

Town of Smithfield

64 FARNUM PIKE
SMITHFIELD, RHODE ISLAND 02917

Brandon Ruotolo, JD
Deputy Zoning Official

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Smithfield Zoning Board of Review **Meeting Minutes**

Date: February 24, 2010

Time: 7:30 pm

Place: Town Hall, 64 Farnum Pike, Smithfield, Rhode Island

Members Present: Chairman George McKinnon
Vice Chairman Antonio Fonseca
David Green
Peter Fogarty
S. James Busam
Alt. Jack Kovolski
Alt. Gordon Stroupe

Members Absent: None

Others Present: Town Solicitor Edmund Alves
Deputy Zoning Official Brandon Ruotolo

Meeting session opened at 7:35 p.m.

OLD BUSINESS

Case: 09-039

Applicant/Owner: T-Mobile Northeast LLC

Address: 490 Douglas Pike

Plat/Lot: 42/116 & 116A

Zoning District: R-80

Case Summary:

T-Mobile Northeast LLC as applicant and Chateau Enterprises as owner of property located at 490 Douglas Pike, listed as Lots 116 and 116A on Assessor's Plat 42, seek a variance to deviate from section (§) 4.3.G.19 "Radio, Television, or Communications Tower," to build a communications tower in an R-80 district under the Zoning Ordinance.

Background:

Applicants presented their application before the Smithfield Zoning Board on September 20, 2009, seeking approval of a second communications tower at 490 Douglas Pike. Near the resolution of such meeting Applicants requested a continuance until the October 28th, 2009 meeting. Prior to the October meeting, Applicants requested, by way of an October 26th, 2009 correspondence, a continuance until the December 16th, 2009 meeting, citing an ongoing negotiation. Prior to the December meeting, Applicants requested, by way of a December 15th, 2009 correspondence, a continuance until the January 20th, 2010 meeting which the Board granted. Prior to the January meeting, Applicant requested, by way of a January 15th, 2010 correspondence, a continuance until the February 24th, 2010 meeting which the Board granted.

Disposition:

Applicants seek a continuance until the April 28th, 2010 meeting so that they can amend their current application. Applicants plan to amend their application to reflect a new telecommunications plan at the property that may include the “drop and swap” of an existing tower.

Motion to continue to April 28th, 2010: Vice Chairman Fonseca

Motion seconded: Peter Fogarty

Voting in favor: Chairman George McKinnon
 Vice Chairman Antonio Fonseca
 David Green
 Peter Fogarty
 S. James Busam

OLD BUSINESS

Case: 09-046

Applicant/Owner: The Rhode Island Lottery

Violation: Signage

Case Summary:

The Rhode Island Lottery as applicant appeals the Deputy Zoning Official’s determination that the Lottery’s temporary signs on display throughout the Town of Smithfield are in violation of the Town’s signage ordinance.

Background:

The Town of Smithfield and the Rhode Island Lottery have been working together to resolve this matter since September 2009. The parties are optimistic that they can reach a resolution.

Disposition:

During the communications session of the docket, Chairman George McKinnon asks Deputy Zoning Official Brandon Ruotolo to report new communications to the Board. Ruotolo reports he is in receipt of a February 17th, 2010 correspondence from Assistant Town Solicitor Susan Iannitelli. Chairman McKinnon asks Ruotolo to summarize Assistant Solicitor Iannitelli’s correspondence. Ruotolo summarizes that both parties seek a continuance until the March 31, 2010 meeting because the Lottery has requested an opportunity to make a written proposal to resolve this matter

Motion to continue to March 31, 2010: Vice Chairman Fonseca

Motion seconded: David Greene

Voting in favor: Chairman George McKinnon
Vice Chairman Antonio Fonseca
David Green
Peter Fogarty
S. James Busam

NEW BUSINESS

Case: 10-003

Applicant/Owner: Keith Napolitano

Address: 17 Tarklin Road

Plat/Lot: 47/71C

Zoning District: R-80

Case Summary:

Applicant Keith Napolitano seeks a dimensional variance under §5.4 of the Zoning Ordinance, "Table 1 – Dimensional Regulations," because he proposes to attach a two-car garage to his home, encroaching ten (10) feet into the R-80 zone's twenty-five (25) foot minimum side yard setback.

Disposition:

The findings and conclusions of the Board are contained in a written resolution which has been, or will be, recorded in the Smithfield Land Evidence Records.

Motion to approve dimensional variance with conditions imposed by the Board: Vice Chairman Fonseca

Motion seconded: S. James Busam

Voting in favor: Chairman George McKinnon
Vice Chairman Antonio Fonseca
David Green
Peter Fogarty
S. James Busam

NEW BUSINESS

Case: 10-004

Applicants: New Energy Alliance & Jake Development Co., LLC

Address: 955 Douglas Pike

Plat/Lot: 45/18

Zoning District: Industrial

Case Summary:

Applicants seek a dimensional variance from frontage requirements under §5.4 of the Zoning Ordinance, "Table 1 – Dimensional Regulations," because subject property lacks frontage on a public way. Subject property is a legally non-conforming lot of record because such parcel is pre-existing and fails to conform to the above-mentioned dimensional regulations.

Applicants identified a permitted use for the subject property, temporary manufacturing with accessory storage, and seek three-hundred (300) feet of frontage relief as the least necessary relief to allow for the beneficial use of their property. *See Applicant's memorandum dated 2/12/2010; See also zoning certificate dated 12/29/2009.*

Disposition:

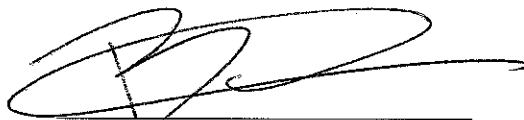
The findings and conclusions of the Board are contained in a written resolution which has been, or will be, recorded in the Smithfield Land Evidence Records.

Motion to approve dimensional variance with conditions imposed by the Board: Vice Chairman Fonseca

Motion seconded: Peter Fogarty

Voting in favor: Chairman George McKinnon
 Vice Chairman Antonio Fonseca
 David Green
 Peter Fogarty
 S. James Busam

Respectfully submitted,



Brandon Ruotolo
Zoning Board Clerk