

**MEETING OF THE LOUISVILLE BOARD OF APPEALS
JANUARY 25, 2021
LOUISVILLE MUNICIPAL BUILDING 6:30 PM**

BOARD OF APPEALS MEMBERS PRESENT: WILLIAM HELMER/CHAIRMAN

HERBERT DUCOLON

CARL BENDER

JOANNE CAMERON/CLERK

TERRI O'KEEFE/CLERK

ABSENT BOARD MEMBERS:

TYLER MONTONDO

JEFF LABA

DAN CASEY

PUBLIC PRESENT: ROYAL FORGUES/B SEEN 24-7.COM

This meeting can be attended by Go-To Meetings.

Before the meeting was called to order, there was discussion amongst the attendants that there is no current size set for billboards in the General Commercial Area in the Land Use and Development Codebook. The Planning Board should address this issue.

William Helmer called the meeting to order at 6:48 pm.

This meeting is being held due to the request for an area variance for a two-sided billboard to be located at 10202 SH 56 in the Town of Louisville. The property tax map # is 9.003-5-24 and is owned by Thomas Gramuglia.

St. Lawrence County Planning Board returned for Local Action Pursuant to Memorandum of Understanding. The Board did recommend that the Town of Louisville examine its billboard sign standards and modify its code to align more with existing billboard dimensions. In addition, they reminded the Town of the five balancing tests that must be considered.

Chairman Helmer stated that if the Planning Board amended the Land Use and Development Code, there might be no need for an area variance.

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Mr. Forgues explained that he is leasing land from Mr. Gramulgia to install a tri-vision billboard somewhat like the one by Lowe's in Potsdam.

Mr. Bender reminded the applicant that the sign must be 10 foot away from all lot lines.

There was board discussion but there was not enough members present to make any motions. There were members of the Planning Board in attendance for the meeting and they will look into the county's recommendation.

Moved by Herbert Ducolon, seconded by Carl Bender and duly carried to adjourn the meeting at 6:57pm.

Respectfully submitted

Joanne Cameron

Town Clerk

MEETING OF THE LOUISVILLE BOARD OF APPEALS
MARCH 15, 2021
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

BOARD OF APPEALS MEMBERS PRESENT: WILLIAM HELMER/CHAIRMAN

HERBERT DUCOLON

CARL BENDER

JEFF LABA

JOANNE CAMERON/CLERK

TERRI O'KEEFE/CLERK

ABSENT BOARD MEMBERS:

TYLER MONTONDO

DAN CASEY

PUBLIC PRESENT:

WILLIAM ROBERTS

PAUL SUPERNAUT

GAIL SCHNEIDER/ TOWN BOARD MEMBER

William Helmer called the meeting to order at 6:40 pm.

This meeting is being held at the request of Paul Supernault for an area variance for a portion of a parcel in the C-G zone located at 15807 SH 37 in the Town of Louisville. The property tax map # is 9.003-2-61.1. William Roberts is purchasing a portion of the property and is asking for the variance. A commercial zone (C-G) requires 1 acre and this division will have .8 acres due to set back requirements.

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. 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:

William Helmer asked for clarification on why this portion of the parcel would need to be .8 acres and couldn't be enlarged to meet the 1 acre requirement. Referencing the Surveyor's description and map, William Roberts explained that was not possible due to storage unit buildings on the other portion of the parcel. The property line would have to go through the first storage unit building in order to have 1 acre. Mr. Roberts reminded the Board that this used to be 2 parcels.

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Carl Bender asked where the sewer is located for the building on the portion of the parcel that this area variance is for and Mr. Roberts explained that the sewer is behind the building and will be located on his part of the parcel.

Herbert Ducolon made a motion to accept the area variance request for a .8 acre parcel to be divided off of tax map #9.003-2-61.1. Carl Bender seconded the motion: All in favor: Herbert Ducolon AYE, Carl Bender AYE, William Helmer AYE, and Jeff Laba AYE

Moved by William Helmer, seconded by Herbert Ducolon and duly carried to adjourn the meeting at 6:52 pm.

Respectfully submitted

Joanne Cameron – Town Clerk

Terri O’Keefe – Code Clerk

MEETING OF THE LOUISVILLE BOARD OF APPEALS
JUNE 7, 2021
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

BOARD OF APPEALS MEMBERS PRESENT: WILLIAM HELMER/CHAIRMAN
DAN CASEY
CARL BENDER
HERBERT DUCOLON – JOINED REMOTELY
TERRI O’KEEFE/CLERK

ABSENT BOARD MEMBERS: JEFF LABA
TYLER MONTONDO
SCOTT LASHOMB

PUBLIC PRESENT: none

William Helmer called the meeting to order at 6:45 pm.

This meeting was held due to the request for an area variance by Timothy and Jessica Curran to add a porch five feet (5’) out from the front of the house for easier access in case of a fire. This property is located at 14271 State Highway 37, tax map number 15.001-2-15, in the Town of Louisville.

St. Lawrence County Planning Board returned for Local Action Pursuant to Memorandum of Understanding (MOU). 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 MOU between the County Planning Board and the Town of Louisville Planning Board, it is returned for local action. 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.

Discussion followed:

William Helmer stated the purpose of the meeting and asked if anyone had any comments or questions. Anthony McManaman reminded the Board of Appeals members that even the overhang must not be in the right of way for the State Highway, via a message left with office staff.

Dan Casey made a motion to accept the area variance as requested. Carl Bender seconded the motion: All in favor: Herbert Ducolon AYE, Carl Bender AYE, William Helmer AYE, and Dan Casey AYE.

Moved by William Helmer, seconded by Carl Bender and duly carried to adjourn the meeting at 6:50 pm.

Respectfully submitted,

Terri O’Keefe – Code Clerk

**MEETING OF THE LOUISVILLE BOARD OF APPEALS
NOVEMBER 30, 2021
LOUISVILLE MUNICIPAL BUILDING 6:30 PM**

BOARD OF APPEALS MEMBERS PRESENT:	WILLIAM HELMER/CHAIRMAN DAN CASEY CARL BENDER HERBERT DUCOLON TYLER MONTONDO TERRI O'KEEFE/CLERK
ABSENT BOARD MEMBERS:	JEFF LABA SCOTT LASHOMB
TOWN BOARD MEMBERS PRESENT:	DAN O'KEEFE, COUNCILMAN
TOWN CLERK PRESENT:	JOANNE CAMERON – REMOTELY BY PHONE
PUBLIC PRESENT:	DAVID WILLIAMS TARA WILLIAMS

This meeting is available on Go To Meetings.

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

Mr. Helmer asked for a moment of silence for Lisa Orosz who was the former Code Clerk & Tax Collector for the Town and recently passed away.

This meeting was held due to the request for a use variance by David & Tara Williams to convert their garage into a place of business restoring motorcycles. This property is located at 10093 State Highway 56, tax map number 16.001-2-13, in the Town of Louisville.

St. Lawrence County Planning Board disapproved the use variance under the assumption that it was a repair garage. St. Lawrence County explanation of the decision and its impact on the Town of Louisville Planning Boards actions is as follows: The County Planning Board voted to disapprove the requested use variance for the following reasons: limited information was provided to address the four legal tests and community character could be compromised as a result of this project. Due to the County Planning Board's disapproval, the Board of Appeals will need a majority plus one of the full membership to approve this use variance.

Discussion followed:

William Helmer stated the purpose of the meeting and asked Mr. Williams if he wanted to share anything. Mr. Williams passed around informational packets with photos to better explain what he would like to do. He stated that this work will all be done inside his garage and is a restoration of motorcycles not a repair shop.

Mr. Casey asked if he has done this type of work for some time and if any neighbors have ever complained, to which Mr. Williams responded that he has been doing this as a hobby for a while and would now like to make it into a business. He mentioned that no neighbors have

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ever complained to him about any noise, only once a neighbor complained about smoke from a garage woodstove that was there when he bought his property. He said that he has since removed the woodstove from the garage and heats with a different source now.

Mr. Helmer asked about traffic increasing around this property and the potential for the business to spread or expand beyond the garage space. In regards to traffic, Mr. Williams stated that he may receive a few more packages from UPS but mostly he would be going to get and return any motorcycles or parts that we would be working on. In regards to spreading or expanding beyond the garage, Mr. Williams said that he will be doing all the work himself and his current garage holds all of his equipment currently. He said he also has a shed on the property that he is looking to insulate to hold any additional items he may need, everything will be kept indoors due to the nature of these types of restorations.

Town Clerk Cameron mentioned that she helped Mrs. Williams with the paperwork that was presented to the County and believes that the County believed this was more of a repair business.

Mr. Ducolon asked if the property will look the same in 2 months, 6 months, etc.? Mr. Williams said no, it would look better because he is currently doing some minor repair on his property and those will be completed soon. Also, he reiterated that this business as being all inside the garage.

Mr. Montondo asked if this work is like someone's in Waddington for better understanding. Mr. Williams responded that yes it was and that he had completed some work for that person before. He told the board that these restorations of motorcycles take a team of people to complete from all over the country with each person doing their part independently.

Mr. Helmer asked if there were any more questions.

Dan Casey made a motion to accept the use variance for a restoration of motorcycles as requested. Herbie Ducolon seconded the motion: All in favor: William Helmer AYE, Carl Bender AYE, Dan Casey AYE, Herbert Ducolon AYE, and Tyler Montondo AYE. The motion carries with a note that the neighbors had no objections to this use variance.

Moved by Mr. Ducolon, seconded by Mr. Helmer and duly carried to adjourn the meeting at 6:48 pm.

Respectfully submitted,

Terri O'Keefe – Code Clerk

MEETING OF THE LOUISVILLE BOARD OF APPEALS & PLANNING BOARD ~ FEBRUARY 8, 2022 LOUISVILLE MUNICIPAL BUILDING 6:30 PM

BOARD OF APPEALS MEMBERS PRESENT: WILLIAM HELMER/CHAIRMAN
JEFF LABA
CARL BENDER
HERBERT DUCOLON
SCOTT LASHOMB

ABSENT BOARD MEMBERS: DAN CASEY
TYLER MONTONDO

PLANNING BOARD MEMBERS PRESENT: BRIAN HURLBUT/CHAIRMAN
BERNARD LASHOMB
CAROL PULLEY
DIANA CLARK
TOM WILLSON

PLANNING BOARD MEMBER ABSENT: JEFF REYNOLDS
JAMES KENNEY

CLERK TO BOTH BOARDS PRESENT: TERRI O'KEEFE

TOWN CLERK PRESENT: JOANNE CAMERON

PUBLIC PRESENT: MEMBERS OF THE SHIRLEY FAMILY
CHARLIE MCGRATH
IN-LAW BREWERY OWNERS
OTHER INTERESTED COMMUNITY
MEMBERS

This meeting is available on Go To Meetings.

William Helmer called the meeting to order at 6:39 pm.

The first order of business at this meeting was to discuss the request for a use variance by Myron Shirley to reestablish the garage on his property into an auto repair shop. This property is located at 152 Kingsley Road, tax map number 9.003-2-13, in the Town of Louisville and is zoned R1 –Residential District. The original auto repair business was established before our Land Use and Development Code law created zoning regulations within the Town. After a business is closed for a year, the property reverts to current zoning.

St. Lawrence County Planning Board disapproved the use variance. St. Lawrence County explanation of the decision and its impact on the Town of Louisville Planning Boards actions is as follows: The County Planning Board voted to disapprove the requested use variance for the following reasons: limited information was provided to address the four legal tests and community character could be compromised as a result of this project. Due to the County Planning Board's disapproval, the Board of Appeals will need a majority plus one of the full membership to approve this use variance.

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Discussion followed:

William Helmer stated the purpose of the meeting, St. Lawrence County Planning Board's decision, the need for a super majority to approve, and that he understands there are community members with concerns. Mr. Helmer then asked the Shirley family members present if they would like to say anything. Donald Shirley stated that his father built and started an auto repair garage at this location in 1969-1970, in 2015 the sons took over when the father passed away, and in 2020 they ceased operations due to his health issues. He said that they did not know that they would lose the ability to reopen or sell the property as an auto repair garage when they closed the business. He and his family are asking for the variance so that they may sell the property as a commercial property. He doesn't feel this will change the nature of the community because there had been an auto repair garage there in the past.

Mr. Helmer reminded everyone that a variance stays with the property forever, not with the current owners. Then he asked if anyone else wanted to speak on this issue.

Charlie McGrath stated that his property neighbors this property on 3 sides and he is very concerned about this variance. He went on to say the Town developed Zoning Regulations to prevent non-conforming uses in residential neighbors and a few years ago, another resident on Kingsley Road wanted to open a used car dealership and was denied because neighbors objected and it was not a permitted use in a R1 Residential zone. Mr. McGrath pointed out that this doesn't meet the 4 tests (standards) for the county or benefit the Town and he recommends the Board of Appeals deny this request. He also stated that the Town Zoning Regulations do have commercial zones where auto repair shops are allowed without impacting residential neighborhoods.

Having been told that she may respond to Mr. McGrath, Mrs. Shirley asked him why he is opposed to this now when he knew the garage was there as a business when he purchased his property years ago. Mr. McGrath reminded her that the neighborhood has changed greatly over the past 50 years and although he had no issues with the garage as it was run in the past, he is concerned about any potential buyer. He stated that he feels the current potential buyer could spread out like he has at another location that he operates on State Hwy 56.

Mr. Helmer stated that the Board of Appeals takes into consideration the opinions of adjoining neighbors and have been reluctant to issue any variance neighbors have objected to historically. The Board also takes into consideration the decision of the County Planning Board. He asked if anyone had anything to add.

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Mr. Shirley asked at what point has their business become non-commercial; it's still taxed as a commercial property; what determines that we weren't doing business there, sales tax?

Town Clerk Cameron recalled chatting with both members of the Shirley family and potential buyers concerning the business being closed over a year and how this affects their ability to sell the property as a commercial property.

Mr. Helmer asked that we look into at what point the business is declared no longer operational, as this impacts whether the current zoning regulations are enforceable or if the business is grandfathered in and allowable. He told the Shirley family at this point we are at an impasse and will table the variance request for now, if they feel this wasn't filed properly they were welcome to refile the request or present more evidence.

Mr. Shirley stated he thinks this is a shame, 50 years in business – 1 year closed and you cannot reopen the business or sell as a commercial property, it is like the 50 years were just thrown away.

Mr. Helmer reiterated the request that Town Clerk Cameron and Code Clerk O'Keefe find out at what point a business is declared closed and the current zoning regulations go into effect. He advised to seek advice from the Code Enforcement officer and the Town Attorney if necessary.

William Helmer moved to table for now and reschedule a meeting if new information is presented. Herbie Ducolon seconded the motion. The motion passed unanimously.

Moved by Mr. Helmer, seconded by Mr. Ducolon and duly carried to adjourn this portion of the meeting at 7:15 pm.

Brian Hurlbut, Planning Board Chairman and William Helmer, Board of Appeals Chairman called the joint meeting into session at 7:15 pm.

The second order of business is for the Planning Board and the Board of Appeals to discuss the meanings of Breweries in the Land Use and Development Code law.

Town Clerk Cameron informed both boards that In-Law Brewery has submitted an application for a variance for the old parish hall on CR 39 that we have forwarded to the St. Lawrence County Planning office. The SLC Planning office has reached out for clarification of some parts of Land Use and Development Code book. In Article VI – Supplementary Regulations, B 14 reads "Breweries", was this intended to be just breweries or include craft-breweries, micro-breweries, micro-winery, and micro-distillery?

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There was much discussion between members of both boards as to what the Planning Board meant and to how the Board of Appeals interprets what is written with regards to any and all breweries mentioned throughout the Land Use and Development Zoning Regulations book.

Brent Bishop from In-Law Brewery mentioned that throughout the definitions of various types of brewery establishments production limitations are all measured in barrels except Brew Pubs that is listed in gallons. He is wondering if this is a typo or if that is what was intended. He also mentioned that in all the NYS regulations they must follow limitations are always measured in barrels produced.

More discussion followed between the boards and In-law Brewery owners.

Brian Hurlbut moved to append the misprint in the Land Use and Development Zoning Regulations in the definition of brew pubs to read 10,000 barrels not 10,000 gallons. Carol Pulley seconded the motion. The motion passes unanimously.

Carol Pulley moved to correct an omission in the Land Use and Development Zoning Regulations in Article VI – Supplementary Regulations, B.14. where it should read Breweries, Craft Breweries, Micro-Breweries, Micro-Winery, and Micro-Distillery. Diana Clark seconded the motion. The motion passes unanimously.

Carol Pulley moved to correct an omission in the Land Use and Development Zoning Regulations in Article IV – Establishment of Districts, B.5.c.viii. where it should read Breweries, Craft Breweries, Micro-Breweries, Micro-Winery, and Micro-Distillery. Diana Clark seconded the motion. The motion passes unanimously.

Moved by Carol Pulley, seconded by Brian Hurlbut and duly carried to adjourn the Planning Board meeting at 8:00 pm.

Moved by Herbie Ducolon, seconded by William Helmer and duly carried to adjourn the Board of Appeals meeting at 8:00 pm.

Respectfully submitted,

Terri O’Keefe – Code Clerk

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BOARD OF APPEALS MEMBERS PRESENT:	WILLIAM HELMER/CHAIRMAN DAN CASEY CARL BENDER HERBERT DUCOLON SCOTT LASHOMB JEFF LABA
ABSENT BOARD MEMBERS:	TYLER MONTONDO
CODE CLERK PRESENT:	TERRI O'KEEFE
TOWN BOARD MEMBERS PRESENT:	GAIL SCHNEIDER, COUNCILWOMAN
PUBLIC PRESENT:	ERIC GUSTAFSON, ATTORNEY AT LAW BRENT BISHOP & JUSTIN TREDON (IN-LAWS) JEFFERY & KAYLA NORMAN MR. & MRS. SHIRLEY POTENTIAL BUYER OF SHIRLEY PROPERTY

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

The first order of business is to revisit the request for a use variance by Myron Shirley to reestablish the garage on his property into an auto repair shop that was tabled at the February 8, 2022 meeting. This property is located at 152 Kingsley Road, tax map number 9.003-2-13, in the Town of Louisville and is zoned R1 – Residential District.

Mr. Helmer asked Code Clerk O'Keefe to read the minutes from February 8, 2022.

Discussion followed:

Mr. Helmer asked Mr. Shirley if they had a business tax number and if not when was it surrendered to New York State. Mr. Shirley stated that they do not have a tax number and he can't remember the date it was turned in. Chairman Helmer advised the board that he feels they should move forward with the information that they have. Mr. Helmer read the letter from Code Enforcement Officer, Anthony McManaman where he states the Shirley brothers contacted him regarding selling the property as an auto repair shop and said that they had been out of business for more than one year. Mr. McManaman therefore determined the new owner would need to apply for a use variance in order to open an auto repair shop at this location as the grandfathered status has expired. Mr. Shirley claims they never told Mr. McManaman that they had been out of business for more than a year and questioned where he would have gotten that information. Mr. Helmer again asked if they have a tax number. Mr. Shirley again stated that no, he doesn't have a tax number for the business and doesn't know when he gave it up. Mr. Casey stated he believes it is the responsibility of the owners to figure out when they turned in their business tax id number and that we could reopen this case when they have new information to present to the board.

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Mr. Shirley asked what he needs to prove that this business hasn't been closed over a year. Mr. Casey answered Mr. Shirley that he would need to show the Board a paper trail from NYS with a date of surrender of the tax id number. William Helmer moved to deny the use variance request submitted by Myron Shirley, with conditions, for the following reasons: St. Lawrence County Planning Board denied the use variance request as it failed to meet four legal tests and adjacent neighbor, Charlie McGrath strongly opposed a new business being conducted in a R1 district. The condition placed on this motion is that if the applicant proves in writing that the legitimate business for which the NYS Tax ID number was issued was still in business less than one year prior to the use variance application being made to the Town of Louisville, then the use variance and any action by the Zoning Board of Appeals is null and void. Dan Casey seconded the motion. The motion passes unanimously.

The second order of business is an area variance for In-Law Ventures LLC for a potential move to 1003 CR 39, tax map number 15.001-1-17.1. This parcel is approximately two-thirds in a CG – General Commercial district and one-third in a CC – Community Center District.

The St. Lawrence County Planning Board reviewed a request regarding In-Law Ventures LLC project of opening a Craft Brewery or Brewpub at 1003 CR 39 for an area variance and special exception. SLC Planning Board returned their decision of approval with conditions to the Board of Appeals and Planning Board. The SLC Planning Board stated that if the project is determined to be a Brew Pub, the use is permitted as-of-right and the conditions prescribed in the Louisville Zoning Code for a special exception do not apply. The remaining conditions are related to site plan review which will be handled by the Planning Board.

Mr. Helmer began by reading a letter received from the neighbors, Jeffery and Kayla Norman. He then stated that he understands the building formerly known as the "parish hall", which was built in 1970 is about 150 feet from the Norman residence next door and if the gentlemen from In-Laws put on their proposed addition the distance would be reduced to 130'. The Louisville Zoning Code for a special exception requires 200'. Mr. Helmer reminded everyone that historically the Board of Appeals is sensitive to residents with concerns but this property is also in a General Commercial Zone.

He then asked Mr. and Mrs. Norman if they would like to say anything. Mr. Norman stated that he and his wife measured from their pool house to the former parish hall and found it to be 104' apart instead of the required 200'. Mr. Helmer asked him to go from his residence not their pool house. Mr. Norman responded that it would be 114' then. Mr. Norman continued to say that his house is 60' from his side property line and when they purchased this home 3 years ago, they thought they were buying in a safe, quiet residential district next to a religious facility and that it would be the ideal place to raise their children, ages 6 and 8. He didn't realize he was in a commercial zone. Mr. Norman says he is very sensitive to small

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businesses and has been an entrepreneur himself. He also said that he doesn't understand how the In-Laws will grow their business on a parcel that is less than 1 acre, their site plan makes no sense to him, and he feels the former Copper Still on SH 56 would make for a better location for them to grow their business. Mr. Norman also said the parcel next to him has a tax status as a religious facility and he believes that sometimes religious facilities have deed restrictions on what the building can be used for in the future. Mr. Helmer clarified that tax status does not affect zoning regulations. Mr. Bishop said they have clear plans for their future expansion, are talking with other property owners in the area to address the parking and other concerns raised by the St. Lawrence County Planning Board and believe that they can grow their business at 1003 CR 39. Mr. Bishop also stated that he used a GIS map service, a surveyor recommended to him, to measure the distance between the former parish hall building and the neighbor's house and found it to be 146'. Mr. Bender said that he stopped at this parcel today and used his range finder to measure the distance between the two buildings. Mr. Bender found the distance to be approximately 147'. Mr. Casey stated that we seem to have some different opinions on the actual distance and maybe we need to have a neutral party go and take an actual measurement. Attorney Gustafson asked for clarification from the Board on whether the 200 feet comes into play if the project is classified as a Brew Pub or if this restriction is only if the project is considered a craft brewery. Mr. Helmer asked about the definition of Brew Pub and changes the Planning Board made to its definition. Clerk O'Keefe read the motion the Planning Board made to correct a misprint in the definition of Brew Pub from 10,000 gallons to 10,000 barrels or less. Clerk O'Keefe said this change has now been sent to the Town Board. Mr. Bishop said this project could be a Brew Pub with this definition correction. Mr. Bender moved to clarify a Brew Pub under the corrected definition will not need a 200' set back from a neighbor's residence because it is a permitted use in both a General Commercial District and a Community Center District but a Craft Brewery does need a 200' set back from a neighboring residence or an area variance because it is a Special Exception in a General Commercial District. Mr. LaShomb seconded the motion. The motion passes unanimously.

Moved by Mr. Helmer, seconded by Mr. Casey and duly carried to adjourn the meeting at 7:50 pm.

Respectfully submitted,

Terri O'Keefe – Code Clerk

MEETING OF THE LOUISVILLE BOARD OF APPEALS
MAY 31, 2022
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

BOARD OF APPEALS MEMBERS PRESENT: DAN CASEY - ACTING CHAIRMAN
JEFF LABA
CARL BENDER
HERBERT DUCOLON
TYLER MONTONDO
BERNARD LASHOMB

ABSENT BOARD MEMBERS: SCOTT LASHOMB

CODE CLERK PRESENT: TERRI O'KEEFE

PUBLIC PRESENT: ROYAL FORGUES
BRENT COOK

Dan Casey called the meeting to order at 6:30 pm.

The first order of business is to discuss the request for an area variance for Royal Forgues, B Seen 24-7, to build a 12' X 48' billboard on a parcel owned by Jeff Dishaw located at 9676 State Hwy 56, tax map #16.003-1-11.1, in the Town of Louisville. This parcel is in CG – General Commercial district.

Mr. Casey asked Code Clerk O'Keefe to state the request and read St. Lawrence County Planning Board's response. St. Lawrence County Planning Board reviewed a request for a sign permit and commented "The applicant will need to apply for, and receive, an area variance from the Town Zoning Board of Appeals before such development can proceed." due to Article VI, Supplementary Regulations, Section E. 4 a. that limits billboards to 12' X 24' in size. St. Lawrence County Planning Board returned for Local Action Pursuant to Memorandum of Understanding (MOU).

Discussion followed:

Mr. Casey asked Mr. Forgues if he would like to say anything about his request. Mr. Forgues shared that he has many billboards across the area including others here in the Town of Louisville. He stated that this billboard will be a static, V-shaped structure that displays 4 billboards, 2 in each direction, and that the overall size is 12' X 48' with each billboard is 12' X 24' in size, known as a side by side. Members of the Board asked Mr. Forgues some questions to better understand and clarify his request. Mr. Forgues answered that the side by side billboard will be located just to the side of the cattails on Mr. Dishaw's property and he has a verbal agreement with the DOT to build this billboard at this location.

Dan Casey moved to approve the area variance for Royal Forgues to build a 12' X 48' billboard on the parcel owned by Jeff Dishaw located at 9676 State Hwy 56, tax map #16.003-1-11.1 as requested. Jeff Laba seconded the motion. The motion passes unanimously.

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The next order of business is to discuss the request for a use variance for Brent Cook to start a paint shop on his parcel located at 630 CR 39, tax map #15.004-1-5, in the Town of Louisville. This parcel is located in a RA – Residential-Agricultural District.

Mr. Casey asked Code Clerk O’Keefe to state the request and read St. Lawrence County Planning Board’s response. St. Lawrence County Planning Board reviewed a request for the use variance. St. Lawrence County Planning Board returned for Local Action Pursuant to Memorandum of Understanding (MOU). St. Lawrence County Planning Board did comment “The applicant did provide answers to the 4 legal tests in their application; however, they are not satisfactory to prove that the hardship was not self-created. The applicant should have known which uses were permitted in the RA.”

Discussion followed:

Mr. Casey asked Mr. Cook if he would like to say anything about his request. Mr. Cook stated that he has been to painting cars as a side gig and would now like to make it his fulltime job using his garage that is already built. Mr. Cook said that he pictures himself painting cars and doing some auto body work. Mr. Casey asked Mr. Cook if there is a reason that he hasn’t looked for another location to do this work in and if he has spoken with any of the neighbors. Mr. Cook responded that he owns 42 acres in this location and already has a building there, so why go elsewhere. Mr. Cook said that he has trees and plenty of space between where his garage is on his property and his neighbors on each side and the closest neighbor is Tamara Lett who is directly across the road from Mr. Cook. He said he spoke to Ms. Lett and she told him that she has no problems with him doing this. Mr. Laba asked if he has fans or filtration system in place. Mr. Cook confirmed that he has a paint booth set up already and it does have fans and filtration. Code Clerk O’Keefe was asked if he would need to apply for a business permit or if there were any other town requirements. Code Clerk O’Keefe responded that she was unsure and would check with the Code Enforcement officer and let Mr. Cook know if there were other permits/requirements needed.

Jeff Laba moved to approve the use variance for Brent Cook to use his garage for a paint shop on his parcel located at 637 CR 39, tax map #15.004-1-5 as requested. Herbert Ducolon seconded the motion. The motion passes unanimously.

Code Clerk O’Keefe explained to the board that Mr. Helmer had resigned from the board and Dan Casey has agreed to become the next Chairman. Code Clerk O’Keefe then asked the Board members if anyone would like to say anything or make a motion. The Board unanimously agreed to have Dan Casey as their new Chairman.

MEETING OF THE LOUISVILLE BOARD OF APPEALS
MAY 31, 2022
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

Moved by Bernard LaShomb, seconded by Carl Bender and duly carried to adjourn the meeting at 7:00 pm.

Respectfully submitted,

Terri O'Keefe – Code Clerk

MEETING OF THE LOUISVILLE BOARD OF APPEALS
AUGUST 30, 2022
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

BOARD OF APPEALS MEMBERS PRESENT: DAN CASEY
JEFF LABA
CARL BENDER
HERBERT DUCOLON
SCOTT LASHOMB
BERNARD LASHOMB
ABSENT BOARD MEMBERS: TYLER MONTONDO
CODE CLERKS PRESENT: TERRI O'KEEFE
AMY ELLSWORTH
PUBLIC PRESENT: NATHANIEL DELORME

Chairman Casey called the meeting to order at 6:30 pm.

The first order of business is to discuss the request for a use variance for Nathaniel Delorme to construct a 40' X 60' garage for an auto body repair shop with a spray paint booth located at 14411 State Hwy 37, tax map #15.002-1-7.112, in the Town of Louisville. This parcel is in the RA – Residential-Agricultural district.

Mr. Casey asked Code Clerk O'Keefe to state the request and read St. Lawrence County Planning Board's response. St. Lawrence County Planning Board reviewed the request for a use variance and returned for Local Action Pursuant to Memorandum of Understanding (MOU).

Discussion followed:

Mr. Casey asked Mr. Delorme if he would like to say anything about his request. Mr. Delorme shared that he currently has a Special Use Permit to build this auto body repair shop adjacent to his existing garage on his residential lot. He purchased this parcel in the hopes that he could move the auto body repair shop onto this parcel instead of having it clustered next to his house. It will now be 300' away giving him more space. Mr. Delorme said that in the Special Use Permit, the Planning Board put conditions on the permit and he was fine with the same conditions put on this use variance. Mr. Casey asked Mr. Delorme if he increased the size of the auto body repair shop garage now that it will be on its own parcel and Mr. LaShomb asked if he was going to work out of this residential garage next to his house also. Mr. Delorme stated that yes, he did increase the size of the auto body repair shop and he would not be working out of his residential garage or outside. Mr. Bender asked about having a stipulation in the use variance that doesn't allow for the Special Use Permit to be used with the home parcel. Mr. Delorme said he was okay with that condition and has no intention to run two auto repair shops. Mr. Casey asked Clerk O'Keefe to look into rescinding a previous Special Use Permit approval and explained to Mr. Delorme that these Special Use Permits and Use Variance will stay with the property and although he has no intention to

MEETING OF THE LOUISVILLE BOARD OF APPEALS
AUGUST 30, 2022
LOUISVILLE MUNICIPAL BUILDING 6:30 PM

start more than one auto repair shop on the two parcels, the Board of Appeals members don't want someone in the future to be able to do this either.

Carl Bender moved to approve the use variance for Nathaniel Delorme to build a 40' X 60' garage for an auto body repair shop on the parcel he owns located at 14411 State Hwy 37, tax map #15.002-1-7.112 with the following conditions:

1. Only 5 customer vehicles will be allowed on site at one time.
2. All auto body work be confined to inside the building.

Jeff Laba seconded the motion. The motion passes unanimously.

Moved by Dan Casey seconded by Bernard LaShomb and duly carried to adjourn the meeting at 6:40 pm.

Respectfully submitted,

Terri O'Keefe – Code Clerk