

MEETING OF THE LOUISVILLE BOARD OF APPEALS
MARCH 11th, 2019
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

BOARD OF APPEALS MEMBERS PRESENT: HERBERT DUCOLON

WILLIAM HELMER/CHAIRMAN

JEFF LABA

DAN CASEY

CARL BENDER

DAN CASEY

ROY BESHAW

LISA OROSZ/SECRETARY

ABSENT BOARD MEMBERS:

TYLER MONTONDO

PUBLIC PRESENT:

GAIL SCHNEIDER/TOWN COUNCIL

NATHAN SMUTZ

ANTHONY MCMANAMAN/ CEO

VIRGINIA GETTMANN/ATTORNEY

William Helmer called the meeting to order at 6:30 pm.

William & Lynn Smutz 1225 County Route 36, Norfolk, NY 13667, tax map number 15.004-1-11.211 in the Town of Louisville are requesting a subdivision of their property that requires an area variance for the new lot and a right of way to prevent a land locked piece of property.

The St. Lawrence County Planning Board returned for Local Action Pursuant to Memorandum of Understanding with staff comments. The referenced referral has been deemed by the staff of the County Planning Board not to have countywide or inter-municipal significance. Therefore, pursuant to the current Memorandum of Understanding between the County Planning Board and our Board, it is being returned for local action with the following non-binding comments.

MEETING OF THE LOUISVILLE BOARD OF APPEALS
MARCH 11th, 2019
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

The proposed subdivision will require an area variance to reduce the side yard for the existing residence on the parent lot. The proposed 50' right of way along the western lot line reduces the side yard setback for the residence to approximately 12' when 15' is required. The County Planning Boards review of the referral is now complete, and your final action may now be taken with a simple majority of the full membership.

William Helmer asked the public if they had any questions or concerns they would like to talk about. Virginia Gettmann explained the properties history and the reason the fifty foot right of way was moved to the Westerly side of the property to allow for a wider right of way.

Jeff Laba asked Nathan Smutz if he was planning on putting a home on the property split. Mr. Smutz explained that the property plans right now are for recreation.

Herbert Ducolon made a motion to accept the reduced side property line for the home on the westerly side to 12'. Roy Beshaw seconded the motion. All in favor: Roy Beshaw AYE, Herbert Ducolon AYE, William Helmer AYE, Jeff Laba AYE, Dan Casey AYE, Carl Bender AYE

2nd order of business:

John & Candace Tatro, 49 Willard Road, Massena NY, tax map number 15.001-2-24.1 in the Town of Louisville are requesting a subdivision that also requires an area variance for road frontage.

St. Lawrence County returned for local action pursuant to memorandum of understanding.

MEETING OF THE LOUISVILLE BOARD OF APPEALS
MARCH 11th, 2019
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

The property split of five acres off the 84.9 acre parcel will only have 128's feet road frontage and current code requires 150 feet.

Roy Beshaw made a motion to accept the area variance request of 128's feet road frontage for the 5 acre split. Jeff Laba seconded the motion. All in favor: Roy Beshaw AYE, Herbert Ducolon AYE, William Helmer AYE, Jeff Laba AYE, Dan Casey AYE, Carl Bender AYE

William Helmer made a motion to a close the meeting at 6:45 pm. Dan Casey seconded the motion. All in favor: Roy Beshaw AYE, Herbert Ducolon AYE, William Helmer AYE, Jeff Laba AYE, Dan Casey AYE, Carl Bender AYE

Respectfully submitted by Lisa Orosz.

**MEETING OF THE LOUISVILLE BOARD OF APPEALS
AUGUST 6TH, 2019
LOUISVILLE MUNICIPAL BUILDING 6:30 PM**

BOARD OF APPEALS MEMBERS PRESENT: WILLIAM HELMER/CHAIRMAN

JEFF LABA

CARL BENDER

TYLER MONTONDO

ROY BESHAW

LISA OROSZ/SECRETARY

ABSENT BOARD MEMBERS:

DAN CASEY

HERBERT DUCOLON

PUBLIC PRESENT:

**ANTHONY MCMANAMAN/ CODE
OFFICER**

WILLIAM HUTCHINSON

William Helmer called the meeting to order at 6:30 pm.

William Hutchinson 303 River Drive, Massena, NY, 13662, tax map number 8.061-1-47 in the Town of Louisville is requesting an area variance of his property for a new garage build. Complete demolition of existing attached 22' wide by 24' long two car garage including footings, foundation walls and floor slab. Construct new attached 22' wide by 40' long combination two car garage and workshop.

St. Lawrence County Planning Board returned for Local Action Pursuant to Memorandum of Understanding.

St. Lawrence County explanation of the decision and its impact on the Town of Louisville Planning Boards actions is as follows:

The referenced referral has been deemed by the staff of the County Planning Board not to have countywide or inter-municipal significance. Therefore, pursuant to the current Memorandum of Understanding between the County Planning Board and the Town of Louisville Planning Board, it is returned for local action.

MEETING OF THE LOUISVILLE BOARD OF APPEALS
AUGUST 6TH, 2019
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

Staff would also like to take this opportunity to remind the Town of Louisville Board of Appeals of the five balancing tests that must be considered before area variances are granted. Those tests are:

- (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance;
- (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board of appeals shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. (New York State Town Law, Section 267-b)

County Planning Board review of the referral is now complete, and your final action may now be taken with a simple majority of the full membership. Please notify the County Planning Board of that decision.

Discussion followed:

Existing garage is already 3 feet from side property line built in 10-4-1993. At that time the New York Power Authority allowed properties to build close to property lines. No record on file of a variance meeting or a request to the Louisville Zoning Board of Appeals.

The New York Power Authority was contacted by email and a response received explaining as follows:

**MEETING OF THE LOUISVILLE BOARD OF APPEALS
AUGUST 6TH, 2019
LOUISVILLE MUNICIPAL BUILDING 6:30 PM**

Page 1 of 2

303 River Dr Massena NY 13662

Code Dept Town of Louisville

From: "Farrell, Jeffrey" <Jeffrey.Farrell@nypa.gov>
Date: Monday, July 01, 2019 2:45 PM
To: "Code Dept Town of Louisville " <louisvillecode@centralny.twcbc.com>
Cc: "Joanne Cameron" <louisville@nnyemail.com>; "Anthony McManaman" <codeperson70@gmail.com>; "Larry Legault" <louisville1@nnyemail.com>
Subject: RE: [EXTERNAL]New garage build at 303 River Drive Massena NY Wilson Hill Tax map number 8.061-1-47

Lisa –

NYPA doesn't see any issues with the adjoining landowner building on his property as long as he gets the required variance from the Town of Louisville.

Thank you

Jeff

From: Code Dept Town of Louisville <louisvillecode@centralny.twcbc.com>
Sent: Monday, July 1, 2019 1:33 PM
To: Farrell, Jeffrey <Jeffrey.Farrell@nypa.gov>
Cc: Joanne Cameron <louisville@nnyemail.com>; Anthony McManaman <codeperson70@gmail.com>; Larry Legault <louisville1@nnyemail.com>
Subject: [EXTERNAL]New garage build at 303 River Drive Massena NY Wilson Hill Tax map number 8.061-1-47
Importance: High

CAUTION — External Email

Suspicious? Click Report Phishing on Outlook toolbar. For **Mobile** forward to (abuse@nypa.gov)

Hello Jeffrey,

The new property owner William Hutchinson at 303 River Drive Massena NY 13662 (Wilson Hill) has put in a request for a building permit. At this residence there is an existing garage 26 x 30 that was built in 1993. This garage is three feet from the side property line adjacent to the New York Power Authority. Mr. Hutchinson now would like to tear down this existing garage and put up a new one the same three feet from the side property line 22 x 40. Our current code does not allow the three feet build from the property line. Mr. Hutchinson has to request an Area Variance with the Board of Appeals and has done so.

I will be sending a letter regarding the meeting time and date after the request has been reviewed by the St. Lawrence County Planning Board.

Then the Town of Louisville Board of Appeals will be reviewing this Area Variance

request and would like to know if the Power Authority is OK with the three feet from the side line.

Please do not hesitate to call the office with questions or concerns.

Best
Lisa Orosz

**MEETING OF THE LOUISVILLE BOARD OF APPEALS
AUGUST 6TH, 2019
LOUISVILLE MUNICIPAL BUILDING 6:30 PM**

Jeff Laba made a motion to accept the area variance request to be the same as it is now being three feet from the side property line with the side overhang being 2 feet or less. Carl Bender seconded the motion. All in favor: William Helmer AYE, Jeff Laba AYE, Roy Beshaw AYE, Tyler Montondo AYE, Carl Bender AYE

Roy Beshaw made a motion to adjourn the meeting at 6:45 pm. Carl Bender seconded the motion. All in favor: William Helmer AYE, Jeff Laba AYE, Roy Beshaw AYE, Tyler Montondo AYE, Carl Bender AYE

Respectfully submitted by Lisa Orosz

**MEETING OF THE LOUISVILLE BOARD OF APPEALS
OCTOBER 29, 2019
LOUISVILLE MUNICIPAL BUILDING 6:30 PM**

Board of Appeals members present: William Helmer/ Chairman
Herbert Ducolon
Carl Bender
Tyler Montondo
Roy Beshaw
Joanne Cameron/TC
Board of Appeals members absent: Dan Casey
Jeff Laba
Public Present: Ryan Day
Anthony McManaman/ CEO

William Helmer called the meeting to order at 6:30 pm.

Ryan Day and Jessica Braman at 6005 CR 14, tax map #15.003-1-5.1 in the Town of Louisville are requesting a ten foot area variance to build a garage.

The St. Lawrence County Planning Board returned for Local Action Pursuant to Memorandum of Understanding with staff comments. The referenced referral has been deemed by the staff of the County Planning Board not to have countywide or inter-municipal significance. Therefore, pursuant to the current Memorandum of Understanding between the County Planning Board and our Board, it is being returned for local action with the following non-binding comments.

SLC Planning Staff takes this opportunity to remind the Town of the 5 balancing tests that must be considered before area variances are granted. Those tests are 1. Whether an undesirable change will be produced in the character of the neighborhood, 2. Whether the benefit sought by the applicant can be achieved by some other method, 3. Whether the requested variance is substantial, 4. Whether the proposed variance will have an adverse effect on the neighborhood, and 5. Whether the alleged difficulty was self-created.

MEETING OF THE LOUISVILLE BOARD OF APPEALS
OCTOBER 29, 2019
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

Neighbor Grant Martin has sent a letter stating he has no problem with the garage being built 10 feet from his property line.

No comments or concerns were expressed by the Board.

Roy Beshaw made a motion to approve the 10 foot area variance for 6005 CR 14, tax map#15.003-1-5.1 in the Town of Louisville. Herbert Ducolon seconded the motion. All in favor: Roy Beshaw- Aye, Herbert Ducolon- Aye, William Helmer- Aye, Tyler Montondo- Aye, and Carl Bender- Aye.

The meeting was adjourned at 7:05pm

Respectfully Submitted,

Lisa Orosz

**MEETING OF THE LOUISVILLE BOARD OF APPEALS
JUNE 9TH, 2020
LOUISVILLE MUNICIPAL BUILDING 6:30 PM**

BOARD OF APPEALS MEMBERS PRESENT: WILLIAM HELMER/CHAIRMAN

JEFF LABA

HERBERT DUCOLON

ROY BESHAW

DAN CASEY

LISA OROSZ/SECRETARY

ABSENT BOARD MEMBERS:

TYLER MONTONDO

CARL BENDER

PUBLIC PRESENT:

MICHELINE CAPPIONE

HASS FAYAD

ALEXIA CAPPIONE

MARK MORRIS

CECILY MORRIS

William Helmer called the meeting to order at 6:30 pm.

Micheline Cappione, 290 Crescent Drive, Massena NY, 13662, tax map number 8.061-1-22.1, in the Town of Louisville is requesting an area variance of her property for a new home. The new home build plans are requesting an area variance for the North side property line 10 foot variance, South side property line 10 foot variance, and a 45 foot variance from the center of the road to the residence.

St. Lawrence County Planning Board returned for Local Action Pursuant to Memorandum of Understanding. Staff comment: reminding the Town of the five balancing tests that must be considered.

Cecily Morris wanted the Board of Appeals members to understand that her and her husband Mark Morris came because they do not want any negative impact towards their property. Should a survey be done because Cecily Morris had to have one done when they built their home back in 2005?

William Helmer suggested a survey should be done if anyone is having a question on where the property lines are located.

MEETING OF THE LOUISVILLE BOARD OF APPEALS
JUNE 9TH, 2020
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

Hass Fayad and Mark Morris did walk the property and found a stake to rope off the property line.

Mark Morris discussed the high elevation from the neighboring home build on the opposite side. Concerned about drainage and if his home will be impacted. Hass Fayad has an engineered stamped elevation site plan presented to the board.

All board members asked Mark Morris and Cecile Morris if they had any issues with the area variance requested for this new home build. Both expressed they were fine with it.

Herbert Ducolon made a motion to accept the area variance request to have 10 feet on the north side property line, 10 feet on the south side property line, and 45 feet variance from the center of road. Dan Casey seconded the motion: All in favor: Herbert Ducolon AYE, Dan Casey AYE, Roy Beshaw AYE, William Helmer AYE, Jeff Laba AYE

William Helmer made a motion to adjourn meeting at 6:45 pm. Dan Casey seconded the motion: All in favor: Herbert Ducolon AYE, Dan Casey AYE, Roy Beshaw AYE, William Helmer AYE, Jeff Laba AYE

Respectfully submitted by Lisa Orosz