

**Town of Red Hook  
Zoning Board of Appeals Meeting Minutes  
January 11, 2012**

**CALL TO ORDER**

The meeting was called to order at 7:00 P.M. by Chairman Nick Annas.

**ROLL CALL**

Members Present: Nick Annas, Chairman, Kenneth Anderson, Christopher Carney, John Douglas, Jim Hegstetter, Paul Marienthal, Tim Ross

Absent: None

Also Present: Jim Ross, TB Liaison; Bob Fennell, ZEO

**PRELIMINARY BUSINESS**

Minutes of December 14, 2011: Chairman Annas asked if everyone had read the December Minutes and invited comments or questions. Hearing none, Paul made a motion to approve the Minutes as written. The motion was seconded by Ken and all were in favor.

Planning Board Minutes and Letters: There were no comments from the Board.

Building Inspector/ZEO Permits and Memos: There were no memos. The Permits were reviewed by the Board.

**PUBLIC HEARING**

7:05 Appeal 11-13, Eugene Michaels Enterprises (Sidelines Bar & Grill) application for a wall sign of 15 square feet in addition to a free standing sign of 12 square feet for a total signage area of 27 square feet where the code permits one sign of 12 square feet for non-residential uses. The applicant's property is located at 7909 Albany Post Road in the RD3 zoning district. Chairman Annas opened the Hearing at 7:05 P.M. He said that he felt that the signage in Red Hook generally exceeds the limit permitted by the Code. Tim said that the twelve square feet allowed by the Code may work in the Village, but is not effective on the highway. No one driving by would be able to read a twelve foot square sign. Chairman Annas said that he had talked to the owner and felt that he had done a great remodeling job. Tim agreed that everything looks better. As no one was present to speak to the issue, Chairman Annas closed the Public Hearing at 7:09 P.M.

Mr. Michaels said that he felt that the proposed signage was a good fit for the building. He wants the sign so that the building will be recognized as a restaurant. The Board reviewed photographs of the proposed signs and discussed their placement. Mr. Michaels said that there will be teardrop lighting on each side of the free standing sign. The one on the roof will be in the center of the building. It will say "Sidelines Restaurant and Sports

Bar". In response to questioning, Mr. Michaels said he plans to open the restaurant in mid-February. Chairman Annas said that the structure had been deteriorating and the current owners have improved it and made it look very nice.

#### MOTION TO APPROVE VARIANCE

Tim Ross made a motion to grant the variance because it will be a benefit to the applicant and no detriment to the neighborhood. There is no public opposition and it will help promote a business in the Town. The motion was seconded by John Douglas. A roll call vote was taken and the motion was passed unanimously.

Mr. Michaels was reminded that he still needs to obtain a sign permit.

#### REVIEW OF APPEAL

7:20 Appeal 12-01, John and Irene Coyle application to maintain an existing 764 square foot accessory apartment within an existing single family dwelling in a zone where the code states that an accessory apartment shall not contain more than 35% of the habitable space or 650 square feet, whichever is the more restrictive. The applicants' property is located at 38 Glen Ridge Road in the RD1 zoning district. Chairman Annas confirmed that the accessory apartment is existing without a Permit. Mr. Coyle said that the structure was built in 2004. The lower part was built for Mrs. Coyle's mother, who has Alzheimers. It is an open floor plan which the builder suggested. The Coyles now need to sell the house as they could no longer care for her mother at home and the mother has now been moved to a nursing home in Florida. They built the house to accommodate Mrs. Coyle's mother and it provides far more space than they need for themselves.

Mrs. Coyle said that they did not know that they were in violation of Code and want to make it right now. They had asked the builder for a mother-daughter accommodation and this design is what the builder suggested. The Board then reviewed the plans which the Coyles had submitted. As it was determined during the discussion that there were walls which were not shown on the plans, John asked the Coyles to submit an updated schematic.

Chairman Annas asked about the square footage of the lower floor. Mr. Coyle said that it is about 1800 square feet, i.e. 60 by 30 with a bump out. Chairman Annas said that the Code requires the accessory apartment to be the lesser of 650 square feet or 35% of the total habitable space, i.e. the total space minus the halls and bathrooms. Therefore if the upstairs is the same as this footprint, then the accessory apartment is 50% of that. ZEO Bob Fennell quoted the relevant section of the Code. He said that he had not measured the upstairs. In response to questioning, Mrs. Coyle said that the upstairs is a little more than 1800 square feet. After a discussion of what constitutes habitable space, Tim asked the Coyles to prepare a diagram of all the rooms upstairs and give it to Mr. Fennell.

Tim asked if the house overhangs the foundation on the sides a little bit on the second floor. Mr. Coyle responded in the affirmative, saying that there is a bump out. Chairman Annas asked if the Code refers to 35% of just the upstairs space or 35% of that space and

the downstairs combined. Bob said that it is 35% of the habitable space before the apartment is put in. Tim said that he thought that the intent is that at least 65% of the overall unit must be primary use, not accessory apartment. Chairman Annas said that if there is 1800 square feet upstairs plus the accessory apartment with 750 square feet, there is a total of 2,550 square feet of living space. Thirty five percent of that would be about 900 square feet; however 650 square feet is the lesser of the two figures. Therefore, he told the Coyles, you are asking for a variance from the 650 square feet.

John again requested that the Coyles submit an updated diagram showing all the walls and asked them to date this diagram so that the Board has a proper schematic from which to work. Tim said that they could simply submit copies of the original house plans.

Chairman Annas asked the Coyles if the members of the Board could come around to see the structure. Mrs. Coyle said that they would be welcome. Chairman Annas set the Public Hearing for February 8, 2012 at 6:50 P.M. The Board agreed to meet at 6:45 P.M. on that date, fifteen minutes earlier than the usual meeting time.

Bob asked the Coyles if their deed has a restriction limiting use to a single family dwelling. Mrs. Coyle did not know. In fact, she said that she does not know where the deed is. Tim said that they could obtain a copy from the County or from the Assessor.

In response to their questioning, Bob outlined the procedures which the applicants are required to follow. He advised them that after the ZBA concludes their deliberations, the Planning Board has to issue a Special Permit. Mrs. Coyle said that they have already had one meeting with the Planning Board. To speed up the process, Tim suggested that the Coyles ask the Planning Board for an approval which is conditional upon the approval of the ZBA.

## **ADJOURNMENT**

Tim Ross made a motion to adjourn the meeting. The motion was seconded by John Douglas and all were in favor. The meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Sheila Franklin  
Secretary

## **FINDINGS AND DECISION**

### Appeal 11-13, Eugene Michaels Enterprises (Sidelines Bar & Grill)

1. The property is located at 7909 Albany Post Road in the RD3 zoning district.
2. Tax Map #6373-00-035480.
3. The zoning law allows one sign of 12 square feet for non-residential uses.
4. The applicant is asking for approval of a wall sign of 15 square feet in addition to a free standing sign of 12 square feet for a total signage area of 27 square feet.
5. There was no opposition to the applicant's proposed signs.
6. A variance would be of benefit to the applicant and will not be a detriment to the community.
7. There will be no detrimental change in the character of the neighborhood and the signs will help promote a new business in the Town.
8. There will be no impact on the health, welfare or safety of the community.

**DECISION:** Tim Ross made a motion to grant the variance based upon the above findings. The motion was seconded by John Douglas and carried by a 7-0 roll call vote.

Dated: January 11, 2012