

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
June 6, 2011

Vice-Chairman Tedrow opened the meeting of the Town of Halfmoon Zoning Board of Appeals at 7:10 p.m. on Monday, June 6, 2011 at the Halfmoon Town Hall with the following members present:

Members: Mrs. Jordan, Mr. Rose and Mr. Brennan, Chairman Hansen
Alternates: Mr. Burdyl – voting tonight
Town Board Liaison: Paul Hotaling
Planner: Mrs. Zepko
Secretary: Mrs. Mikol

Motion was made by Mr. Burdyl and seconded by Mrs. Jordan that the minutes from the March 7, 2011 meeting be approved. Motion carried.

Bryah and Randy Gifford, 130 Meyer Road

Vice-Chairman Tedrow commented that the application is made by Ryan and Randy Gifford for a Resumption of a Non-Conforming use under Section 165-67 of the Zoning Code: "When any presently non-conforming use of land/or buildings has been discontinued or has not been in use for two years, the land and buildings shall thereafter be used only in conformity with this chapter, except that the Zoning Board of Appeals, after a public hearing, may permit the resumption of said non-conforming use."

Bryah and Randy Gifford, Giffy's Inc. have an application to open the former use of the Old Dater Tavern/the Old Dublin Inn which has not been used as a restaurant or pub for more than 2 years. The Planning Board was not able to approve the application because of the expiration of the non-conforming use. We have an application asking this Board to consider the resumption of a commercial use on the A-R, Agricultural-Residential parcel.

Bryah Gifford of Giffy Inc. (Giffy's Barbeque on Route 9) stated the following: I am here tonight with my father Randall Gifford and we are looking to get the Old Dater Tavern/Old Dubin Inn resume the use as a restaurant and pub like it had been; it's been empty for a number of years and is zoned AR, Agricultural – Residential. The Gifford's are hoping to open the restaurant as an Irish Pub named Power's Irish Pub. It would be an upscale Irish Pub with traditional Irish foods like shepard's pie, corned beef sandwiches, fish and chips, and those types of items, as well as the bar that is already there.

We want to renovate the building into much better condition than is there now. The building has been empty for 3-4 years so it does need a good amount of renovating. Some of the previous problems with the property some have been addressed already and other ones are being addressed, such as the septic tank and the basement. This was a problem with the prior tenant. The whole basement has been re-done and the septic tank and leach fields were done years ago and the tank will be emptied out again. The building will be renovated as far as painting and new windows completely cleaned on the inside. We want to make it an upscale Irish Family Restaurant and not a bar on the side of the road. We don't want to make it a bar scene, but a nice family restaurant open from 11am – midnight serving Irish food.

Vice-Chairman Tedrow asked about the parking situation, which was an issue for quite some time through the years. Mr. Gifford responded it certainly was, we have 58 parking spots 111 seats and the zoning is 3 seats per parking space with 8-10 staff on a busy night. We are not looking for The Peddlers type scene with a live band and parking all over the street. We are looking more for middle-aged professionals to come in for dinner and enjoy themselves.

Vice-Chairman Tedrow asked about the outdoor deck and will you use it for outside dining as well? Mr. Gifford commented that there is a patio and yes, there will be outside seating, which is not counted in the 111 seats because it is seasonal; however, there are about 25-30 seats. We are still below the 58 parking spaces that are required. We would like to have the seats available outside in the summer, obviously, with umbrellas.

Vice-Chairman Tedrow commented that our purpose here is that we don't hold the public hearing tonight we have to determine if we have enough information to set a public hearing for the next meeting.

Mr. Brennan commented that in Section 165-67 of the Town Code states that "it can only be used in conformity with this chapter, except that the Zoning Board of Appeals, after a public hearing, may permit the resumption of said nonconforming use." That last phrase, I am not quite sure what they mean. Do we need to go through the same standards or measures to decide if this is a nonconforming use or is this just to reinstitute that? Do they go back through the whole process again as we evaluate it?

Mrs. Zepko commented that it is a resumption of a pre-existing non-conforming use. Mr. Brennan commented that if it's a little vague. It just says it may permit the resumption as opposed to evaluating it as if it were a new application. It seems that this clause indicates that it's not a new application. That it just reinstates what already was. Which I see is a difference. Just want to make sure there is no ambiguity that's all.

Mrs. Zepko commented that she would send out an email to Mrs. Murphy and will get back to the board members prior to the next meeting.

Mr. Brennan commented that is the council's job, but I am not sure what other authority the Board has other than to go through those measures I don't there are any other mechanisms that the ZBA has to approve this action. There are not a lot of choices.

Vice-Chairman Tedrow commented that there are not a lot of options. We have a quorum would the Board like to make a vote? Do you feel the application is complete?

Motion made by Mrs. Jordan to set the public hearing for Tuesday, July 5, 2011 at 7:00 p.m. to discuss the continuance of a non-conforming use as a restaurant/bar located at 130 Meyer Road. Seconded by Mr. Brennan. Motion was carried.

The site visit will be on Saturday, June 25th at 9am.

Motion made by Mr. Brennan and seconded by Mrs. Jordan to adjourn the meeting. Motion carried.

Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Zoning Board of Appeals