the hardship is proven. He has asked for the least relief necessary to alleviate his problems with his storage. Seconded by Joseph Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

IV. 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:

File 2017-56- PMD Hauling, SJP Enterprises Inc., Tri-Gen Construction, DiMascio Bros. Equipment, Shea Enterprises, J.A.B. Demolition, c/o Evelyn Simone, Owner; Plainfield Pk; AP 33 Lot 78; B-2 Zone; Violation 125-5 Busn License Required, 340 Zoning subsection 9(Parking and/or storage of Heavy Equipment Not Allowed), subsection 11(Open Lot Storage Not Allowed).

File 2017-57- Paul DiMascio c/o Holly Simone-Burns Trustee, Owner; Plainfield Pk; AP 33 Lot 78; B-2 Zone; Violation 302.1ripmc, 340, 23-27.3-113.1rigl, 236-7. Accessory Building in B-2 Not Permitted. Zoning Use subsection 9 #13 Parking and/or Storage of Heavy Equipment is Not Allowed.

Anthony Pilozzi made a motion that was put in 2017-56 be identical in 2017-57 to dismiss the Towns violation. My findings of fact are, the proof is overwhelming, it clearly shows the photos plus prior testimony at other hearings, that this was B-2 trucking since

1982, is what I had, and tonight we've been showed by testimony and articles presented for the record, that actually, it preceded that into the early 1970s, so it is B-2 and if it's B-2, all these years in fact even the neighbors have agreed until the past 2 years it's been used for trucking. Findings of fact are, I move to dismiss the Town of Johnston's violation. The facts presented and testimony, overwhelming show that it was permitted since 1973. Photographs and testimony, based upon the testimony of Miss Simone, your colleague Dennis, the pictures you saw that are time-dated prior to the adoption of our Zoning Ordinance in 1994. I don't want to get into permission. That was the actual use. The Building Official is overruled. Seconded by Joseph Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

V. Adjournment of the Business of February meeting of Johnston Zoning Board of Review

Motion to adjourn by Joseph Anzelone(12:02 A.M). Seconded by Joseph Anze. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.

Per order of the Zoning Board of Review

Thomas Lopardo, Chairman